

## **ASSOCIATION OF CARIBBEAN STATES (ACS)**

### **23<sup>RD</sup> MEETING OF THE SPECIAL COMMITTEE ON SUSTAINABLE TOURISM AND 1<sup>ST</sup> PREPARATORY MEETING OF THE 3<sup>RD</sup> MEETING OF MINISTERS OF TOURISM OF THE GREATER CARIBBEAN (TMM-3)**

**Managua, Nicaragua, June 28<sup>th</sup>-29<sup>th</sup>, 2012**

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### **UPDATE ON THE SUSTAINABLE TOURISM ZONE OF THE CARIBBEAN'S CONVENTION AND ITS PROTOCOL**

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#### **INTRODUCTION**

The Convention Establishing the Sustainable Tourism Zone of the Caribbean (STZC), which was signed at the 3<sup>rd</sup> Summit of ACS Heads of States and/or Governments in Margarita Island, Venezuela was signed on the 12<sup>th</sup> December 2001. The Convention identifies the STZC as:

"A geographically determined cultural, socio-economic and biologically rich and diverse unit, in which Tourism development will depend on sustainability and the principles of integration, co-operation and consensus, aimed at facilitating the integrated development of the Greater Caribbean."

The STZC was conceived to provide a political and operational framework to co-ordinate regional efforts that would contribute to its establishment and the implementation of the technical aspects identified under the "Rules Governing the Identification, Approval and Categorisation of the Destinations that Constitute the STZC". This, aware of the importance of the Tourism industry for the region and recognising the need to ensure that the natural, cultural, social and financial resources needed for its development were managed in a sustainable way.

The development of the STZC has therefore been designed to address the three major problems identified in diverse regional fora, as affecting tourism in the region such as the premature ageing of tourist destinations and their rapid devaluation, changes in consumer preference for the tourism product, and the critical factors impacting the ecosystem and the environment as a result of tourist activity.

However despite its evident uses and benefits and development of the various support mechanism and projects to advance at both the regional and international levels, it should be noted that the STZC Convention and its protocol have not entered into force, pending the signatories of the ACS full membership.

#### **Legal Perspective: Status of Convention Establishing the Sustainable Tourism Zone of the Caribbean and its Protocol**

At the signing of the STZC Convention at Third Summit in Margarita Island, Venezuela, the 25 Heads of State and/or Government of the Greater Caribbean, who were in attendance, noted "the importance of tourism for the economic development of the Greater Caribbean" and

concluded the Convention Establishing the STZC. At that time, the Heads of State/or Government made an appeal for its “early ratification and implementation”. However ten (10) years later, the STZC Convention has not entered into force. This fact has legal, financial and political implications for the success of the initiative of the STZC as envisioned by the Heads of State and/or Government.

The mere act of ratification does not make the treaty binding on States unless and until the treaty has entered into force for that State. Article 9 of the STZC Convention stipulates that it shall come into force thirty days from the deposit of fifteen (15) instruments of ratification. It is only when that provision is satisfied that the ratifying states become ‘parties’ to the treaty as defined within Article 2 (1) (g) of the Vienna Convention on the Law of Treaties<sup>1</sup>.

To date eleven (11) instruments of ratification have been deposited. This means that there is a need to have four (4) ratified agreements deposited before the STZC Convention can have the force of law.

The countries that have signed the Convention but not deposited instruments of ratification include:

- Group of three: Colombia and Venezuela;
- Central America: Honduras;
- Non-grouped countries: Dominican Republic;
- CARICOM countries: Antigua and Barbuda; Barbados; Belize; Dominica; Guyana; Haiti; Jamaica; St. Kitts and Nevis; St. Vincent and the Grenadines; and Suriname.

The Protocol to the Convention Establishing the Sustainable Tourism Zone (the Protocol) was concluded in Panama in February of 2004.<sup>2</sup> This instrument was drafted to accommodate amendments to the STZC Convention at the behest of CARICOM countries<sup>3</sup>. However, like STZC Convention, the Protocol has not entered into force.

By virtue of Article 8 of that instrument entry into force is dependent “upon signature by fifteen Parties to the Convention.”

The implication here is that once the STZC Convention comes into force, so too will the Protocol. Currently there are fourteen (14) signatories to the Protocol, however only seven (7) of these have ratified and deposited the STZC Convention. Therefore eight (8) signatures are required. The status of the signatures and ratifications re to the both instruments is reflected in the table **Annexed I and II**.

