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Thirteenth Meeting of the Monitoring Committee  
On the Action Plan for the Caribbean Environment  
Programme and Special Meeting of the Bureau of  
Contracting Parties to the Convention for the  
Protection and Development of the Marine  
Environment of the Wider Caribbean Region

San José, 9-13 July 2001

**REPORT OF THE MEETING**

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## **I. Introduction**

1. In its Decision No. 17, the Ninth Intergovernmental Meeting on the Action Plan for the Caribbean Environment Programme and Sixth Meeting of the Contracting Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, held in Kingston from 14 to 18 February 2000 (see UNEP(DEC)/CAR IG. 17/5, Annex IV), agreed to endorse the general approach of the revised workplan and to adopt the budget for the United Nations Environment Programme (UNEP) Caribbean Environment Programme (CEP) for the biennium 2000-2001. This workplan included the convening of the Thirteenth Meeting of the Monitoring Committee on the Action Plan of the Caribbean Environment Programme and Special Meeting of the Contracting Parties.
2. In light of the above, this Meeting was convened by the Secretariat of the Caribbean Environment Programme in San José from 9 to 13 July 2001.
3. The Meeting had the following objectives:
  - (a) To review the current status and activities of the CEP, including the status of the Caribbean Trust Fund and progress made on the fund-raising strategy;
  - (b) To review the draft Rules of Procedure and Financial Rules for the Caribbean Environment Programme in the implementation of the Cartagena Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region;
  - (c) To review the Strategy for the Development of Caribbean Environment Programme 2002-2006;
  - (d) To review all proposals received by the secretariat for the establishment of a regional activity centre for the Protocol Concerning Pollution from Land-based Sources and Activities (LBS Protocol) to the Cartagena Convention:
    - (d) (e) To review the draft 2002-2003 workplan and budget for Caribbean Environment Programme.
4. The experts invited to the Meeting were nominated by the national focal points of the Governments that constitute the Monitoring Committee of the Caribbean Environment Programme and Special Meeting of the Bureau of Contracting Parties. Other member Governments of the Caribbean Environment Programme, United Nations agencies and non-governmental and intergovernmental organizations were invited to participate as observers.

## **II. Report of the Meeting**

### **A. Opening of the Meeting (agenda item 1)**

5. The Meeting was opened on Monday, 9 July 2001, by the Vice-Minister of Environment and Energy of the Government of Costa Rica, Ivan Vincent. In his opening remarks, the Vice-Minister welcomed all participants to his country and highlighted the importance that his Government placed on the Caribbean Environment Programme. He noted that,

despite the fact that the marine territory of Costa Rica was ten times bigger than its land mass, coastal and marine issues were not being fully addressed with the integrated vision and holistic approach necessary for effective policies for human sustainable development. He also noted that his Government perceived the Caribbean Environment Programme as an opportunity and a mechanism for regional integration, as well as for advancing technical discussions on matters of regional and global concern. Such issues include climate change and biodiversity conservation, which should bring concrete results as well as benefits for the population in general. In this context, the Vice-Minister emphasized the need to integrate environmental discussions with social issues to achieve sustainable human development for all the peoples of the Caribbean Basin. In closing, the Vice-Minister reiterated his Government's commitment to its financial obligations to the Caribbean Environment Programme, as well as to becoming a Contracting Party to the protocols of the Cartagena Convention.

6. The Chief Executive Director of the National Environment and Planning Agency of the Government of Jamaica, and Chairman of the Monitoring Committee of the Caribbean Environment Programme, Franklin McDonald, also welcomed the participants to the Meeting.
7. In his welcoming remarks, the Coordinator of the Caribbean Environment Programme, Nelson Andrade Colmenares, made reference to the main objectives of the Meeting and thanked the Government of Costa Rica for its invaluable support, which had made the meeting possible, and for its warm welcome to its beautiful country. He expressed the secretariat's appreciation for the opportunity to review the achievements of the Programme during the past year, but also to revisit the challenges which were encountered by the secretariat. He expressed confidence in the renewed interest demonstrated by many Governments through the payment of arrears to the Caribbean Trust Fund, which was probably a result of the "cost-benefit" analysis that countries had undertaken with respect to the Programme. He highlighted important issues, such as the entry into force of the Protocol Concerning Specially Protected Areas and Wildlife (SPAW Protocol) in June 2000 and the signing of agreements with the Government of France for the establishment of a regional activity centre (RAC) for the SPAW Protocol and with the Ramsar Convention secretariat regarding cooperation within the framework of the SPAW Protocol. The Coordinator also called the attention of the Meeting to two issues that required careful review and resolution during the deliberations, namely the Rules of Procedure for the Programme and the Financial Rules, both of which were vital for the effective operation of CEP.
8. In his capacity as Chairman of the Monitoring Committee, Mr. McDonald reiterated the objectives of the Meeting and invited all participants to move to the next agenda item.

**B. Organization of the Meeting (agenda item 2)****1. Rules of procedure**

9. The Meeting agreed to apply mutatis mutandis the Rules of Procedure of the Governing Council of UNEP, as contained in document UNEP/GC/3/Rev.3.

**2. Election of officers**

10. The Meeting was invited to install Jamaica as the Chairperson (as elected by the Ninth Intergovernmental Meeting on the Action Plan for the Caribbean Environment Programme and Sixth Meeting of the Contracting Parties) and to elect three Vice-Chairpersons and a Rapporteur of the Meeting.
11. The Meeting elected from among the experts the following officers of the Meeting:

Chairperson:	Mr. Franklin McDonald	(Jamaica)
First Vice-chairperson:	Mr. Edwin Cyrus Cyrus	(Costa Rica)
Second Vice-Chairperson:	Mr. Dennis Francis	(Trinidad and Tobago)
Third Vice-Chairperson:	Mr. Modesto Fernandez	(Cuba)
Rapporteur:	Mr. Richard Wilbur	(United States of America)

**3. Organization of work**

12. English, French and Spanish were the working languages of the Meeting. The working documents of the Meeting were available in all the working languages.
13. The secretariat convened the Meeting in plenary sessions, with the assistance of working groups established by the Chairperson. Simultaneous interpretation in the working languages was available for the plenary meetings as well as those of the working groups.

**C. Adoption of the agenda (agenda item 3)**

10. 14. The Meeting was invited to adopt the agenda of the Meeting as contained in document UNEP(DEC)/CAR IG.19/1. There were no comments on the proposed agenda, which was adopted as reflected in annex I to the Report.

**D. Report of the Chairperson of the Monitoring Committee and President of the Bureau of Contracting Parties (agenda item 4)**

15. A report on the activities during the biennium 2000-2001 was presented by the Chairperson of the Monitoring Committee and President of the Bureau of Contracting Parties. (UNEP(DEC)/CAR IG.19/INF.3).
16. In his report the Chairperson outlined the status of the Cartagena Convention and its Protocols, the financial situation, the status of projects and activities, including the major meetings of the Programme during the biennium, and the progress made in issues related to cooperation and coordination with other organizations and in addition on the issue of the hiring and training of personnel. He highlighted the progress made by the secretariat

in a number of areas, including promotion of the Protocols, securing additional ratifications to the SPAW Protocol and improved financial situation of both the Caribbean Trust Fund and the Programme in general, which required both sensitivity and persistence on the part of the secretariat. The Chairperson concluded by outlining the key issues that are important for fulfilling the objectives of the Meeting. These included the need for the secretariat and CEP to continue focusing on activities specifically related to the Cartagena Convention and its Protocols; the need for Governments to be active partners in the development and implementation of the Programme on a continuing basis and not just at meetings; and the need to have full political, programmatic and financial support from Governments as the only way to ensure a totally operational Programme.

**E. Status report on the Implementation of the Caribbean Environment Programme (2000-2001) (agenda item 5)**

17. The Chairman asked the secretariat to present the status of CEP referring to document UNEP(DEC)/CAR IG.19/5 entitled, "Status report on the implementation of the Caribbean Environment Programme for the biennium 2000-2001".
18. The Coordinator of the Programme, Mr. Nelson Andrade, presented the accomplishments and major activities undertaken during the period under review as well as the challenges faced. During his presentation the Coordinator highlighted the most important structural changes in management and administration that had occurred in the areas of personnel, as well as delivery of products and services. He reported the recruitment of a new Programme Officer for the Information Systems for the Management of Marine and Coastal Resources subprogramme (CEPNET) and a new Fund Management Officer. The position of Programme Officer for the Education, Training and Awareness (ETA) subprogramme remained vacant, owing to a lack of funds. Nonetheless, the secretariat was considering hiring an ETA Programme Officer locally. It was noted that new computer and software equipment recently acquired would improve Programme delivery and communications, including the ability to continue to update the CEP web page.
19. The secretariat further noted changes to its support services through the acquisition of new motor vehicles, and the provision of French language training for all staff. In addition, services in the CAR/RCU building were expected to improve with the conversion of the building into a United Nations house where all the United Nations agencies currently spread around various sites in Kingston would be located.
20. Financial matters had improved as more Governments had met their pledges and made payments on arrears. The secretariat noted that renewed confidence in the Programme and its objectives had probably been the incentive for Governments to pay. Nonetheless, the secretariat advised against Governments taking this development as a sign of financial sustainability, as that had not yet been achieved. As directed by the Ninth Intergovernmental Meeting, the Coordinator of CAR/RCU indicated that he would continue to act as debt collector in an attempt to collect dues and arrears.
21. The secretariat ended the general presentation with a discussion of the decisions of the Ninth Intergovernmental Meeting and their implementation by the Secretariat.

22. The secretariat proceeded with a presentation by the Programme Officer responsible for the Assessment and Management of Environmental Pollution (AMEP) sub-programme. The overall coordination of AMEP, which encompasses the work on the Protocol Concerning Co-operation in Combating Oil Spills in the Wider Caribbean Region (Oil Spills Protocol) and the LBS Protocol, is carried out by a Programme Officer under the direction of the Coordinator. In addition, AMEP coordination includes secretariat services to the Interim Scientific and Technical Advisory Committee for the LBS Protocol (LBS/ISTAC) and work related to the Steering Committee for the Regional Activity Centre on Oil Spills (RAC/REMPEITC-Carib). The First Meeting of LBS/ISTAC was convened in February 2001, during which a joint ISTAC/GPA working group on municipal wastewater was convened to assist in defining global objectives for wastewater with the Caribbean in mind. The report of the LBS/ISTAC, including the report of the joint working group, was provided to the Meeting for appropriate action.
23. There are currently two AMEP projects being developed under the Global Environmental Facility (GEF). One is linked to the implementation of Annex IV of the LBS Protocol and is entitled "Reducing Pesticide Run-off to the Caribbean Sea". The development of the project has already seen significant achievements, including private sector and other stakeholder involvement in the development of national and regional action plans for the Caribbean subregion of Colombia, Costa Rica, Nicaragua and Panama. The project is being coordinated with the Escuela Agricola de la Region Tropical Humeda (EARTH College) in Costa Rica for submission to GEF for approval in October 2001. The second GEF project under development is "Integrating Watershed and Coastal Area Management in Small Island Developing States of the Caribbean". The project, which is being co-implemented under GEF with the United Nations Development Programme (UNDP), and co-executed with the Caribbean Environmental Health Institute, also receives support from the Organization of American States and the Caribbean Community (CARICOM). The project proposal will also be submitted to GEF for review in October 2001.
24. Other AMEP projects include: developing a regional guidance for assessing sewage treatment needs at a national level in accordance with the provisions of Annex III of the LBS Protocol and piloting the project in four countries; sustainable coastal rehabilitation and small-scale sewage treatment needs in Central American countries impacted by hurricane Mitch; and work with RAC/REMPEITC-Carib. The secretariat noted that two partially developed projects on financing wastewater treatment and assessing non-point source pollution were being incorporated into new work plans for 2002 to 2003.
25. The secretariat highlighted the recent success by the Government of the Netherlands Antilles in convening the First Steering Committee Meeting for RAC/REMPEITC-Carib. The secretariat noted the recent secondment of a bilingual English/Spanish officer by the United States Coast Guard, through the International Maritime Organization (IMO), to the RAC. News is still awaited from the Government of France with regard to its offer to second an officer to the Centre.

