

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



**FINAL ACT**

**1999**

# **Final Act of the Conference of Plenipotentiaries to Adopt the Protocol Concerning Pollution from Land-Based Sources and Activities to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region**

Oranjestad, Aruba, 27 September-6 October 1999

1. The Conference of Plenipotentiaries to Adopt the Protocol Concerning Pollution from Land-Based Sources and Activities to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region was held in Oranjestad, Aruba, between 27 September and 6 October 1999, as a result of a decision taken by the Contracting Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (the Convention) in June 1998 as reflected in UNEP(WATER)/CAR IG.15/7. The Conference was convened by Mr. Nelson Andrade Colmenares, Coordinator of the Regional Coordinating Unit of the Caribbean Environment Programme of the United Nations Environment Programme and was co-hosted by the Government of Aruba (Kingdom of the Netherlands) and the United States of America.
2. The Contracting Parties to the Convention were invited to participate in the Conference of Plenipotentiaries: Antigua and Barbuda, Barbados, Republic of Colombia, Republic of Costa Rica, Republic of Cuba, Commonwealth of Dominica, Dominican Republic, French Republic, Grenada, Republic of Guatemala, Jamaica, United Mexican States, Kingdom of the Netherlands, Republic of Panama, Saint Lucia, Saint Vincent & the Grenadines, Republic of Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America and Republic of Venezuela.
3. The following Contracting Parties accepted the invitation: Barbados, Republic of Colombia, Republic of Costa Rica, Republic of Cuba, Commonwealth of Dominica, Dominican Republic, French Republic, Jamaica, United Mexican States, Kingdom of the Netherlands, Republic of Panama, Saint Lucia, Republic of Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America and Republic of Venezuela.
4. The following United Nations Member States in the Wider Caribbean Region and Non-contracting Parties were also invited to participate in the deliberations of the Conference: Commonwealth of the Bahamas, Belize, Co-operative Republic of Guyana, Republic of Haiti, Republic of Honduras, Republic of Nicaragua, Federation of Saint Kitts & Nevis and Republic of Suriname.

5. The following States accepted the invitation: Belize, Republic of Honduras, Republic of Nicaragua and Republic of Suriname.
6. The following regional economic integration organisation was also invited to participate in the deliberations of the Conference: European Union.
7. Eight United Nations bodies, four specialised agencies, seventeen other governmental organisations and focal points of the Caribbean Environment Programme and six non-governmental organisations were also invited to participate in the deliberations of the Conference.
8. The following United Nations bodies, specialised agencies, other governmental organisations and focal points to the Caribbean Environment Programme and non-governmental organisations accepted the invitation:
  - Caribbean Environmental Health Institute (CEHI)
  - Regional Marine Pollution Emergency, Information and Training Centre for the Wider Caribbean Region (REMPEITC-Carib)
  - United Nations Environment Programme (UNEP) - Co-ordination Office of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities
  - UNEP - Regional Office for Latin America and the Caribbean (ROLAC)
  - Monitor International
9. During the course of the inaugural ceremony, welcoming addresses were presented by His Excellency Robertico R. Croes, Minister of Finance of Aruba (the Kingdom of the Netherlands), Mr. William A. Nitze, Head of the Delegation of the United States of America, and Mr. Nelson Andrade Colmenares, Co-ordinator of the Regional Co-ordinating Unit of the Caribbean Environment Programme on behalf of the Executive Director of UNEP.
10. The Conference was formally opened on behalf of the Executive Director of UNEP by Mr. Nelson Andrade Colmenares, who served as the Executive Secretary of the Conference.
11. The Conference adopted *mutatis mutandis* the Rules of Procedure of the Governing Council of UNEP (UNEP/GC/3/Rev.3).
12. The Conference unanimously elected two Co-chairpersons, two Vice-chairpersons and a Rapporteur from among the Delegations of the Contracting Parties:

Co-chairperson: Elton L. Lioe-A-Tjam (Kingdom of the Netherlands - Aruba)

Co-chairperson: William A. Nitze (United States of America)

1<sup>st</sup> Vice-chairperson: Maria Cristina Cardenas (Republic of Colombia)

2<sup>nd</sup> Vice-chairperson: Yocasta Valenzuela-Arias (Dominican Republic)

Rapporteur: Christopher Corbin (Saint Lucia)

13. In conformity with the Rules of Procedure, the Conference established an *ad hoc* working group of jurists and linguists for the review of the Protocol and a Credentials Committee for review of the credentials of the delegations participating in the Conference of Plenipotentiaries.

