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ORIGINAL: SPANISH

ASSOCIATION OF CARIBBEAN STATES (ACS)

OPERATING STATUTE AND RULES OF PROCEDURE OF THE CARIBBEAN SEA COMMISSION

PREAMBLE

The Caribbean Sea Commission (hereinafter referred to as "the Commission");

Recognising the importance of the Caribbean Sea to the continued development and well-being of the peoples of the Caribbean region;

Recalling the on-going initiative of the ACS to have the Caribbean Sea declared a *Special Area in the Context of Sustainable Development*; (hereinafter the "Special Area");

Conscious of the continuing efforts of the Members and Associate Members, the Secretariat of the Association, the United Nations Economic Commission for Latin America and the Caribbean (ECLAC) and delegations of Members of the Association accredited to the United Nations;

Mindful of Agreement 6/06 (hereinafter the "Agreement") adopted at the Eleventh Ordinary Meeting of the Council, Port-of-Spain, Trinidad and Tobago, 28 March, 2006; (hereinafter Agreement 6/06);

Mindful of Agreement No. 9/95 and No. 7/95, which establish the rules of procedure of the Ministerial Council and the terms of reference of the Special Committees;

OPERATING STATUTE AND RULES OF PROCEDURE OF THE CARIBBEAN SEA COMMISSION

I. OBJECTIVES, PRINCIPLES AND FIELDS OF CO-OPERATION

The Special Area

For the purpose of this Statute and rules of procedure, the Special Area means the Semi-Enclosed Sea, as defined in **Annex 1**, including its resources and appurtenant coastal areas, which, for acknowledged technical reasons relating to its oceanographic and ecological condition, requires the adoption of special measures which are consistent with International law; for its preservation and sustainable use, with due regard to economic, social and environmental parameters.

None of the measures adopted by the Commission shall affect the sovereignty, sovereign rights or jurisdiction of States over their jurisdictional waters and resources.

Rule 1 **Objectives**

The objective governing the operation of the Commission shall be:

To carry out the strategic planning and technical follow-up work for the advancement of the Caribbean Sea Initiative and to formulate a practical and action-oriented work programme for the further development and implementation of the Initiative.

The work programme will pursue:

a) to promote the sustainable use and optimisation of the resources and integrated management of the Caribbean Sea and its services for the benefit of the States and peoples of the Caribbean Sea;

b) to create a greater public awareness regarding the importance of the Caribbean Sea, its resources and potential for the development of the States, Countries and Territories of the region, and promote co-operation among them, as well as between them and other States, bearing in mind, inter alia, the international law of the sea, and without prejudice to those States which are not Contracting parties to some of the relevant instruments which govern the regime of the international law of the sea, the Regional Seas Programme of the

United Nations Environment Programme as well as other international agreements;

c) to establish a forum where the parties States and Associate Members of the ACS and other interested States and territories could consider, examine and review the economic, social and recreational uses of the Caribbean Sea, its resources and related activities, including those undertaken within the framework of intergovernmental organizations, and to identify fields in which they could benefit from enhanced international co-operation, co-ordination and concerted action;

d) to enhance the economic and social development of parties States and Associate Members of the ACS and other interested States and territories, through integration of ocean-related activities in their respective development processes, and to further a policy of integrated ocean management through regular and continuing dialogue and international and regional cooperation with particular emphasis on technical co-operation among developing countries;

e) to propose to the Ministerial Council the legal framework for regional and international acceptance of the Special Area in the context of sustainable development, so as to attain the objectives set out above, and to ensure the protection and preservation of the biological diversity of the environment of the Caribbean Sea, taking into account the sovereign rights of states over their resources.

II. PRINCIPLES INFORMING ATTAINMENT OF THE OBJECTIVES

Rule 2

Principles Informing the Attainment of the Objectives

In carrying out its strategic planning and drawing up its work programme, the Commission shall be guided by the following Principles:

a) respect for the sovereignty, sovereign rights or jurisdiction of littoral States over areas of national jurisdiction;

b) development of national capabilities in marine affairs of the parties States and Associate Members of the ACS and other interested States and territories with a view to promoting and continuing to strengthen self-reliance in ocean management;

c) due regard for the rights and obligations of non-littoral States of the Caribbean Sea within the context of the international law of the sea, and

~~without prejudice to those States which are not Contracting parties to some of~~
the relevant Instruments which govern the regime of the international law of the sea, as well as other multilateral Environmental Agreements; and

d) to promote as wide participation as possible of the peoples of the States of the Caribbean region in achieving the above objectives.