26. One delegation noted the significant work carried out by the AMEP subprogramme and indicated its pleasure at the work that had been carried out at the First LBS/ISTAC Meeting and the level of technical work being conducted.
27. The Programme Officer responsible for the Specially Protected Areas and Wildlife (SPA) subprogramme made a presentation on the major SPA activities implemented during the period under review and, in particular, since the Ninth Intergovernmental Meeting and Sixth Meeting of the Contracting Parties. The presentation focused on the four major areas of work (i.e. parks and protected areas, training, species conservation and ecosystem management), as well as on matters relevant to the coordination of the SPA subprogramme. In this context, it was reported that progress had been made in the promotion of the Protocol through participation by the Secretariat in various consultations and forums, which had resulted in renewed interest in the Protocol on the part of a number of Governments and its entry into force in 2000. This had also resulted in productive partnerships and collaboration with organizations such as The Nature Conservancy, the World Bank, the United Nations Foundation and the Ramsar Convention secretariat. It was noted that preparations are under way for the First Meeting of the Parties of the SPA Protocol and First Meeting of the Scientific and Technical Advisory Committee (STAC) planned for 24 to 29 September 2001 in Havana, with the support of the Government of Cuba. In this context, it was noted that an e-mail listserve of SPA Parties was established to facilitate communications between the secretariat and the Parties and among the Parties themselves.
28. With regard to protected areas, progress was made in support of marine protected areas management through the existing Caribbean Marine Protected Area Managers (CaMPAM) network, the establishment of a Small Grants Fund, implementation of the Training of Trainers Programme, and a funding guide published with The Nature Conservancy (TNC). It was noted that progress was slow with regard to the development of a Block B proposal to GEF on marine biodiversity conservation, due in part to a budget freeze in late 2000 at GEF, and to funding from other sources for activities which were misinterpreted as overlapping with the GEF proposal. The Meeting agreed that the region had not yet addressed the marine biodiversity issue through a comprehensive approach and an integrated proposal and thus, it was necessary to continue the development of the proposal for presentation to GEF in the near future.
29. Advances related to conservation of the sea turtle and the manatee, primarily through management and public awareness activities, were also mentioned.
30. Another major programme of work with significant accomplishments related to coral reef conservation, which included regional and national reports on the status of coral reefs, had been undertaken through the establishment and support of monitoring nodes in the region with local institutions. Information on the findings of those reports had been summarized in the status report and additional work would be undertaken in the upcoming biennium with funding received from the United Nations Foundation.
31. The presentation included information on problems and shortcomings encountered with SPA implementation, such as insufficient funding (only 30 per cent of the required budget has been received), challenges faced by CAR/RCU to manage all aspects of the



Programme and the Protocol, relatively poor participation and interest demonstrated by some institutions, communication weaknesses still experienced vis-a-vis Governments, and the insufficient support received from the Regional Activity Centre for SPAW.

32. Following the presentation on the SPAW sub-programme, several delegations commended the secretariat for the amount and quality of work in that area and for its fund-raising efforts. Clarification was requested on the reasons for the lack of progress made by the Regional Activity Centre (RAC) for SPAW. The secretariat explained that, although the Centre had been opened in January 2000, it had not been fully equipped and staffed as expected, and this had hampered its work. However, the secretariat noted, following consultations with the Centre, steps were already being taken to resolve the situation.
33. The CEPNET Programme Officer presented the status of the activities undertaken in the sub-programme during the biennium 2000-2001. He highlighted the transition period experienced in the co-ordination of the sub-programme since the end of the CEPNET/Inter-American Bank (IDB) project in January 1999. The secretariat was able to follow up the technical activities developed in that project with the six participating countries until the end of 1999 using the services of a consultant. The project and its products received continuing support from the secretariat, namely through the AMEP Programme Officer, from that point until the arrival of the Programme Officer on 1 November 2000. The new Programme Officer recognized that the overall level of production of CEPNET had decreased since the CEPNET/IDB project, but indicated that different opportunities were being created to again make the CEPNET an important tool for the promotion of good use of environmental information.
34. The role of facilitator in improving the access and use of environmental information in the Wider Caribbean Region was described as being two-pronged. First, the CEPNET must be a catalyst within the secretariat of the Cartagena Convention to increase the analytical capacity of CAR/RCU. This translated into activities related to:
  - (a) Development and maintenance of the computer network,
  - (b) Training of personnel in advanced office applications, and database management Systems;
  - (c) Geographic and other information systems;
  - (d) Improving communications mechanisms; and
  - (e) Increasing the use and usefulness of the Intranet.
35. Second, CEPNET was presented as offering a link and a technical resource for the other subprogrammes of the CEP, by developing and maintaining special pages of the CEP web site, in increasing the impact of the intranet, improving database management activities, and by assisting in taking advantage of Internet-based tools, such as e-groups.
36. This internal role was justified by the need for the Secretariat to support the network of the Caribbean Environment Programme. By improving internal capacities, better services could be provided for the development and maintenance of the web site, for environmental reporting activities, technical advisory services, environmental information systems. With respect to more specific projects, such as the GPA clearing

house mechanism, CEPNET will also be in a better position to design, develop and support projects of Internet-based geographic information systems.

37. Finally, the CEPNET Programme Officer identified the dissemination of environmental information as his most important preoccupation. The supporting activities described above served to develop the tools and mechanisms to better support the network. However, the content of the databases and datasets was as important as the media themselves. The main past and present activities had been regrouped into four classes as follows:
- (a) Environmental reporting. Preparation and updating of state of the coasts reports, support and promotion of the UNEP Global Environmental Outlook (Latin America and Caribbean) process, and strong support of state of the coastal and marine resources of the Caribbean (UNEP and Engineering Centre for the Environmental Management of Bays and Coastal Areas (CIMAB) of Cuba);
  - (b) Technical advisory services. No activities are currently being implemented, but capacities in geographic and environmental information systems, as well as in remote sensing, exist;
  - (c) Environmental information systems. Regional or subregional efforts are supported, such as the Caribbean Planning for Adaptation to Global Climate Change (CPACC) Coastal Resources Information System (CRIS), the Global Coral Reef Monitoring Network (GCRMN) and the UNEP World Conservation Monitoring Centre (UNEP-WCMC); and
  - (d) Capacity of the Wider Caribbean Region (WCR) in geographic information systems and in remote sensing. Fund-raising activities were undertaken to develop training programmes and pilot and demonstration projects geared towards replicability.
38. The CEPNET Programme Officer concluded his presentation by insisting on the importance of understanding the two-pronged role of CEPNET, both within the secretariat and the CEP network. Only with a technically capable CAR/RCU would CEP be able to increase its analytical capacities and acquire, access and disseminate environmental information that would help decision makers to develop, implement, monitor and enforce sustainable environmental policies at the national and regional levels.
39. One delegation noted the quality and clarity of the presentation and enquired how the RACs and the CEPNET would coordinate and distribute the information functions they would both have. The secretariat responded that, although tasks and responsibilities could be divided, the coordination through a single entity, or window towards the Wider Caribbean Region, was essential to avoid duplication, gaps or contradictions. Another delegation noted the output of the CEPNET subprogramme in the past and welcomed the enthusiasm with which it was now being managed. The delegate indicated that his Government was looking forward to developing initiatives with CEPNET, principally in the field of web-based geographic systems (GIS) for land-based sources of marine pollution. The Chairman underlined the leading role of CEPNET in the development of

technical capacities in the field of GIS in the Wider Caribbean Region and welcomed the activities described.

40. Another delegation acknowledged the quantity of work done by the different CEP subprogrammes and reiterated how important it was for the Member States to ratify the Convention and its Protocols and contribute to the Trust Fund, so that the Secretariat be equipped to fulfil its commitment.
41. Since the position of Programme Officer for the Education, Training and Awareness subprogramme is vacant, the CEPNET Programme Officer presented the status of that subprogramme. It was noted that, although there was no direct staff member responsible for the ETA subprogramme of CEP, important activities were nonetheless carried out.
42. All CEP Programme Officers, with the assistance of other CAR/RCU personnel, responded to daily requests for information from Member States or organizations from within or outside the Wider Caribbean Region (WCR). Such requests could be for administrative data, technical information, reference or other information.
43. Different activities were undertaken to promote CEP and the Cartagena Convention and its Protocols. A CEP brochure had been published in English in July 2001 and a Spanish version was currently being prepared.
44. The legal texts of the Cartagena Convention and its three Protocols had been published in a small book, in English and Spanish, to facilitate their accessibility. Since there were still some discrepancies between the French version of the LBS Protocol and the other two languages, its publication would be postponed until after the Depository of the Convention (Government of Colombia) approved the final version.
45. Finally, some specific activities were highlighted in relation to ETA, such as the Blue Flag Programme, maintenance of the CEP web site and CEPNews.
46. The Fund Management/Administrative Officer presented the status of the voluntary contributions to the Caribbean Trust Funds and indicated that the information was also included in a table form in the Status report on the implementation of the Caribbean Environment Programme for the biennium 2000-2001 (UNEP(DEC)/CAR IG.19/5). He also discussed the expenditure levels for the same biennium, information on which was also available in the same document.
47. Following presentations on each of the four subprogrammes of CEP, the secretariat concluded the presentation on the Status report with a list of expenditures for 2000-2001 and the current status of the Caribbean Trust Fund, including contributions and payments for 2001. One delegation was curious as to why invoices were being sent out at such a late date. The secretariat explained that, in prior years, the invoicing had been stalled due to issues over the legal ability of the secretariat to invoice against the Trust Fund. Although this issue was resolved in 2000, the implementation of a new accounting system this year in UNEP Nairobi had delayed the 2001 invoices. The secretariat was confident that, in the coming year, the invoicing process would be back on track.

48. Several delegations were very pleased with the significant amount of work being produced by such a small secretariat under the leadership of the Coordinator, Nelson Andrade. Delegations further noted the professional manner, dedication and enthusiasm with which the secretariat carried out its functions.

**F. Rules of Procedure for the Caribbean Environment Programme (agenda item 6)**

49. The secretariat presented the proposed Rules of Procedure for the Caribbean Environment Programme, contained in document UNEP(DEC)/CAR IG.19/3, which is a compilation of two previous draft versions of the rules of procedure developed for earlier intergovernmental meetings of CEP.
50. The Meeting was invited to compare and contrast the two versions and to make recommendations, as appropriate, towards the further development of the rules of procedure.
51. After the presentation of the document, several delegations commented on the great technical and conceptual task at hand for reviewing the proposed Rules of Procedure. The Meeting emphasized the different structures and natures of the Caribbean Environment Programme and the Cartagena Convention and that combined rules for the two bodies could create conflict and confusion. The delegate of the United States of America offered his Government's legal assistance to facilitate the review process, and proposed that an intersessional drafting group be created with the participation of interested Governments. The Meeting agreed on the need to create an intersessional mechanism to continue working on the draft rules, but it was also agreed that a working group be established to advance the work as much as possible during the current session of the Meeting.
52. In this context, the Chairman established a working group for that purpose, with the participation of the following Governments: Costa Rica (Chair), Cuba, Jamaica, Trinidad and Tobago and the United States of America. The working group advanced substantially with the analysis of the rules of procedure, identifying the issues, which required more in depth analysis by the intersessional group before the Tenth IGM. The report of the working group is attached as annex III to this report and recommendations were made on the report as contained in annex II. The Meeting expressed its satisfaction with the diligence of the working group and thanked the Government of Costa Rica for its active and effective role as Chairman.

