

ASSOCIATION OF CARIBBEAN STATES (ACS)

24TH MEETING OF THE SPECIAL COMMITTEE ON SUSTAINABLE TOURISM (SCST-24) AND 2ND PREPARATORY MEETING OF THE 3RD MEETING OF MINISTERS OF TOURISM OF THE GREATER CARIBBEAN

Port-of-Spain, Trinidad, July 16-17, 2013

RATIFICATION OF TREATIES OF THE ASSOCIATION OF CARIBBEAN STATES: OFFICE OF THE ACS LEGAL ADVISER

RATIFICATION DEFINED

Ratification is "the international act so named whereby a State establishes on the international plane its consent to be bound by a treaty"¹. The rationale for ratification is to provide negotiating states with time, before giving their consent to be bound, following the adoption and signature of a treaty. In some cases the treaty may require legislation; or the constitution of the state may require parliamentary approval of the treaty or the state may simply require time to consider the implications of the treaty.

The requirement of ratification to establish the consent of a state to be bound is provided for within the text of the treaty. Thus for example, the Association of Caribbean States *Convention for the Establishment of the Sustainable Tourism Zone (STZC Convention)* at Article 7 stipulates that:

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

Whether and when ratification will bring the treaty into force for the state will depend on the provisions of the treaty. Accordingly, Article 9 of the STZC Convention provides that:

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

Therefore the STZC Convention requires fifteen states to deposit instruments of ratification before the treaty enters into force.

THE PROCESS OF RATIFICATION

Ratification consists of firstly the execution of an instrument of ratification by the executive and secondly either its exchange for the instrument of ratification of the other state (bilateral treaty) or the lodging of the instrument of ratification with the depositary (multilateral treaty).

Execution of the instrument of ratification

An instrument of ratification must give clear and unambiguous expression to its intention to be bound. The instrument must therefore:

¹ Article 2(1) (b) Vienna Convention on the Law of Treaties.

1. identify the treaty by its title, the date and place the treaty was concluded;
2. give the name and title of the person signing the instrument;
3. state when and where the instrument was issued. (Example attached at **Appendix 1**)

The instrument of ratification is to be signed on behalf of the state by either the head of state, head of government or foreign minister depending on the constitution and practice of the state. If another person signs, full powers granting authority to that person to do so will need to be produced.

Upon execution, the instrument is sent along with a Note Verbale to the Office of the Director of International Legal Matters, Ministry of Foreign Affairs, Colombia. This office will subsequently notify the Association of the deposit of the executed instrument. (contact information as **Appendix 2**).

LIST OF ANNEXES:

Appendix 1: Example of an Instrument of ratification

Appendix 2: Contact Information

Appendix 3: Status of Ratification of the STZC Convention and Protocol

APPENDIX 1

(Emblem)

INSTRUMENT OF RATIFICATION

WHEREAS the Convention Establishing the Sustainable Tourism Zone of the Caribbean was adopted and opened for signature at the 3rd Summit of the Association of Caribbean States on 12th December 2001 in Margarita Island, Bolivarian Republic of Venezuela.

AND WHEREAS, THE SAID Convention has been signed on behalf of the Government of XXX on 12th December, 2001.

NOW THEREFORE, the Government of the Commonwealth of XXX, having considered the above-mentioned Convention, hereby ratifies the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I Carl Thomas, Prime Minister, have hereunto set my hand and affixed my seal.

DONE, at the Ministry of Foreign Affairs, ABC, XXX, this 4th day of July 2013.

Carl Thomas
PRIME MINISTER

(SEAL)

APPENDIX 2

Contact at the Ministry of Foreign Affairs of Colombia

Alejandra RODRIGUEZ CORTÉS

Abogada

Grupo Interno de Trabajo de Tratados

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APPENDIX 3

**Convention Establishing the Sustainable Tourism Zone of the Caribbean (STZC)
(not yet entered into force)**

According to Art. 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: 12

Total number of ratifications needed to enter into force: 3

State	Signature	Ratification
CARICOM		
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
Member States by group of countries and Associate Members		
GROUP OF THREE	GROUP OF THREE	
Colombia	12/12/01	
Mexico	12/12/01	11/11/03
Venezuela	12/12/01	
CENTRAL AMERICA	CENTRAL AMERICA	
Costa Rica	12/12/01	1/3/11
El Salvador	12/12/01	05/09/05
	with reservation	
Guatemala	12/12/01	10/04/08
	with reservation	
Honduras	12/12/01	
Nicaragua	12/12/01	23/10/07
	with reservation	
NON GROUPED COUNTRIES	NON GROUPED COUNTRIES	
Cuba	12/12/01	18/10/05
Dominican Republic	12/12/01	5/6/12
Panama	12/12/01	30/06/04
ASSOCIATE STATES	ASSOCIATE STATES	
Aruba		
France in respect of French Guiana, Guadeloupe, Martinique, Saint Martin and Saint Barthelemy	12/12/01	Deposit of the Instrument of Approval 09/10/02
Curacao		
Saint Maarten		
Saba		
Saint Eustatius		
Bonaire		

**Protocol to the Convention Establishing the Sustainable Tourism Zone of the
Caribbean
(not yet entered into force)**

According to Article 8, shall enter into force upon signature by 15 Parties to the Convention Establishing the Sustainable Tourism Zone of the Caribbean.

Of the total number of signatures, (14) obtained, 9 are from states that have deposited instruments of ratification to the main Convention.

State	Signature
CARICOM	
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
Member States by group of countries and Associate Members	
GROUP OF THREE	GROUP OF THREE
Colombia	
Mexico	12/02/04
Venezuela	
CENTRAL AMERICA	CENTRAL AMERICA
Costa Rica	15/12/04
El Salvador	14/11/07
Guatemala	15/12/04
Honduras	
Nicaragua	12/02/04
NON GROUPED COUNTRIES	NON GROUPED COUNTRIES
Cuba	12/02/04
Dominican Republic	12/02/04
Panama	12/02/04
ASSOCIATE STATES	ASSOCIATE STATES
Aruba	
France in respect of French Guiana, Guadeloupe and Martinique, Saint Martin and Saint Barthelemy	
Curacao	
Saint Maarten	
Saba	
Saint Eustatius	
Bonaire	