Jurists Linguists Working Group:

**Chairperson:** Republic of Venezuela

**Members:** Delegates from each of the Contracting Parties as desired

Credentials Committee:

**Chairperson:** Republic of Colombia

**Members:** Barbados, Republic of Cuba and Saint Lucia

14. The Conference adopted the following agenda:
1. Opening of the Conference
  2. Organisation of the Conference
    - a) Rules of Procedure
    - b) Election of Conference Officers and a Chairperson of the Committee of the Whole
    - c) Appointment of the Credentials Committee
    - d) Organization of Work
  3. Adoption of the Agenda
  4. Activities of the Secretariat since the Meeting of the Contracting Parties to the Cartagena Convention to Negotiate a Final Protocol Concerning Pollution from Land-Based Sources and Activities in the Wider Caribbean Region, Kingston, 16-18 June 1998
  5. Review and Negotiation of the Final Draft of the Protocol Concerning Pollution from Land-Based Sources and Activities in the Wider Caribbean Region
  6. Jurists and Linguists Review
  7. Report of the Credentials Committee
  8. Presentation of the Draft Final Act and Draft Protocol
  9. Adoption and Signature of the Final Act and Opening of the Protocol for Signature
  10. Other Business
  11. Closure of the Conference

15. The proposed Final Draft Protocol Concerning Pollution from Land-Based Sources and Activities to the Convention (UNEP(DEC)/CAR IG.16/3) ("Draft Protocol") served as the basis for the deliberations of the Conference.
16. Additional documents were presented by the Secretariat to support the deliberations, and are contained in UNEP(OCA)/CAR IG.16/INF.1. During the course of negotiations, the Secretariat presented a series of documents generated by the discussions among the Participants for use in their deliberations.
17. For the purpose of finalising negotiations of the Protocol, the Conference of Plenipotentiaries was convened in plenary and referred deliberations to a Committee of the Whole. Mr. William A. Nitze of the United States of America served as Chairperson for the Committee of the Whole. The Committee conducted its deliberations in plenary sessions of all delegations and observers with the Rapporteur of the Conference of Plenipotentiaries also serving as Rapporteur of the Committee of the Whole. *Ad hoc* groups were created as necessary. The Committee of the Whole debated each of the Articles and Annexes of the Draft Protocol, making amendments where necessary, and referred text requiring the attention of the *ad hoc* working group of jurists and linguists. The Committee also considered a proposal by the Delegation of the Republic of Colombia (UNEP(DEC)/CAR INF.4 (rev.1)) with a view to accommodate the proposal in Annex III of the Draft Protocol. Modifications of the text of the Protocol were reflected in UNEP(DEC)/CAR/IG.16/CRP.17 and reported back to the Conference of Plenipotentiaries.
18. The Conference was addressed by Mr. Jorge E. Illueca, Assistant Executive Director, Division of Environmental Conventions, who wished the delegates success in their deliberations emphasising the importance that UNEP has ascribed to the revitalisation of the Regional Seas Conventions and Action Plans.
19. The *ad hoc* working group of jurists and linguists for the review of the Protocol carefully examined the negotiated texts in each of the three working languages (English, French and Spanish) and recommended amendments deemed necessary to ensure conformity as presented in its report to the Committee of the Whole.
20. In keeping with the Rules of Procedure, the Credentials Committee examined the credentials of the representatives and submitted its report to the Conference. The Conference of Plenipotentiaries approved the recommendation of its Credentials Committee that the credentials of the Representatives of 16 States should be recognised as being in order.

21. The following instrument was adopted by the Conference of Plenipotentiaries:

**Protocol Concerning Pollution from Land-Based Sources and Activities to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region**

22. The Protocol, which is annexed to this Final Act, will be open for [signature](#) in Oranjestad, Aruba, on 6 October 1999 and at Santa Fe de Bogotá, Republic of Colombia, from 7 October 1999 to 6 October 2000 by Contracting Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region and by any other State that becomes a Contracting Party to the Convention during this period.