Rule 3

Fields of co-operation

The Commission shall give priority to co-operation in the following areas:

- a) marine science, ocean services and marine technology;
- b) living resources;
- c) non-living resources;
- d) ocean law, policy and management;
- e) tourism, marine transport and communications;
- f) marine environment; and
- g) other fields relevant to co-operation in marine affairs.

Rule 4

Relationship to the Organs and Structures of the ACS

1. In carrying out its mandate under the Statute, the Commission shall report annually to the Ministerial Council presenting such recommendations it considers necessary for advancing its objectives.
2. The Commission shall keep the Presidential Follow-Up Group, established by the Fourth Summit of Heads of State/Government, informed of its work, through the ACS Ministerial Council.
3. The Commission may establish such sub-Commissions or other subsidiary entities as it deems necessary in order to fulfil its mandate under this Operating Statute and these Rules of Procedure, which shall be proposed to the Ministerial Council for its approval. The Commission shall establish the Rules of Procedure of any sub-Commission or subsidiary entities it may establish.

Rule 5
Relations with other Organizations

The Commission shall promote the establishment of effective relations and close co-operation with the relevant agencies and bodies of the United Nations and with other governmental and non-governmental organizations, agencies and institutions that participate actively in the areas within its mandate.

Rule 6
Resources

1. The resources of the Commission may include:

a) the voluntary contributions of all Members and Associate Members of the Association, with the aim of ensuring the financial sustainability of the Commission;

b) other funds whose receipt is consistent with the principles and objectives for which the Commission was established. All donations shall be channeled through the Secretary-General; and

c) contributions of a non-financial nature whose receipt is consistent with the purposes for which the Commission was established as determined by the Secretary General in consultation where necessary, with the Chair of the Commission.

2. The Budget of the Commission shall be established by a Committee comprising the Chairperson of the Commission, and Vice-Chairs, the United Nations Economic Commission for Latin America and the Caribbean and the Secretary-General of the ACS. The budget should be based on a proposed Work Programme and accompanied by a Plan of Action for mobilization of the required resources. It shall be presented to the Council of the Special Fund for comments on its viability and the availability of resources. The budget shall be adopted by consensus by the Commission.

3. In securing the resources required for financing the activities of the Commission as mandated by this Statute, the Secretary-General, in consultation with the Chair when it is necessary, is hereby authorized to enter into discussions with regional development banks, private sector entities, multilateral agencies, and other sources as may be identified.

4. The Members of the Association may voluntarily assist the Secretariat in the mobilization of resources from bilateral, intra-regional and international sources. Members and Associate Members may also contribute additional

~~resources in respect of programmes and/or activities in which they have an~~
expressed interest. Such contributions shall not, however, be to the prejudice to the overall objectives of the Commission;

Rule 7
Frequency of sessions

The Commission shall meet as often as required, for the efficient exercise of its functions, but it shall hold at least one (1) ordinary meeting annually and the extraordinary meetings that may be necessary. The sub-Commissions or subsidiary entities established under paragraph 4.3 above shall meet as required and shall report to the next ordinary meeting of the Commission, or as otherwise mandated.

Rule 8
Place of sessions

The Commission shall meet in general at the headquarters of the Association. Whenever circumstances warrant or the business of the Commission so require, the Commission may, in consultation with the Secretary-General, decide to meet elsewhere.

Rule 9
Notification of the members

The Secretary-General shall notify the members of the Commission as early as possible of the date and duration of each session, and shall confirm their attendance.

Rule 10
Temporary adjournment of a session

The Commission may adjourn any session temporarily and resume it at a later date.

Rule 11
Meetings

The meetings of the Commission shall be open or closed, as it may be decided by the Commission.