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<sup>1</sup> Article 2 (1) (g) of the Vienna Convention on the Law of Treaties provides as follows:

“party” means a State which has consented to be bound by the treaty for which the treaty is in force”

<sup>2</sup> Ministerial Council Agreement No. 4/03 entitled, Agreement Approving the Draft Protocol to the Convention Establishing the Sustainable Tourism Zone of the Caribbean (STZC), 9<sup>th</sup> Ordinary Meeting of the Ministerial Council, Panama City, Panama, November 27, 2003.

<sup>3</sup> Ministerial Council Agreement No. 8/02 entitled, Actions to Facilitate the Ratifications of the Convention Establishing the Sustainable Tourism Zone of the Caribbean, 8<sup>th</sup> Ordinary Meeting of the Ministerial Council, Belize City, Belize, November 29, 2002.

## PRAGMATIC APPROACH TO THE STZC PROJECT

The Sustainable Tourism Directorate's decision to move ahead the project on Developing and Implementing Sustainable Tourism Indicators in the Greater Caribbean has been successful in giving life to the STZC concept by providing tangible and practical tools for the selection and evaluation of tourism destinations to become part of the STZC.

At this moment the various actions and activities generated within the STZC Project scope are at a destination, institutional and regional level and are as follows:

- Completion of the First and Second Phase of the Project for the Expansion of the Sustainable Tourism Zone of the Greater Caribbean (STZC)" with the evaluation of twelve additional destinations;
- Convening of the 8<sup>th</sup> Meeting of the Group of Experts on Sustainable Tourism Indicators (STIE-8) to discuss and disseminate information on the Second Phase of the STZC Indicators;
- Development of a concept for an Internet site dedicated to the STZC.
- Development of the following destination evaluation tools :
  - Guidelines for the Selection of Applicant Destinations
  - Destination Profile Form Template
  - Destination Evaluation Form
  - Indicative Guide to Destination Evaluation Form
  - List of Suggested Sectors Stakeholders for attending STZC Applicant Destination Workshops;
- Drafting of Project Concept Documents (PCDs) to facilitate the resource mobilisation outreach to funding agencies and/or donor countries for projects and activities identified as having the potential to strengthen and operationalise the STZC as follows:
  - Implementation of the STZC Website (Internet based management information tool) created for the management of general information on the STZC and its establishment process, destinations profiles, and destination management tools and resources.
  - The establishment of STZC Regional Co-operation Mechanism to facilitate the consultation among the STZC stakeholders as well as their interaction with regional and international agencies/organisations on STZC implementation matters.
  - Development of the STZC Observatory aligned to the United Nations World Tourism Organization (UNWTO) Global Tourism's (GOST) initiative as an information management tool to improve the exchange between national and local level tourism organisations and promote the use of indicators and related tools.
  - Convening of national and/or regional capacity building exercises on Destination Evaluation and Management.
  - Expansion of the Sustainability Indicators Project to include at least one destination in each of the ACS Member States.

## RECOMMENDATIONS FOR THE WAY FORWARD

Finally, it is vital that the main legal instrument on sustainable tourism for the Greater Caribbean, the Convention Establishing the Sustainable Tourism Zone of the Caribbean (STZC) and its Protocol, be ratified and entered into force. The support of Ministers of Tourism is a crucial catalyst in promoting the necessary actions in each State.

In seeking to advance in this regard the Secretariat recommended a two tier approach:

- ❖ The first tier: the Chair to work directly with his colleague Ministers of Tourism to encourage the signing and ratification of this instrument in order to facilitate its entry into force. This document suggested as
- ❖ The second tier: The establishment of a Working Group to keep under constant review the Status of the Legal Instruments of the ACS, with a view to expedite their entry into force, considering that other main legal instruments of the Association, to wit *The Protocol on Privileges and Immunities*, *The Agreement for Regional Co-Operation in the Area of Natural Disaster* have also not entered into force. This model was successfully employed in 2007 when as a more collective strategy, a Working Group comprising of Ambassadors accredited to the Association, including the Depositary State and the Secretary General was formed to advance pending ACS Agreements. The DST further suggests that this approach be proposed at the 16<sup>th</sup> Intersessional Meeting of the Ministerial Council for onward submission to the 17<sup>th</sup> Meeting of the Ministerial Council for Member States consideration and approval.