**G. Financial Rules of the Caribbean Environment Programme (agenda item 7)**

53. A representative of the secretariat presented document UNEP(DEC)/CAR IG.19/4, which had been prepared for the Meeting. He explained that the document had been created to explain the evolution of, and to simplify, the two different proposals related to the Financial Rules of the Cartagena Convention, the Meetings and Conferences of the CEP and of the Caribbean Trust Fund. The document consisted of two parts: the first contained the most recent proposal presented at the Ninth Intergovernmental Meeting and Sixth Meeting of the Contracting Parties, (UNEP(DEC)/CAR IG.17/7); and the second contained the proposal originally submitted to the Seventh Intergovernmental

Meeting and Fourth Meeting of the Contracting Parties (UNEP(OCA)/CAR IG.12/7, annex V, appendix II).

54. The secretariat pointed out that decisions on the various proposals had been repeatedly deferred since 1994 to subsequent Intergovernmental Meetings, and ultimately to the current Meeting. In justifying the need to adopt financial rules, the secretariat specifically mentioned three points:
  - (a) The need for a legal justification for issuing invoices;
  - (b) That some member countries lacked a legal base to pay their contributions; and
  - (c) That no disbursement from the Trust Fund could be authorized unless funds were received, which could jeopardize contracts, projects and other commitments.
55. The secretariat explained that Part I of UNEP(DEC)/CAR IG.19/4 was a simplification of previous versions in one single proposal of financial rules for the Caribbean Trust Fund. The simplification involved three elements that had been presented as either redundant or inefficient, namely that:
  - (a) The creation of a separate financial mechanism for the Cartagena Convention should be avoided, because the Convention was the legal mechanism of the Caribbean Environment Programme and its Action Plan, and as such did not constitute a separate entity;
  - (b) No financial mechanism for the Meetings and Conferences of CEP was needed because the potential coercive measure with regard to the withholding of voting rights to ensure payment of contributions was rendered ineffective by the voluntary nature of the contributions to the Trust Fund;
  - (c) Remarks about the obligations of the Executive Director of UNEP should be deleted because the United Nations financial rules for the management of the Trust Fund already defined responsibilities that were coherent with those proposed.
56. The resulting proposal was a much simpler document than the one that had been presented for discussion. The secretariat proposed that this Meeting discuss the simplified financial rules for the Caribbean Trust Fund and make recommendation to the next Intergovernmental Meeting.
57. The Chairman invited the Meeting to ask questions of the secretariat to clarify outstanding issues, as well as to comment on the document. A number of delegations commented on the proposed financial rules, noting that, although in general, the document was ready for presentation to the next Intergovernmental Meeting and Meeting of the Contracting Parties, some issues still required further analysis and the text required some fine-tuning.
58. It was noted that, in keeping with previous discussions, it was necessary to emphasize the voluntary nature of contributions to the Caribbean Trust Fund. It was also recommended that a clarification be made as to what measures would be put in place for countries that did not comply with their voluntary pledges to the Trust Fund and that the

desirability of developing incentive mechanisms be considered. Some delegations noted that no measures would be taken against countries that do not comply with their respective pledges because of its voluntary character. It was also noted that, in light of the fact that budgetary processes in most Governments could be complex, it was important that the rules reflect a degree of flexibility regarding timing for the confirmation of pledges to the secretariat. In addition, the Meeting requested that the rules be very precise with regard to the need for any unspent funds to be transferred by the Executive Director to the following biennium and gave the CAR/RCU Secretariat full authority and responsibility to request this transfer of unspent funds.

59. Other comments referred to the need for precise definitions, such as the fiscal year for CEP and the issue of in-kind contributions to meet payments in arrears, but without undermining the stability of the Trust Fund. In this context, the working group on the rules of procedure (see sect. F regarding agenda item 6, above) recommended that a proposal be considered by the Tenth Intergovernmental Meeting to allow up to 25 per cent of the annual ordinary contribution of member Governments to be made in kind. The secretariat was asked to comment on the implications of this proposal, which could undermine the nature of the Caribbean Trust Fund. The secretariat reminded the Meeting of the need to maintain the Trust Fund at a level that would allow for the required staffing and effective operation of the Regional Coordinating Unit and the convening of Intergovernmental Meetings requested by member Governments.
60. The Meeting agreed to revise the proposed financial rules accordingly and prepare a new draft which would also be considered by the working group on the rules of procedure, to ensure the necessary harmonization and compatibility of the two sets of rules, before being submitted to the Tenth IGM for decision. The financial rules, as revised by the working group, can be found in annex IV to the present report.

#### **H. Strategy for the Development of the Caribbean Environment Programme 2002-2006 (agenda item 8)**

61. The secretariat presented the draft strategy for the development of the Caribbean Environment Programme for 2002-2006, (UNEP(DEC)CAR IG.19/7). The Strategy for 2000-2004 had originally been presented to the Ninth Intergovernmental Meeting and Sixth Meeting of the Contracting Parties, although no strategy had been adopted. As a result of discussions at the Ninth Intergovernmental Meeting, and in accordance with decision No.1 of that Meeting, the Strategy document had been revised and re-submitted to the current Meeting.
62. The secretariat provided general information on the process of development of the draft strategy, noting that the strategy had already been discussed at the Twelfth Meeting of the Monitoring Committee and at the Ninth Intergovernmental Meeting, but had not yet been adopted. The secretariat informed the Meeting that the purpose of the Strategy was to provide guidance and direction for CEP beyond the two-year programming period and to consolidate the decisions of the member Governments and Contracting Parties. The general objectives of the Strategy, which addressed institutional, political, financial and

programming areas relevant to the successful development and implementation of CEP, the Cartagena Convention and its Protocols, were outlined.

63. The purposes of the Strategy were:
  - (a) To provide a brief synopsis of what was accomplished and where the programme is going;
  - (b) To provide a longer-term outlook;
  - (c) To consolidate some of the decisions and discussions of prior Intergovernmental Meetings.
64. The long-term goal was to achieve the sustainable development of marine and coastal resources in the Wider Caribbean Region through effective integrated management that allows for increased economic growth. The objectives were to:
  - (a) Improve communications and dissemination of information;
  - (b) Promote and strengthen the Cartagena Convention;
  - (c) Establish a sound financial and institutional base;
  - (d) Improve monitoring and follow-up of projects;
  - (e) Provide continuity in the leadership and staffing of CAR/RCU;
  - (f) Enhance regional capabilities to apply appropriate technology;
  - (g) Strengthen national legislative capabilities.
65. The secretariat noted that it would continue to maximize the use of the available information technology and develop web-based tools for implementation of the Convention and Action Plan so that it would become even more transparent, responsive and efficient, while also decreasing its operating costs.
66. As it is important to co-ordinate with other UNEP Offices and programmes to avoid duplication of work, several memoranda of understanding had been signed with this in mind. The secretariat also planned to increase partnerships with others as a means of leveraging additional funding and providing for a complementarity of projects and activities.
67. The Strategy also called for the increased participation of the member Governments through a revitalized Monitoring Committee, which would be convened for regular meetings; and the encouragement of States of the region to become Contracting Parties to the Convention and all its Protocols.
68. The Secretariat recommended that the Meeting discuss and revise the proposed Strategy and to take action to forward it to the Tenth Intergovernmental Meeting for decision, as appropriate.
69. Several delegations commented on the draft Strategy and recognized that, although the document was an improvement over previous versions, it still required additional work, as a number of omissions had to be addressed. In this context, it was noted that there was a need to appropriately reflect linkages with all the relevant treaties and initiatives, highlighting those of particular relevance to the Convention and its Protocols. In this regard, it was requested that particular attention be paid, and specific linkages made, between the Strategy for CEP and preparations for the World Summit on Sustainable

Development (Rio +10) to be held in Johannesburg in 2002, noting that the Tenth IGM will be held before. It was also requested that appropriate harmonization and specific linkages be made with the Strategy and Meetings of the Ministers of the Environment of Latin America and the Caribbean, which has been placing increasing emphasis in recent years on Caribbean issues. Such linkages were important not only because many of the Governments were members of both organizations, but also because the issues being addressed through CEP were critical for the sustainable development of Latin America and the Caribbean as a whole.

70. The need to highlight social and sustainable human development was also requested as a matter of priority within the Strategy, as well as the necessary linkages with regard to the value of coastal and marine resources of the region to the general population and economic development of the Wider Caribbean.
71. In this regard, it was requested that emphasis also be made in the Strategy on the need for Governments to develop and integrate national policies in the context of coastal and marine sustainable development. It was noted that the Strategy sought to develop the appropriate mechanism to ensure that this took place at the national level.
72. The observer from CARICOM called the attention of the Meeting to two CARICOM initiated United Nations General Assembly resolutions on the management of the Caribbean Sea, in the context of sustainable development and to the proactive role that the Cartagena Convention, its Protocols and CEP had played and should continue to play in the designation of the Caribbean Sea as a special area for sustainable development. It was therefore recommended that all Governments not yet Parties ratify the Cartagena Convention and its Protocols before the fifty seventh session of the General Assembly, in order to give further momentum to the special area process and the implementation of the relevant United Nations resolutions.
73. The Meeting agreed that further work was necessary to revise the Strategy prior to consideration by the Tenth IGM. In this regard, the Delegation of Jamaica offered to lead an open intersessional group that would work with the Secretariat to revise the Strategy. The Meeting accepted this proposal and made a recommendation in this regard as reflected in Annex II.

**I. Draft Workplan and Budget for the Caribbean Environment Programme for the 2002-2003 Biennium (agenda item 9)**

74. The Chairman opened this agenda item and asked the secretariat to present the draft Workplan and Budget for the Caribbean Environment Programme for the 2002-2003 biennium as contained in document UNEP(DEC)/CAR IG 19/8.
75. The secretariat noted that the workplan had several sections and that each subprogramme would be presented separately. In presenting the overall programme, the secretariat noted that the objectives of the overall workplan were to provide for an institutional programmatic framework for the effective co-ordination of CEP and to convene the necessary meetings as required by the Cartagena Convention. He noted that



personnel and administrative costs of the RCU were being optimised for the most efficient and cost-effective operations of the office.