III. AGENDA

Rule 12

Communication of the provisional agenda

The provisional agenda for each session of the Commission shall be drawn up by the Secretary-General and communicated to the members of the Commission as early as possible but at least thirty days before the opening of the session. Any subsequent change in or addition to the provisional agenda shall be brought to the notice of the members of the Commission two weeks previous the session.

Rule 13

The provisional agenda

The Secretariat, in agreement with the Chair of the Commission, shall prepare the provisional agenda of each ordinary or extraordinary meeting.

The provisional agenda for each regular meeting shall include:

- a) The topics requested at the previous meeting.
- b) The topics proposed by Members of the Commission.
- c) A report on the programmes conducted since the previous meeting, containing recommendations related to the activities carried out, the budget and all matters corresponding to accounting and financial mechanisms.

Rule 14

Adoption of the agenda

At the beginning of each session, the Commission shall adopt its agenda for the session on the basis of the provisional agenda. The Commission may, if necessary, amend the agenda at any time during a session.

Rule 15

Membership

1. The Commission shall comprise:

- (i) National Delegations of Members and Associate Members.
- (ii) The Secretary-General of the Association.

~~(iii) The Economic Commission for Latin America and the Caribbean, the Caribbean Community (CARICOM), the Latin American Economic System (SELA), the Central American Integration System (SICA), the Permanent Secretariat for the General Agreement on Central American Economic Integration (SIECA), and the Caribbean Tourism Organization (CTO).~~

(iv) Three (3) experts, including representatives of the Technical Advisory Group (TAG), appointed by the Secretary-General, after consultation with Members and Associate Members as well as relevant stakeholders. These persons and institutions shall have internationally or regionally recognized competence in the areas within the Commission's remit and shall serve for two years. They may be re-appointed for a second term. In identifying experts, the Secretary General shall have due regard to the principles of equitable geographical distribution and gender distribution.

2. The Secretariat shall serve as Rapporteur for the Commission and shall coordinate the Commission's activities, in collaboration with the UN ECLAC or any other designated entity.

Rule 16 **Consultations and Observers**

In the exercise of its functions, the Commission may, when appropriate, consult any competent organ of the Members or Associate Members of the Association; any competent organ of the United Nations or of its specialized agencies; any regional or international organizations, or any regional or international non-governmental organizations with competence in the subject-matter falling within the mandate of the Commission. Consultations with non-governmental organizations shall be subject to consensus from interested Member States or Associate Members. In the interest of advancing the work of the Commission, it may designate Observer States, International Organizations, Social Actors or relevant Non-Governmental Organizations and Academic Institutions as Standing Observers.

IV. OFFICERS

Rule 17 **Election and term of Chair**

1. The Commission shall elect a Chair and two Vice-Chairs (First Vice-Chair and Second Vice-Chair) from among national delegations of Members and Associate Members.

2. The Chair and the Vice-Chairs shall be elected for a term of two years and shall be eligible for re-election once.

Rule 18
Acting Chair

In the absence of the Chair, the First Vice-Chair shall assume the Chairmanship. If the Chair ceases to hold office pursuant to rule 19, the First Vice-Chair shall take the Chair place until the election of a new Chair.

Rule 19
Replacement of the Chair

If the Chairmanship ceases to be able to carry the functions, a new Chairmanship shall be elected for the remainder of the term.

Rule 20
Functions of the Chairman

- a) The functions of the Chair shall be:
- b) Declare the opening and closing of each meeting.
- c) Preside over the sessions.
- d) Submit the matters that so require to a vote, as set forth in the Convention, and announce the decisions stemming from votes.
- e) Decide on matters of order and ensure the proper running of the meeting.
- f) Propose the closing of the list of speakers, the time limit for speakers and the number of times each representative may speak on a particular matter.
- g) Propose the suspension or ending of the debate on a matter under discussion
- h) Represent the Commission in all matters related to its objectives, Work Programme and Plan of Action of resources mobilization. The Chairman shall also represent the Commission in relation to interaction with non-Members and third entities.