## CONCLUSION

It has become critical for the Convention to enter into force since it impacts factors such as the mobilization of resources and the validity of the projects to be pursued. In the absence of a fully effective Convention the international community is reluctant to pledge resources to an initiative that does not possess the basic constitutive instrument in the form of its own convention. The failure to give effect to the Convention gives the impression that there is little or no faith in the initiative by the very states that have set it in motion.

It should be recognized that the establishment of the STZC is a world pioneer initiative that would promote the advances made by Greater Caribbean in terms of incorporating the principles of sustainable development in integrated tourism planning and management.

## ANNEX I

**Convention establishing the Sustainable Tourism Zone of the Caribbean (STZC)**

(not yet entered into force)

According to Article 9, shall enter into force upon deposit of instruments of ratification by 15 of the States, Country or Territory

Done in 12/12/01

Total number of ratifications: 11

Total number of ratifications needed to enter into force: 4

State	Signature	Ratification
<b>CARICOM</b>		
Antigua and Barbuda	12/12/01	
Bahamas	12/12/01	4/07/07
Barbados	12/12/01	
Belize	12/12/01	
Dominica	12/12/01	
Grenada	12/12/01	22/08/02
Guyana	12/12/01	
Haiti	12/12/01	
Jamaica	12/12/01	
St. Kitts and Nevis	12/12/01	
St. Lucia	28/7/05	
St. Vincent and the Grenadines	12/12/01	
Suriname	12/12/01	
Trinidad and Tobago	27/07/04	13/11/06
<b>Member States by group of countries and Associate Members</b>		
<b>GROUP OF THREE</b>		
Colombia	12/12/01	
Mexico	12/12/01	11/11/03
Venezuela	12/12/01	
<b>CENTRAL AMERICA</b>	<b>CENTRAL AMERICA</b>	
Costa Rica	12/12/01	1/3/11
El Salvador	12/12/01 with reservation	05/09/05
Guatemala	12/12/01 with reservation	10/04/08
Honduras	12/12/01	
Nicaragua	12/12/01 with reservation	23/10/07
<b>NON GROUPED COUNTRIES</b>	<b>NON GROUPED COUNTRIES</b>	
Cuba	12/12/01	18/10/05
Dominican Republic	12/12/01	
Panama	12/12/01	30/06/04
<b>ASSOCIATE STATES</b>	<b>ASSOCIATE STATES</b>	
Aruba		
France in respect of French Guiana, Guadeloupe and Martinique	12/12/01	Deposit of the Instrument of Approval 09/10/02
Netherlands Antilles		
<b>TERRITORIES ELIGIBLE FOR ASSOCIATE MEMBER STATUS</b>		
Montserrat		

## ANNEX II

**Protocol to the Convention establishing the Sustainable Tourism Zone of the  
Caribbean**

(not yet entered into force)

Of the total number of signatures obtained, 7 are from Contractual Parties to the main Convention

<b>State</b>	<b>Signature</b>
<b>CARICOM</b>	
Antigua and Barbuda	
Bahamas	
Barbados	12/02/04
Belize	
Dominica	
Grenada	
Guyana	
Haiti	15/12/04
Jamaica	27/07/04
St. Kitts and Nevis	
St. Lucia	28/07/05
St. Vincent and the Grenadines	
Suriname	12/02/04
Trinidad and Tobago	27/07/04
<b>Member States by group of countries and Associate Members</b>	
<b>GROUP OF THREE</b>	
Colombia	
Mexico	12/02/04
Venezuela	
<b>CENTRAL AMERICA</b>	<b>CENTRAL AMERICA</b>
Costa Rica	15/12/04
El Salvador	14/11/07
Guatemala	15/12/04
Honduras	
Nicaragua	12/02/04
<b>NON GROUPED COUNTRIES</b>	<b>NON GROUPED COUNTRIES</b>
Cuba	12/02/04
Dominican Republic	12/02/04
Panama	12/02/04
<b>ASSOCIATE STATES</b>	<b>ASSOCIATE STATES</b>
Aruba	
France in respect of French Guiana, Guadeloupe and Martinique	
Netherlands Antilles	
<b>TERRITORIES ELIGIBLE FOR ASSOCIATE MEMBER STATUS</b>	
Montserrat	