76. The secretariat also offered some concerns regarding payments to the CTF. He noted the need for full participation of all CEP member Governments in making their contributions in accordance with the accepted level of contributions. However, the full realization of the workplan depends on extraordinary contributions as well, and the secretariat must, therefore, continue to dedicate considerable time to fund-raising.
77. The secretariat concluded the overall presentation with a discussion of the meetings of the CEP that would be convened in 2002-2003. These include the Second Meeting of the SPAW/STAC, the Second Meeting of the LBS/ISTAC, the Tenth IGM and the 14th Meeting of the Monitoring Committee and Bureau of Contracting Parties.
78. The secretariat then introduced the 2002-2003 draft workplan and budget for the sub-programme for the Assessment and Management of Environmental Pollution (AMEP). In his introductory remarks, the representative of the secretariat reminded the Meeting of the many activities that are co-ordinated by the sub-programme in addition to the technical projects. These include promoting ratification of and accession to the LBS Protocol; co-ordination with Regional Activity Centres, convening meetings and general fund-raising activities.
79. The secretariat then discussed the projects and other activities proposed for 2002-2003. Two of the projects will be co-sponsored with the GEF: "Reducing Pesticide Run-off to the Caribbean Sea" and "Integrating Watershed and Coastal Area Management in Small Island Developing States of the Caribbean". Although these projects have not yet been approved by the GEF, the secretariat indicated its optimism in this regard based on preliminary discussions with the GEF secretariat.
80. A third project organized with the GEF is on the "Rehabilitation of Contaminated Bays". This project, in addition to providing study tours for the participating countries of Jamaica and Cuba, will include the participation of all CEP members in training courses during the 2002-2003 biennium on nutrient removal technologies and sludge utilization with regard to domestic wastewater treatment.
81. The draft AMEP workplan also proposes the continuing preparation and implementation of coastal area management in Central America for those countries affected by hurricane Mitch – Honduras, Nicaragua, and Guatemala. This project proposes to partner CEP with CATIE in Costa Rica and will obtain funding from the U.S. Environmental Protection Agency and the Swedish International Development Cooperation Agency (SIDA). This project will include pilot projects in wastewater management consistent with the provisions of Annex III of the LBS Protocol. In addition to this project, work will continue in 2002 on the development of guidance to assist countries in developing sewage treatment needs assessments to comply with the provisions of Annex III. This guidance, following pilot projects in the countries of St. Lucia, Belize, Venezuela and Colombia, will be developed in 2002-2003 in four new countries yet to be decided. This project also proposes to assist the original four countries to find funding sources for the implementation of their plans.

82. The secretariat proposed the project "Second Regional Overview of LBS in the Wider Caribbean" as an update and expansion of the CEP Technical Report No.33 completed in 1994. In addition to updating point source information, the Second Regional Overview would incorporate non-point source data and establish a baseline from which to measure progress of the LBS protocol activities.
83. Finally, the secretariat introduced a project which aims to develop pilot projects for the implementation of Annex IV of the LBS Protocol. The project proposes a small grants programme with grants up to US\$ 5,000 to provide for demonstrations such as integrated pest management, alternative crop cultivation methods, and improved livestock management techniques. The secretariat noted that funding is still being sought, although seed funding from the CTF is being proposed.
84. In presenting the AMEP budget to accompany the draft workplan, the secretariat proposed modest contributions from the CTF for each year. The secretariat pointed out that despite the significant contributions from the GEF, approximately seven million US\$ were still being sought in counterpart contributions for the GEF projects for each 2002 and 2003.
85. The Delegation of the USA noted its support for the non-point source pilot projects and specifically its desire to help in this regard. As such, it offered a proposal that is under discussion to be co-ordinated by the U.S. National Oceanic and Atmospheric Administration (NOAA) for some eastern Caribbean islands that could offer information to the CEP clearinghouse. The delegation suggested the addition of some text to the workplan in this regard. Another delegation noted that it would be useful if CEPNET could develop a format for providing information to the clearinghouse mechanism.
86. Another delegation noted the absence of the RAC/REMPEITC workplan in the overall AMEP workplan. The secretariat noted that the RAC/REMPEITC workplan had just been completed last month and had not been included in the workplan as presented to the Meeting. The secretariat indicated that it would be incorporated as appropriate into the workplan to be submitted to the Tenth IGM.
87. The secretariat presented the proposed activities for the SPAW Regional Programme for the biennium 2002-2003, highlighting the additional responsibilities of the Secretariat and the Parties with the entering into force of the SPAW Protocol one year ago. In this context, the secretariat outlined the activities for SPAW coordination which included continuing to promote the Protocol through various mechanisms, coordination and communication with several organizations relevant to SPAW objectives active participation of the Scientific and Technical Advisory Committee (STAC) of SPAW, and fundraising.
88. With regard to strengthening of protected areas, it was noted that activities will continue in the promotion of the Marine Protected Area network (CaMPAM), implementation of the small grant fund for MPAs, guidelines for the development of a list of protected areas under SPAW, and a regional workshop for MPA managers. The secretariat informed the Meeting of a major undertaking for the biennium, the implementation of the four-year project entitled the International Coral Reef Acting Network (ICRAN), which is being funded

primarily by the United Nations foundation and which includes the Wider Caribbean as one of the four areas of concentration. The secretariat referred the Meeting to document UNEP(DEC)/CAR IG.19/INF.5, which provided details on the ICRAN project. It was explained that the main objective of the project in the region would be to reverse the decline of coral reefs. It was also noted that the MPA training of trainers programme of SPAW would also be supported through ICRAN during the upcoming biennium. With regard to species conservation, the secretariat noted the efforts to continue supporting sea turtle and manatee recovery plans, as well as working towards the development of an action plan for marine mammals and coordination with partners on the management of economically important species such as the queen conch and spiny lobster. A major area of work presented included the activities in support of the International Coral Reef Initiative (ICRI), which would also be funded through ICRAN. These activities include ecological and socio-economic assessments of coral reefs, monitoring, status on the condition of reefs and a compilation of best practices on reef management.

89. With regard to the proposed overall budget for SPAW, it was noted that although almost 50% of the projected costs were already available through ICRAN, those funds would only be provided in their totality if counterpart funding was also raised. In this context, the Meeting was urged to assist the secretariat with its fund raising efforts for this important project.
90. The Meeting commended the secretariat for its comprehensive and integrated activities in support of the SPAW Protocol, in particular the linkages established with ICRI and other partners which should be continued. In this context, the delegation of the United States offered to provide US \$80,000 to the secretariat to assist with the organization of the Regional ICRI Workshop in 2002. The observer from the Caribbean Regional Environmental Programme (CREP), administered by the Caribbean Conservation Association (CCA), also expressed interest in identifying synergies between his programme and SPAW and noted that developing collaboration and cooperation with UNEP-CAR/RCU is one of the goals of his organization. The delegation of the United States and the observer from the International Fund for Animal Welfare (IFAW) voiced their support for development of regional guidelines for threatened and endangered wildlife species and the regional action plan for marine mammals, including possibly supporting a regional workshop on best practices to respond to marine mammal and sea turtle strandings.
91. Other delegations commented on the need to include assistance for the development of national legislation to enable governments to become parties to SPAW and strengthen linkages with the Central American Commission for Environment and Development (CCAD) in the context of the Mesoamerican Barrier Reef Initiative, as well as with their experience with the operative guide for the implementation of the CITES Convention, as a useful example for SPAW.
92. The proposed workplan for the CEPNET is a continuity of the activities implemented or designed in 2000 and 2001. These were generalised in terms of the internal and external roles that CEPNET is playing within the Secretariat and in the development of the CEP network. The objectives of CEPNET will continue to be:

- (a) Strengthening of capabilities for environmental information management;
  - (b) Increasing the access to environmental information through networking;
  - (c) Disseminating environmental information from and to CEP projects; and
  - (d) Assisting other subprogrammes of CEP in environmental information management.
93. The secretariat introduced the four groups of activities that are proposed for the 2002-2003 biennium, those being: programme co-ordination activities; support to information management within the Secretariat; maintenance and development of the CEP network and communication mechanisms; and spatial analysis for decision-making and environment assessments.
94. CEPNET co-ordination activities in the next biennium would be executed in conjunction with the other subprogrammes of the CEP. The Global Plan of Action (GPA) (for LBS), Caribbean Marine Protected Areas (CaMPAM) (for SPAW), and other databases would be maintained, updated and disseminated through the CEP network. Dissemination of information will include the use of thematic e-groups, expansion of the intranet and the CEP Internet site, the electronic CEPNews via the Internet, and providing assistance for the production of meeting documents and presentations. To consolidate this instrument, CEPNET would design and provide a training programme for its personnel, benefiting from the equipment now being replaced at the Secretariat. It is expected that this facility could also be made available to partners for specific training activities
95. The importance of networking and the approach of the Secretariat were then communicated, showing the different networking instruments in existence and their effectiveness. It was concluded that efficient and real networking would be gained if the partners had ready access to, and knowledge of, modern technologies of communication such as what is available via the Internet. The substantive activities of database development, environmental reporting, Internet-based GIS, remote sensing training programmes, and the promotion and training in the use of metadata standards and catalogues were presented as products that could be developed if the proper tools were developed and mastered.
96. The secretariat explained graphically the concept of spatial information and how it would help the decision making process in environmental management. He noted that the decision makers should be made aware of the usefulness of this perspective and the importance of being trained in or informed on its use. He presented the concept of the integration of information, knowledge and experiences to support a sound decision making process.
97. In the next biennium CEPNET would also co-ordinate with the AMEP subprogramme and the GPA to update the Caribbean clearinghouse node for land-based sources of marine pollution and initiate its development with some Member States of the CEP. The development of this activity would also be made within the concept presented earlier and would complement other efforts to improve access to environmental information.
98. Finally, CEPNET would continue to represent CEP interests in the production of different global and regional environmental assessments like the Global Environment

Outlook (GEO) for Latin America and the Caribbean or the Assessment for Coastal and Marine Resources of the Caribbean (UNEP and CIMAB of Cuba). Co-ordination with the UNEP-GIWA assessment would also be continued.

99. The delegation of the United States underlined the quality and usefulness of the CEP website for the Caribbean as well as for the international community and suggested that CEPNET should analyse the profile and needs of its users. The secretariat agreed that this was now important and that a statistical profile could be created in the next year. The same delegation presented a concept paper from the US-EPA on the “Development of a Web-based GIS Demonstration Project for Selected Islands in the North-eastern Caribbean” (UNEP(DEC)/CAR IG.19/CRP.4). The secretariat welcomed the initiative and offered its assistance to co-ordinate with US-EPA in designing compatible strategies for the development of this tool. A delegation inquired about the continuity to the CEPNET/IDB Project in the proposed workplan. The secretariat indicated that the proposed workplan favoured smaller projects, which could provide faster replicable results. The development of web-based GIS would be proposed to countries with the basic resources and experience to reach these results as quickly and efficiently as possible. The secretariat also indicated that it would develop and promote links on the CEP web site with global and regional initiatives in risks mapping assessment and disaster management to facilitate the dissemination of information.
100. The Secretariat presented the proposed workplan for the ETA subprogramme for the period of 2002-2003 involving a communications strategy for the LBS Protocol. Although the Position of Programme Officer for ETA is currently vacant, the secretariat noted again that it would seek to fill the post by recruiting a national expert, whose local hiring should realise cost-savings to CEP.
101. After the presentation, the delegation of the United States of America indicated its support to the workplan for ETA and announced that it will endeavour to assist in supporting the activities presented by the Secretariat.
102. The presentation of the proposed workplan by the Secretariat was ended by the brief overview of the planned budget for each programme and the OCCC. Clarifications were given on the amount that would be coming from the contributions to the CTF and what amount would have to be found from external sources. The delegation of Jamaica noted that its country had been paying its arrears to the CTF and was hoping to be up-to-date within four months of this Meeting. It also noted that by September 2001, it would resolve all issues related to its commitments as the host country of the Secretariat. The delegation of Colombia indicated that its country was up-to-date in its payment to the CTF.

**J. Regional Activity Centres of the Caribbean Environment Programme (agenda item 10)**

103. The secretariat introduced the agenda item, which included information from discussions and presentations on regional activity centres (RACs) for all three Protocols to the Cartagena Convention.
104. The secretariat provided a brief update on the status of the RAC/REMPEITC in Curacao for coordination of the Oil Spills Protocol. The Chairman then asked the Director of RAC/REMPEITC, Bernard Komproe, to make his presentation on the status of the implementation of the work of the Regional Activity Centre in Curaçao. The Director noted the high vulnerability of the Caribbean to accidental crude oil spills and reminded the Meeting of the decisions of the Ninth Intergovernmental Meeting, which sanctioned the creation of the RAC hosted by the Netherlands Antilles and adopted the terms of reference of its Steering Committee. Cooperation between UNEP, IMO, member Governments of CEP, donors, industries and other organizations was indicated as an important success factor.
105. The current members of the Steering Committee are: the Netherlands Antilles, a member of the Bureau of Contracting Parties, the President of the Monitoring Committee, UNEP-CAR/RCU, donor countries, IMO (ex officio), the Clean Caribbean Cooperative (CCC) (ex officio), donor organizations (ex officio), and other interested industry groups (e.g. tourism) (ex officio). The Director described the roles and responsibilities of the Steering Committee in terms of support, guidance and reporting to the member Governments.
106. The objectives of REMPEITC are to strengthen national and regional preparedness and capacity and operational effectiveness. Its functions are to establish a legal response framework able to exchange information and co-ordinate resources. RAC/REMPEITC assists Governments in disseminating information, conducting exercises and facilitating regional and international activities.
107. The activities planned for the biennium 2002-2003 include the development and maintenance of national contingency plans and activities to coordinate regional emergency response, the dissemination of information, risk assessment and alternative technologies, and education and awareness raising.
108. The Director insisted on the fact that the RAC was working towards providing services to the region in English, French and Spanish. He also indicated the personnel resources currently available and expected in the near future in order to accomplish this task and the other responsibilities of RAC/REMPEITC.
109. After the presentation, the delegate from France announced that his Government would assign, on a part-time basis, in principle at the beginning of September 2001, an expert from the Centre de Documentation, de Recherche et d'Expérimentation sur les pollutions accidentelles des eaux (CEDRE) de la Martinique, who specialized in oil spills and dangerous materials information management. The expert would participate in

training, information and other intervention activities as needed. The availability of the expert would be re-assessed after a trial period.

110. The delegate further pointed out that no date had been specified in the offer made by his Government during the ninth Intergovernmental Meeting with regard to the proposed secondments of personnel.
111. The delegate from the United States of America noted that, from experience, his Government was very much aware of the importance of RAC/REMPEITC and that it firmly supported its planned activities for the Caribbean. The delegate also noted that the contribution of his country was larger than what had been presented in the Director's briefing.
112. One delegation invited REMPEITC to develop close collaboration mechanisms with the Central American Commission on Environment and Development (CCAD) to access its wealth of information and experience. This recommendation was supported by the observer from CARICOM.
113. The Secretariat raised a point brought out during the Steering Committee Meeting concerning the membership rules of the Steering Committee of REMPEITC. He indicated that some active partners from international organizations (IMO) and the private sector, who were currently ex officio members, had expressed some concern about voting rights on the Steering Committee. One delegation recalled the discussions on this issue at the Ninth Intergovernmental Meeting and noted that that Meeting had been quite deliberate in its decision on ex officio members. That decision had been made to allow a certain degree of control by CEP member Governments. In that light, the delegate advised that this membership status not be changed. Other delegations agreed. Another delegation pointed out that this situation could also apply to other existing RACs or to RACs under preparation, and that the issue should not be discussed only in the context of REMPEITC.
114. The Director of the RAC for SPAW provided an update of the activities of the RAC since its official opening on 1 January 2000. He apologized for his report (UNEP(DEC)/CAR.IG. 19/CRP.1) not being available in English and Spanish, which was due to changes he had had to incorporate at the last moment. He outlined the six areas of work in which the RAC had been involved in the past 18 months, which included the creation of the legal entity to support the CAR that must be compatible with French legislation, as well as the recruitment of the required staff, the physical installation and procurement of equipment. The Director also informed the Meeting: about missions he undertook to at least three countries to promote ratification of the SPAW Protocol; of the assistance provided to CAR/RCU with technical translations into French; and on scientific comments on national management plans for sea turtles for two countries of the region. He also informed the Meeting about discussions held with relevant initiatives such as the Caribbean Regional Environment Programme (CREP) of CCA, funded by the European Union.
115. With regard to the financial situation of the RAC, the Director reported that the Government of France had committed funds on a long-term basis for the post of

Director. He also indicated that the Position of Project Director would be filled at the beginning of 2002 and that he hoped for a solution at the same time for the two other position identified in the agreement between France and UNEP, including for a trilingual secretary.

116. In addition, the Director presented information on proposed staffing which, in his view would optimise the operations of the RAC. He concluded by reiterating that, although the RAC had been in operation for 18 months with a limited staff, he hoped that the Government of France would address those pending matters in the nearest future possible for the effective operations of the SPAW/RAC .
117. A number of delegations expressed concern about the status and operations of the RAC and requested clarification with regard to the terms of reference and current agreement with the Government of France for its establishment and operation.
118. The Meeting noted the difference between the SPAW/RAC and the RAC/REMPEITC, noting with satisfaction the work carried out to date by the latter, despite its recent opening. In this context, the Meeting recommended that the Government of France present to the First Meeting of the Contracting Parties of SPAW and First Meeting of the Scientific and Technical Advisory Committee (STAC), to be held in Havana, from 24 to 29 September 2001, as well as to the Tenth Intergovernmental Meeting planned for March 2002, a detailed analysis of the situation of the SPAW/RAC, as well as a revised proposal for its operations, taking into consideration the need for a clear and transparent mechanism for communication between the SPAW/RAC and the CEP secretariat. It was also suggested that, in keeping with the model of RAC/REMPEITC, a steering committee should be established to ensure the effective functioning of the SPAW/RAC.
119. The agenda item concluded with presentations and discussions on the proposals received to host a RAC for the LBS Protocol. To date, the secretariat has received a proposal from the Government of Cuba, contained in document UNEP(DEC)CAR IG.19/9, and from the Government of Trinidad and Tobago, presented in document UNEP(DEC)CAR IG.19/10. The respective Governments were invited to present their proposals to the Meeting.
120. The proposal for a RAC on land-based marine pollution was presented by the delegate from Cuba. During the presentation, the Meeting was informed about the concept of the RAC/Regional Activity Network (RAN) being proposed by Cuba which, unlike the other CEP RACs in existence, would have a cooperative approach through which other institutions and centres from the region would participate. He emphasized the role played by CIMAB since the 1970s in the management of marine pollution at the national level and, for the past 15 years, at the regional level, working with at least 10 centres in the region in providing technical assistance and training. He outlined the benefits that CIMAB had to offer as a RAC, namely expertise in project development and management, regional experience, and training, which would lead to the creation of incremental value without incurring additional costs.
121. The delegation from Trinidad and Tobago presented his Government's proposal for the establishment of a RAC for the LBS Protocol at the Institute of Marine Affairs (IMA) in



that country. The delegate outlined the principles on which his Government's proposal was based, noting the great importance Trinidad and Tobago attached to regional collaboration for the sustainable development of the region. It was noted that IMA was established in 1976 as a centre of excellence, with its mandate expanded by Parliament in 1990 to address marine pollution issues relevant to the Caribbean and adjacent regions. In his presentation, the delegate reiterated his Government's commitment to the operations of the RAC, demonstrated by the allocation of US\$ 1.9 million (in cash and in kind) on an annual basis, as well as through the support being provided through other associated institutions for the RAC. He also noted the various research and technical programmes currently under way, the quality and experience of IMA's personnel, and the Institute's 23 years of experience in research, technical advice and training on various aspects related to coastal and marine pollution management, including environmental impact assessment, and policy and legislation development.

122. Several delegations commented on both proposals and requested additional information on a number of issues arising from the presentations. After reviewing the strengths and weaknesses of each proposal, the Meeting agreed that both proposals contained a lot of merit and, indeed, were closely matched. It was also agreed that the proposals should be further studied and that, in keeping with the guidelines for RACs and RANs, the best arrangement for the Caribbean countries should be found. In this context, it was suggested that consideration be given to the possibility of establishing a RAN with leading institutions, each with very specific roles. The importance of addressing financial issues and budgetary arrangements of any RAC to ensure sustainability independent of the Caribbean Trust Fund, was emphasized.
123. The delegate from Jamaica agreed to coordinate informal deliberations of an ad hoc working group initiated by the Chairman, on the creation of a RAC for the LBS Protocol, and reported to the meeting on the working group's progress. The delegations involved shared the view that there was a need in the Wider Caribbean Region for more than one RAC for the control of land-based sources of marine pollution, and that, as such, both existing institutions, that is, CIMAB and IMA, would be designated to function as RACs. For this purpose, CIMAB and the IMA are requested, with a view to taking advantage of the strengths of both institutions, to collaborate in formulating a new proposal combining the respective areas of expertise/specialisation of each institution in a complementary manner.
124. The ad hoc working group proposed to the Meeting that further, intersessional, consultations between the two countries lead to a joint proposal for a decision to be taken at the Tenth Intergovernmental Meeting. Jamaica would facilitate the consultations with the assistance of the secretariat, so that the document would be made available to the member States sufficiently in advance of the Tenth Intergovernmental Meeting, so as to allow enough time for its review. It was noted that there was room for technical work to be supported by the RACs and RAN and that the concept of RACs and RANs must be revisited, taking advantage of existing institutions in other regions (e.g.: the Mediterranean Environment Programme). It was felt that the compromise reached would answer the Meeting's concerns and optimise the two institutions' areas of expertise.

125. The delegate from Trinidad and Tobago expressed his pleasure at seeing the process move forward in an efficient way through the leadership of the Chairman and of Jamaica. Although the budget announced by his Government might need revision in the light of the new development, the Government of Trinidad and Tobago remains committed to the implementation of the LBS Protocol and in particular the establishment of RACs.
126. The delegations of Trinidad and Tobago and Cuba provided answers to the concerns raised by the other delegations regarding the sustainability of the proposed RACs, their respective experience in watershed management, non-point sources pollution control, coastal tourism related pollution control and their proposed infrastructure and language capabilities.
127. The Chairman and most delegations shared the view that the concept of RAC and RAN must be reviewed, as the original concepts had been developed over 10 years ago. The environmental, socio-economic and political contexts of the Wider Caribbean Region have changed drastically during that period and a more up-to-date concept will likely have to be developed. The Meeting agreed that RAC structure and responsibilities should be identified.
128. The issues of governance and financial sustainability outside the Caribbean Trust Fund were also raised as priorities to be discussed. The delegation from Cuba mentioned that, to be efficient, the proposal on the RAC for the LBS Protocol must be implemented as soon as possible, as the two proposals were based on services and experiences that were already well established. The delegations of Cuba and Trinidad and Tobago confirmed their readiness to work together to prepare a solid joint proposal to be considered by the Tenth Intergovernmental Meeting.
129. The delegation of Costa Rica contributed to the discussions on the need to revise the concept of RACs and RANs by identifying five priority points elaborated in UNEP(DEC)/CAR IG.19/CRP.7 and summarized as follows:
  - a. The creation of a regional capacity should not be limited to RACs but should have a much wider scope with a view to find all possible types of technical and technological synergies for the member countries;
  - b. The need to facilitate and consolidate the horizontal collaboration in the region to optimise the capacities of different institutions and organisations and to increase the access to their services;
  - c. The financial sustainability and self sufficiency of the RACs, RANs and the Caribbean Environment Programme is a fundamental principle, for which an aggressive approach is needed;
  - d. The governance, responsibilities and administration of these bodies must be clear and transparent; and
  - e. Periodic monitoring and evaluation must be part of the regular strategic and operative planning of the CEP and the RACs.

The delegation of Costa Rica noted that these issues must always be addressed bearing in mind the need for improvement of the socio economic conditions of the people of the region. Delegations supported the precepts proposed by Costa Rica which could help to

initiate a review of the concept of RACs and RANs, as well as its use in the development of the Strategy of CEP (see section H, agenda item 8).

130. The delegate of France cautioned about the potential danger of having more than one RAC which could result in a duplication of efforts and a waste of resources. The Chairman reminded the Meeting that the two entities being discussed were complementary and that the Wider Caribbean Region contained enough marine pollution needs to be served by numerous centres of expertise. He underlined the importance of the LBS Protocol for the region and invited the two delegations to work closely to prepare a good joint proposal that would serve the interests of the member States. He thanked Jamaica for facilitating the preparation of the joint proposal to be submitted to the Tenth Intergovernmental Meeting. The Chairman also mentioned that France was expected to address the issue of the legal aspects regarding the full establishment of the SPAW/RAC and that hopefully progress could be announced at the next SPAW COP and STAC Meetings in September 2001. He underlined that the Chairman would make sure that the report of the Meeting would include the fact that rationalization and the review of the concept of RACs and RANs were priorities.

**K. Other Business (Agenda item 11)**

131. The participants of the Meeting were invited to raise other issues not covered by the preceding agenda items, but which may be relevant to the scope of the Meeting.
132. As such, the secretariat noted that the Scientific Group of the London Convention would be convening its biennial meeting in Jamaica from 20-24 May 2002. The secretariat noted that the Jamaica Maritime Authority had offered to host the meeting and CAR/RCU was collaborating with them to convene the meeting. CAR/RCU would also help to coordinate the invitations to CEP focal points.
133. The delegation of Costa Rica noted that it was taking advantage of the Secretariat's presence in San Jose to make a presentation to a national workshop on accession to the SPAW Protocol. The delegation noted that this is the type of workshop that is being proposed as well for the LBS Protocol in the ETA workplan.
134. The delegation of Venezuela noted that it was working on a new comprehensive law for the protection, management and sustainable development of the coastal area and noted that it could be a source of useful information for other CEP countries. The Chairman indicated the importance of such information exchange and that it could assist other countries of the region in updating or promulgation of national legislation in this area.

**L. Adoption of the Report of the Meeting (agenda item 12)**

135. The Rapporteur of the Meeting presented the Draft Report of the Meeting. The Meeting adopted the Report, with amendments and corrections to be introduced in the draft, as appropriate.

**M. Closure of the Meeting (agenda item 13)**

136. The Chairman of the Meeting and the Secretariat offered closing remarks. In his closing remarks the Chairman thanked all delegates and observers for the spirit of collaboration and compromise during the discussions. He reminded participants about the importance to ensure the financial sustainability of the Programme through a viable Caribbean Trust Fund in order to continue significant actions with the implementation of the oil spills, LBSMP and SPAW Protocols, as well as the cross cutting issues of CEPNET and ETA. Meeting brought in context various other relevant initiatives which need to be carried forward. Meeting struggled with the outstanding issue of the Rules of Procedure, with the expectation that this be resolved by the next IGM. He summarised the RACs issues, noting that there was concern regarding the slow progress made by the SPAW RAC but commended the RAC-REMPEITC and the two excellent proposals of CIMAB and IMA partnerships that reflects past collaboration of these two institutions. Meeting closes with note of positive development in this regard. Thanks in particular to the host Government and we appreciate the experience of being here. Thanks also to the Bureau which was ably represented, as well as the work of the Rapporteur.

Various delegations recognises the depth of the analysis undertaken and also congratulated the Meeting for being able to address in great detail all issues of the agenda. They thanked the Chairman for his guidance which helped to find solutions to difficult issues and thanked Costa Rica for magnificent conditions provided in this beautiful city. The Secretariat was also thanked for accommodating to the requirements of Governments and the Meeting.

137. The Meeting was closed at 8:00 p.m. on Friday, 13 July 2001 by the Chairman and Secretariat.

## **ANNEX I**

### **AGENDA**

1. Opening of the meeting
2. Organization of the meeting
  - (a) Rules of procedure
  - (b) Election of officers
  - (c) Organization of work
3. Adoption of the agenda
4. Report of the Chairperson of the Monitoring Committee and President of the Bureau of Contracting Parties
5. Status Report on the Implementation of the Caribbean Environment Programme (2000 -2001)
6. Rules of Procedure for the Caribbean Environment Programme
7. Financial Rules of the Caribbean Environment Programme
8. Strategy for the Development of the Caribbean Environment Programme 2002-2006
9. Draft Workplan and Budget for the Caribbean Environment Programme for the 2002-2003 Biennium
10. Regional Activity Centres of the Caribbean Environment Programme
11. Other Business
12. Adoption of the report of the meeting
13. Closure of the meeting



## ANNEX II

### RECOMMENDATIONS OF THE MEETING

#### **The Meeting:**

**Having convened** the Thirteenth Meeting of the Monitoring Committee on the Action Plan for the Caribbean Environment Programme and Special Meeting of the Bureau of the Contracting Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region;

**Taking into account** the "Status of Activities of the Caribbean Environment Programme" (UNEP(DEC)/CAR IG.19/5);

**Noting** the recommendations of the First Meeting of the Interim Scientific and Technical Advisory Committee of the Protocol concerning Pollution from Land-Based Sources and Activities, Ocho Rios, 19 to 23 February 2001, as contained in UNEP(DEC)/CAR WG.18/6 ;

**Having examined** the "Strategy for the Development of the Caribbean Environment Programme 2002-2006" (UNEP (DEC)/CAR IG.19/7); the "Proposed Draft Rules (March 2001) of Procedure of the CEP Council for the Meetings and Conferences Convened within the Framework of the Action Plan for the Caribbean Environment Programme and Meetings and Conferences of the Contracting Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region and to its related Protocols" (UNEP(DEC)/CAR IG.19/3); the "Proposed Financial Rules (March 2001) for the Cartagena Convention and the Caribbean Environment Programme and the Terms of Reference for the Caribbean Trust Fund" (UNEP(DEC)/CAR IG.19/4); and the proposals regarding the establishment of Regional Activities Centres for land-based sources of marine pollution (UNEP(DEC)CAR IG.19/9 and UNEP(DEC)CAR IG.19/10); and

**Taking into account** the "Draft Workplan and Budget for the Caribbean Environment Programme for the Biennium 2002-2003", (UNEP(DEC)/CAR IG.19/8);

#### **Recommends that:**

1. An open intersessional drafting group led by the United States of America be established to prepare a comprehensive legal study on the responsibilities of the different bodies and entities within the framework of the Cartagena Convention and the Caribbean Environment Programme. The open working group may include the participation of legal, policy and technical experts as necessary, carrying out informal consultations electronically between the interested parties, including teleconferencing and related means. The drafting group is to undertake this study with a view to determining the feasibility of establishing a united regulatory framework for the two governing structures or, if necessary, separate rules of procedure with the principal objective of better defining their activities and recommending ways for more efficient management. The Meeting further recommends that the report of the ad hoc working group, (annex III), established in this Meeting, the draft rules of procedure, and prior decisions and recommendations,

- serve as a frame of reference for the preparation of the above-mentioned study and preparation of proposed rules of procedure. Based on the results of the study, the Tenth Intergovernmental Meeting may consider approving the rules of procedure as appropriate.
2. The Financial Rules of the Caribbean Trust Fund be adopted by the Tenth Intergovernmental Meeting as contained in annex IV of this report, following a final review by the intersessional working group on the rules of procedure to ensure harmonisation with those rules.
  3. The "Draft Workplan and Budget for the Caribbean Environment Programme for the Biennium 2002-2003", (UNEP(DEC)/CAR IG.19/8), as revised by the Meeting, be presented for adoption to the Tenth IGM.
  4. The recommendations of the First Meeting of the Interim Scientific, Technical and Advisory Committee (ISTAC) to the Protocol Concerning Pollution from Land-Based Sources and Activities (LBS) in the Wider Caribbean Region, Ocho Rios, Jamaica, 19-23 February 2001 (UNEP(DEC)/CAR WG.18/6), be reviewed by Governments for future adoption by the Tenth IGM.
  5. The Secretariat, in collaboration with the governments and relevant organizations, continue the development of the Block B proposal on marine biodiversity conservation for presentation to the GEF as soon as possible.
  6. An open intersessional drafting group led by Jamaica revise the "Strategy for the Development of the Caribbean Environment Programme 2002-2006" (UNEP (DEC)/CAR IG.19/7) based on comments raised during this Meeting and submit the revised Strategy and circulate by email to Member Governments by 15 September 2001 for review and comment. Comments will be incorporated in a new draft and submitted to the Tenth IGM for consideration and appropriate action.
  7. The First Meeting of the Contracting Parties to the SPAW Protocol to be held in Havana, on 24 and 25 September 2001, review the report on the activities of the SPAW/RAC since its opening and make recommendations for further actions as necessary.
  8. The Government of France review, along with the Secretariat, the current terms of reference for the SPAW/RAC and letter of agreement which establishes the RAC, with a view to present a revised proposal to the Tenth IGM, based on the discussions held during this Meeting.
  9. In keeping with United Nations General Assembly Resolutions 54/225 and 55/203 on promoting an integrated management approach to the Caribbean Sea in the context of sustainable development and noting that CEP and the CARICOM Secretariat provided crucial support for these resolutions, recommends that governments of the Wider Caribbean accede to or ratify the Cartagena Convention and its Protocols to signal decisive action in the context of these United Nations resolutions. The Meeting further recommends that CEP and CARICOM Secretariat jointly promote this effort at upcoming policy meetings of UNEP, the Association of Caribbean States (ACS) and CARICOM.



10. The Meeting further agreed, with regard to Regional Activity Centres:
- a) To welcome the two proposals for the establishment of a RAC for land-based sources of marine pollution (LBS) in the Wider Caribbean received from two well-established institutions – the CIMAB of Cuba and the IMA of Trinidad and Tobago;
  - b) To recognize that, with regard to the implementation of the LBS Protocol, there is scope for more than one RAC for the Wider Caribbean Region and that, as such, both existing institutions, that is, CIMAB and IMA, would be designated to function as RACs. For this purpose, CIMAB and the IMA are requested, with a view to taking advantage of the strengths of both institutions, to collaborate in formulating a new proposal combining the respective areas of expertise/specialisation of each institution in a complementary manner for submission to the Tenth IGM for its consideration and decision.
  - c) To request that the secretariat provide, for the guidance of the Tenth IGM, information on the new proposal from the IMA and CIMAB to enable a decision to be made based on the technical, financial and other merits of the proposal, taking into account the needs of the region and specifically the necessity to have sustainable programmatic outcomes.
  - d) To request that the secretariat, with the assistance of the interested member Governments review the 1992 Concept Paper for Regional Activity Centres and Regional Activity Networks (UNEP (OCA) CAR WG.10/3), given the new developments in marine science and information technology, and taking into account the experience of other RACs and RANs in other regions and the need to establish clear relationships between RACs and RANs and ISTACs and STACs for submission to the Tenth IGM for review.
  - e) To call for an early review of the existing and proposed RACs, and thereafter regular reviews, bearing in mind the experience of the RACs in the Wider Caribbean, and the need to look at standardizing successful elements and establishing links between the RACs and RANs for different programme areas.
  - f) To ensure that, in principle, the RACs pursue sustainability and financial self-sufficiency, and avoid dependence on the Caribbean Trust Fund for core operations.



## ANNEX III

### Report of the Working Group

#### **Proposed Draft Rules of Procedure of the Caribbean Environment Programme Council for the Meetings and Conferences Convened within the Framework of the Action Plan for the Caribbean Environment Programme**

#### **1. Background**

At the Thirteenth Meeting of the Monitoring Committee on the Action Plan for the Caribbean Environment Programme and Special Meeting of the Bureau of the Contracting Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, the Rules of Procedure for the Caribbean Environment Programme were addressed in agenda item 6.

When presenting the item at the Plenary, the secretariat made a presentation on the status of the question, during which the following issues were pointed out:

- a) The purpose of the rules of procedure is to provide “autonomy” to CEP, provide clear guidelines to the secretariat and to consider all the existing procedural rules and proposals that have been discussed previously;
- b) The legal basis for the rules of procedures *mutatis mutandis* rests on the application of rules of procedure of the UNEP Governing Council, a request made at the Fifth Intergovernmental Meeting and the Second Meeting of the Contracting Parties, and subsequent decisions of the Intergovernmental Meeting;
- c) As background, the need to improve the coordination of legal instruments, programmes and activities for the sustainable development of the marine environment in the Wider Caribbean Region was pointed out. At present there are:
  - i) Two instruments, namely, the Caribbean Environment Programme and the Cartagena Convention and its Protocols; and
  - ii) Two different governing structures, namely, the Intergovernmental Meeting (composed of 36 Governments, which in turn consist of two bodies: the Monitoring Committee and the Meeting of Experts), and the Meeting of the Contracting Parties of the Cartagena Convention (composed of 28 potential Parties, 21 of which are already members, and which has three entities: the Bureau of the Contracting Parties and the STAC and ISTAC Committees
- d) The key points to be considered are: decision-making authorities, the inter-relationship between the two bodies, the relationship between the subsidiary bodies and their corresponding main bodies and, finally, voting rights (Government versus independent countries, overseas territories and central governments).

Following the presentation, the participating delegations made comments and recommendations, which focused mainly on the need to establish an intersessional working

group to revise the proposals made and present a report, in order to find a solution to the long-standing process, which has postponed deliberations on this issue. The intersessional group could consist of law experts, as well as other technical and political advisers, who should be decided on by the Plenary, in an attempt to find solutions to pending issues. To provide guidance to the intersessional group, an agreement was reached to establish a working group that would analyse the matter and report to the Plenary, in order to have a general framework with which to define the terms of reference for the work to be carried out by the intersessional group.

## **2. Composition and scope of the working group**

The Working Group was composed of representatives of the following delegations: Costa Rica, who was entrusted with the task of chairing the group, Cuba, Jamaica, Trinidad and Tobago and United States of America.

The Working Group held several sessions and finally prepared the present report;

Definition of the scope of work. The Working Group, in considering the mandate received from the Plenary, considered that its deliberations should focus on identifying background and substantive elements that would guide the future work of an intersessional group of experts. It was considered important to identify concerns, apparent legal inconsistencies or potential points of conflict arising from the documentation available to be taken into account in future work. The Group noted the existence of three draft proposals of the rules of procedure, the contributions made by the secretariat in its presentation to the Plenary of item 6 and other relevant information contained in footnotes to document UNEP(DEC)/CAR IG-19/3, and the comments made by the Government representatives.

Deliberations and format for presenting the report. At the beginning of the deliberations, the Working Group encountered difficulties when attempting to make legal observations when revising the proposed draft rules, owing to the professional background of some of its members. It therefore decided to make observations and general comments that would help

to identify the most relevant concerns and general weaknesses of the rules of procedure and to leave the more specific for later.

The above decision was made bearing in mind the general interest that exists in identifying, to the extent possible, proper mechanisms and procedures to facilitate the harmonious application of the Cartagena Convention and the Caribbean Environment Programme, in view of their shared historic and programmatic background and the need for efficient use of the financial resources available. The goal is to achieve a high level of transparency in the operation of both entities and in the level of formal commitments made by States, as well as formal decision-making mechanisms.

### **3. General observations**

- a) The positive efforts made thus far, with the valuable collaboration of the secretariat, to advance the rules of procedure in a harmonious context are acknowledged. Although the resulting documents are, no doubt, a basis for future deliberations, there is a need for conceptual, political and legal fine-tuning.
- b) Some conceptual difficulties or lack of information and background need to be resolved in order to have clarity with regard to the way forward in the establishment of the rules of procedure.
- c) The different legal nature of the entities of the Cartagena Convention and the Caribbean Environment Programme Plan is acknowledged, as is the necessary interrelation between them.
- d) There is interest in holding joint meetings of the different bodies of the Caribbean Environment Programme and the Cartagena Convention for with a view to making the best use of the scarce financial resources. However, this situation could reduce the transparency of the decision-making process and the definition of rights and responsibilities of the Parties to the two bodies, which have a different membership, which could, in turn bring about legal responsibilities or consequences.
- e) There are problems regarding the legal interpretation of the scope of some of the legal norms that affect both the Caribbean Environment Programme and the Cartagena Convention and regarding the possibility of conducting a unified process for the establishment of rules of procedure, since there is no absolute clarity with regard to the nature and legal framework governing the interrelations among the different entities concerned.
- f) In accordance with Article of the Cartagena Convention, the rules of procedure are restricted to regulating the Meetings of the Contracting Parties, which should be unanimously agreed.
- g) The Cartagena Convention does not create an international organization or entity with international legal capacity, but neither does it create an entity that provides for the participation of third parties non-members of the Convention. In principle, the rules do not allow for the creation of new organs (i.e. the proposal for the creation of a Council).

- h) The Caribbean Environment Programme does not have its own legal nature and its direct connection to the legal framework of the Cartagena Convention is not explicit.
- i) There is a desire to protect the interests of the Parties in both entities (Cartagena Convention and CEP) without limiting their power to act; but it is also necessary to recognize the existence of different memberships. This situation is directly related to the competence to approve and apply rules and the impossibility of creating or limiting rights and obligations of third parties who are part of another entity. In this regard, the existence of organizations with similar problems was mentioned. These organizations have adopted adequate voting control systems through the assignment of observer status to those States or Parties who are not allowed to vote but are allowed to express their opinion (London Convention). This would have to be analysed taking into account the fact that, until now, the practice has been to take consensus decisions.
- j) In sum, there is a general interest in regulating a de facto situation that has historically been maintained with a relative margin of legal insecurity, in order to obtain transparency within an efficient framework.

#### **4. Specific comments**

- a) What is the legal nature of the Caribbean Environment Programme?
- b) Is the Caribbean Environment Programme a binding international legal instrument for the States who have adopted it? What are the obligations and rights derived from it and what are the consequences in case of non-compliance? Which is the legal nature, from the point of view of international law, of the bodies and mechanisms created by it? Is it a subject of international law?
- c) It is clear that the Cartagena Convention is an international agreement, but it does not create any international legal entity. Can it therefore establish contracts with other parties?

- d) In line with the previous questions, what is the legal nature of the relationship between the Cartagena Convention and the Caribbean Environment Programme, despite the fact that there is no specific reference to this in the Convention?
- e) Would the Cartagena Convention be the basis for endowing the Caribbean Environment Programme with the capacity to become the programming and financial instrument or mechanism of the Convention, based on an interpretation of Articles 4 to 15 of the Convention? If so, could bodies not explicitly identified in the Convention (e.g. a Council) be created under the rules of procedure of the Contracting Parties to the Cartagena Convention?;
- f) Could the rules of procedure of the Contracting Parties to the Cartagena Convention make provision for the participation of States that are not parties to the Convention, or of other organizations not included in the Convention? If so, what would be the legal scope of such participation? If this were not possible, two separate rules of procedure would be required;
- g) Considering the different legal nature of the Caribbean Environment Programme and the Cartagena Convention, what are the real legal possibilities for advancing with joint rules of procedure for the Meetings of the Contracting Parties and CEP?
- h) Based on the draft rules of procedure presented, the Working Group considers that there is still a need for more precision in terms of: dates of the meetings; convening special sessions; relations between the subsidiary bodies and their main bodies; nature and/or extent of their decision-making capacity and mechanisms for submitting recommendations for further action or approval.

## **5. Legal considerations**

Should it be finally considered legally not feasible to develop integrated rules of procedure, the following elements, which are not exhaustive, could serve as a reference:

1. The rules of procedure for the Cartagena Convention should be based on the mandate established in Article 20 and be as simple and efficient as possible. Since they only pertain to the Convention, they should not necessarily follow the same pattern or format of other international entities, which utilize complex mechanisms.
2. The rules of procedure for the Meetings of the Contracting Parties to the Convention could include provisions to regulate the participation in its work programmes of other regional organisms and other Parties that are not members of the Convention itself. Of particular in this context is the definition of the role that the Economic Commission for Latin America and the Caribbean (ECLAC) is expected to assume, not only within the framework of the Convention but also of the Caribbean Environment Programme.
3. The attempt should be made to consolidate formally and specifically the role of UNEP as the programming mechanism, technical secretariat and financial administrative mechanism for resources aimed at fulfilling the objectives of the Convention. In this case, it is equally relevant to agree upon the designation of the UNEP representative for

both entities, which are currently different people. An analysis must also be made with regard to the appropriateness of rules of procedure and the formalities related to its later adoption by the UNEP Governing Council, to endow the Executive Director with authority.

4. The necessary measures should be adopted to guarantee individualization and distinction between the documentation of one or the other body, with a view to maintaining the autonomy of each one of them, within the framework of their competence and responsibilities.
5. UNEP would continue to serve as the secretariat of the Convention, following clarification of the above-mentioned question. In addition, clarification is needed with regard to the presentation of UNEP as secretariat of the Convention and the Caribbean Environment Programme.



## ANNEX IV

### **Proposed Financial Rules of the Caribbean Environment Programme for the Meetings and Conferences convened within the framework of the Action Plan for the Caribbean Environment Programme**

#### **1. Background**

At the Thirteenth Meeting of the Monitoring Committee on the Action Plan for the Caribbean Environment Programme and Special Meeting of the Bureau of the Contracting Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, the Financial Rules for the Caribbean Environment Programme were addressed in agenda item 7.

The secretariat presented document UNEP(DEC)/CAR IG.19/4, which had been prepared for the Meeting to explain the evolution of, and to simplify, the two different proposals related to the Financial Rules for the Cartagena Convention, the Meetings and Conferences of CEP and of the Caribbean Trust Fund. The document consisted of two parts: the first contained the most recent proposal presented at the Ninth Intergovernmental Meeting and Sixth Meeting of the Contracting Parties, (UNEP(DEC)/CAR IG.17/7); and the second contained the proposal originally submitted to the Seventh Intergovernmental Meeting and Fourth Meeting of the Contracting Parties (UNEP(OCA)/CAR IG.12/7, annex V, appendix II).

The secretariat pointed out that decisions on the various proposals had been repeatedly deferred to subsequent Intergovernmental Meetings since 1994, and ultimately to the current Meeting. In justifying the need to adopt financial rules, the secretariat specifically mentioned three points:

- a) The need for a legal justification for issuing invoices;
- b) The fact that some member countries lacked a legal base to pay their contributions;
- c) The fact that no disbursement from the Trust Fund could be authorized unless funds were received, as that could jeopardize contracts, projects and other commitments.

The secretariat explained that part I of UNEP(DEC)/CAR IG.19/4 was a simplification of previous versions combined into one single proposal of financial rules for the Caribbean Trust Fund. The simplification involved three elements that had been presented as either redundant or inefficient, namely that:

- a) The creation of a separate financial mechanism for the Cartagena Convention, is redundant and should be avoided, because the Convention was the legal mechanism of the Caribbean Environment Programme and its Action Plan, and, as such, did not constitute a separate entity;
- b) No financial mechanism for the Meetings and Conferences of CEP was needed because the potential coercive measure with regard to the withholding of voting rights that could be used to ensure payment of contributions was rendered ineffective by the voluntary nature of the contributions to the Trust Fund;

- c) Remarks about the obligations of the Executive Director of UNEP should be deleted, because the United Nations financial rules for the management of the Trust Fund already defined responsibilities that were coherent with those proposed.

The Meeting agreed to revise the proposed financial rules accordingly and prepare a new draft, which would also be considered by the working group on the rules of procedure, to ensure the necessary harmonization and compatibility.

The Working Group held a session and finally prepared a new draft with the inputs of the delegates.

## **2. Recommendation**

The Working Group recommended that a proposal be made to the next Intergovernmental Meeting that would allow for up to 25 per cent of the annual ordinary contribution of member Governments to be made in kind.

## **Terms of Reference for the Caribbean Trust Fund of the Caribbean Environment Programme**

### **Purposes**

1. The Caribbean Trust Fund (hereinafter referred to as the "Trust Fund") was established in 1983 to provide financial support for the common costs and activities associated with the implementation of the Action Plan for the Caribbean Environment Programme (CEP). The Trust Fund further serves to provide support to the common costs and activities of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena Convention). The common costs and activities of the Action Plan and Cartagena Convention are collectively defined through the workplan and budget for CEP adopted on a biennial basis at the Intergovernmental meeting of the Caribbean Environment Programme and Meeting of the Contracting Parties of the Cartagena Convention.
2. The Eighth Intergovernmental Meeting on the Action Plan for the Caribbean Environment Programme and Sixth Meeting of the Contracting Parties to the Cartagena Convention decided that the Trust Fund would serve as the "primary funding base" of CEP and that the overall coordination and common costs of CEP should be fully funded through the contributions to the trust fund. Therefore, the level of contributions should, at a minimum, guarantee the overall coordination and common costs of the secretariat.
3. In addition to the purposes noted in paragraphs 1 and 2 above, the present document serves as the Financial Rules for the Cartagena Convention, as described in Article 20, paragraph 2 of the Cartagena Convention.

### **Definitions**

4. "Fiscal year" means the financial year of the United Nations Environment Programme (UNEP), beginning 1 January and ending 31 December.
5. "Secretariat" means the Caribbean Regional Coordinating Unit of the United Nations Environment Programme (UNEP-CAR/RCU)

### **Resources of the Caribbean Trust Fund**

6. Governments in the Wider Caribbean Region participating in the Caribbean Environment Programme agree to pay voluntary contributions to support the Trust Fund. Voluntary contributions are to be paid on an annual basis at levels agreed to at the Intergovernmental Meetings of CEP and meeting of Contracting Parties to the Cartagena Convention.
7. Contributions made to the Trust Fund are either ordinary or extraordinary. Ordinary contributions shall consist of the amount set for each biennium and agreed to by each member Government for each fiscal year on a biennial basis. Extraordinary contributions are funds provided by member Governments beyond ordinary contributions and includes those contributions made by non-member Governments or other donors. The amount of the

ordinary contribution indicates the ideal voluntary contribution of each CEP member Government.

8. Member Governments will be requested to accept the ordinary contribution level at the time they are set. In the event that this is not possible, the contribution levels will be accepted on an interim basis for a period of 60 days beginning from the last day of the Intergovernmental Meeting and meeting of the Contracting Parties to the Cartagena Convention. Within the 60-day interim period, member Governments shall seek to confirm their contribution level to the secretariat or to indicate any relevant change.
9. All ordinary contributions are due to be paid in the year for which they were pledged.
10. All contributions shall be allocated in United States dollars, in accordance with the relevant provision of the United Nations for the administration of trust funds.
11. All contributions shall be paid in to the following address and account:

**UNEP Trust Fund Account No. 485-000-326**  
JP Morgan Chase  
1166 Avenue of the Americas 17<sup>th</sup> Floor  
New York, NY 10036-2708  
United States of America

Wire transfers should use **ABA No. 021000021**, **SWIFT No. BIC-CHASUS33** or **CHIPS participant No. 0002**

### **Administration**

12. The administration of the Trust Fund is entrusted through the secretariat to the Executive Director of UNEP. The Trust Fund is administered in accordance with the Financial Regulations, Rules and relevant administrative instructions of the United Nations, including the Financial Rules of the Environment Fund. This includes, inter alia, the following:
  - a) Reminding Member States of their obligations to the Trust Fund;

- b) Commitment against the resources of the Trust Fund may be made only if they are covered by the necessary funds. No commitments shall be made in advance of the receipt of contributions covering those commitments. Therefore, the Executive Director is requested to inform the Parties of a risk situation in the level of funds received and has the authority to interrupt personnel contracts and other contracts or commitments if the level of contributions received is not adequate;
  - c) All expenditures shall be made based on supporting documentation, which ensures that payment is due, and where goods and services are involved that they have been received; and
  - d) the end of the fiscal year, the secretariat shall request the Executive Director, to transfer any uncommitted balances to the following year.
13. At the beginning of each fiscal year, the Executive Director, through the secretariat, is authorized to send an invoice or a balance to member Governments of CEP in the amounts agreed, as described in paragraphs 7 and 8 above. In the event that a member Government has not confirmed the amount of its contribution 30 days before the start of the fiscal year the Executive Director is authorized to send an invoice or a balance to that Government in the amount indicated by the Intergovernmental Meeting. Notwithstanding the other provisions of this paragraph, invoices do not represent a legal obligation to pay the indicated amount, nor any other amount, as all contributions to the Trust Fund are voluntary.
14. Annual contributions not received by the end of the respective year shall be accumulated as “unpaid contributions” for each respective member Government and will be described as such in the financial reports stipulated in paragraphs 18-19 below. Unpaid contributions shall be included in the amount invoiced to each member Government on an annual basis. In accordance with UNEP financial practices, contributions paid in any given fiscal year will first be applied toward unpaid contributions. Contributions that exceed the amount of unpaid contributions will be recorded as a contribution toward the fiscal year in which the payment is received.
15. Unpaid contributions not made can be paid in cash or in-kind as agreed between a member Government and the secretariat on a case-by-case basis. In-kind contributions may include the hosting of in-country workshops and meetings of CEP. In-kind contributions will not be allowed in lieu of current year payments. The secretariat, through the authority given in the present paragraph shall ensure that the use of in-kind contributions does not undermine the Trust Fund as the core cash resource of CEP and shall report to the Intergovernmental Meeting on the use of this mechanism.
16. Following a request by the Intergovernmental Meeting, the Governing Council of UNEP is authorized to extend the Trust Fund every two years for a two-year period. In the event that the member Governments wish to extend the term of the Trust Fund beyond its present approved term, the Executive Director of UNEP shall be so advised by the Intergovernmental Meeting, through the secretariat in writing at least six months before that date. Extensions of the Trust Fund requested by member Governments shall be effective subject to the approval of the Governing Council of UNEP.

### **Budget**

17. The budget for a biennium reflecting the workplan for the same period shall be approved by the Intergovernmental Meeting, and will constitute the authorization to the Executive Director of UNEP, through the secretariat, to incur commitments and make payments within the allocations approved by the Intergovernmental Meeting.

### **Financial reporting**

18. The Executive Director shall submit annual reports on the administration of the Trust Fund to the Intergovernmental Meeting.

19. The report on the administration of the Trust Fund shall show:

- a) funds received and expenditures incurred during each fiscal year;
- b) detailed report on the paid and contributions not made of the member Governments;  
and
- b) assets and liabilities of the Caribbean Trust Fund.

### **Audit**

20. The Trust Fund accounts shall be subject exclusively to audit by the United Nations internal and external auditors.

### **Support costs**

21. In accordance with United Nations administrative instruction ST/SGB/188 on the establishment and management of trust funds, and UNEP Governing Council decision GC.20/35, UNEP shall deduct from the income of the Trust Fund an administrative support charge equal to 13 per cent of the expenditures charged to the Trust Fund.

## ANNEX V

### LIST OF DOCUMENTS

#### Working documents

UNEP(DEC)/CAR IG.19/1	Provisional agenda
UNEP(DEC)/CAR IG.19/2	Annotated provisional agenda
UNEP(DEC)/CAR IG.19/3	Proposed Draft Rules of Procedure of the Caribbean Environment Programme Council for the Meetings and Conferences Convened within the Framework of the Action Plan for the Caribbean Environment Programme
UNEP(DEC)/CAR IG.19/4	Proposed Financial Rules for the Cartagena Convention, and the Caribbean Environment Programme, and the Terms of Reference for the Caribbean Trust Fund
UNEP(DEC)/CAR IG.19/5	Status report on the implementation of the Caribbean Environment Programme for the biennium 2000-2001
UNEP(DEC)/CAR IG.19/6	Report of the Thirteenth Meeting of the Monitoring Committee on the Action Plan for the Caribbean Environment Programme and Special Meeting of the Bureau of the Contracting Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (to be prepared during the meeting)
UNEP(DEC)/CAR IG.19/7	Strategy for the development of the Caribbean Environment Programme 2002-2006
UNEP(DEC)/CAR IG.19/8	Draft workplan and budget for the Caribbean Environment Programme for the biennium 2002-2003
UNEP(DEC)/CAR IG.19/9	Proposal from the Government of Cuba: Regional Activity Centre Concerning Pollution from Land-based Sources and Activities

UNEP(DEC)/CAR IG. 19/10

Proposal from the Government of Trinidad and Tobago: Regional Activity Centre Concerning Pollution from Land-based Sources and Activities

**Information documents**

UNEP(DEC)/CAR IG.19/INF.1

Provisional list of documents

UNEP(DEC)/CAR IG.19/INF.2

Provisional List of participants

UNEP(DEC)/CAR IG. 19/INF.3

Report of the Chairperson of the Monitoring Committee and President of the Bureau of Contracting Parties

UNEP(DEC)/CAR IG.19/INF.4

Report by the Government of France on the activities implemented by the Regional Activity Centre (RAC) for SPAW in Guadeloupe

UNEP(DEC)/CAR IG.19/INF.5

International Coral Reef Action Network (ICRAN): a global partnership for coral reefs - a summary

UNEP(DEC)/CAR IG.19/INF.6

Cooperative linkages in marine and coastal biodiversity between the Convention on Biological Diversity (CBD) and the Cartagena Convention

UNEP(DEC)/CAR IG.19/INF.7

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