Rule 21
Duties of the Secretariat

The Secretariat shall serve as Rapporteur of the Commission and, specifically, shall receive, translate, reproduce and distribute recommendations, reports and other documents of the Commission; provide Interpretation services at the meetings; prepare and circulate, if so decided by the Commission in accordance with rule 22, the records of the session; have custody and proper preservation of the documents in the archives of the Commission; and, generally, perform all other administrative functions which the Commission may require.

Rule 22
Records and sound recordings of meetings

1. The Commission may decide to keep summary records of its meetings; but all decisions taken by the Commission shall be duly included in the published records of the meetings of the Commission. As a general rule they shall be circulated as soon as possible to all members of the Commission, who shall inform the Secretariat within five working days after the circulation of the summary record of any changes they wish to have made.

2. The Secretariat shall make and retain sound recordings of the meetings of the Commission when it so decides.

V. CONDUCT OF BUSINESS

Rule 23
Quorum for meetings

A quorum is constituted when there are ten (10) Members of the Commission present, with at least one (1) representative of the groupings of Member States and Associates Members, including at least two (2) Expert Members and or ECLAC.

Rule 24
Precedence of motions

The following motions shall take precedence, in the order indicated below, over all other proposals or motions put forward:

- a) Suspend the session.

- b) Adjourn the session.
- c) Defer debate on the matter under discussion.
- d) Adjourn the debate on the matter under discussion.

Rule 25
Call to order

On discussing a matter, any representative may request a motion to order, which shall be resolved immediately by the Chairman. Any Member may appeal the decision of the Chairman, which shall be put to a vote

Rule 26
Presentation and distribution of substantive proposals and modifications

Substantive proposals and modifications shall be submitted in writing to the Secretariat, which shall translate them and distribute copies to the participants.

Rule 27
Presentation or withdrawal of proposals and motions

A proposal or motion may be withdrawn at any time prior to the start of voting, as long as it has not been modified. A proposal or motion that has been withdrawn may be submitted anew by any of the participants.

Rule 28
Reconsideration of proposals

Once a proposal has been approved or withdrawn, it may not be reconsidered during the same session, unless so decided in accordance with paragraph 4 of Article XI of the Convention.

Rule 29
Decisions on substantive and procedural matters

1. To reach a decision on procedural matters, the Chairman may initiate a session when at least two-thirds of voting members are present, in accordance with paragraph 4 of Article XI of the Convention.
2. Decisions on substantive matters shall be adopted by consensus of participating members.

Rule 30
Decision on competence

Any motion calling for a decision on the competence of the Commission to adopt a proposal submitted to it shall be submitted for consideration and finished before a decision is taken on the proposal in question.

Rule 31
Entry into force

This Statute and Rules of Procedure will be subject of approval by the Ministerial Council. Pending on its approval, the Commission will work by virtue of the mandate emanated from the Ministerial Council Agreement No. 6/06.

Rule 32
Modification of the Operating Statute and Rules of Procedure

Proposals for the modification of this Statute and Rules of Procedure, presented by Member States or Associate Members, shall be discussed within the Commission and shall be submitted to the Ministerial Council for approval.

Rule 33
Consistency with others international agreements

Nothing in the present Operating Statute and Rules of Procedure, including any decision adopted by the Commission under its provisions shall modify or purport to modify the rights and obligations existing between Contracting Parties to international agreements that are in force between them. Furthermore, nothing in the present Operating Statute and Rules of Procedure shall prejudice the position of any State as regards the international law of the Sea.

Rule 34
Consistency with the Convention Establishing the Association of Caribbean States

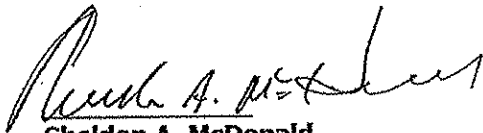
This Statute and Rules of Procedure shall be interpreted and applied in a manner consistent with the Convention Establishing the Association of Caribbean States and Ministerial Council Agreements pertaining to matters within its mandate.

ANNOTATION:

1. The Inter-Sessional is being asked to determine this matter due to the impact placing a definition may have on the rights and obligations of some members of the Association.

I, Sheldon A. McDonald hereby certify that this is a true copy of the:

Operating Statute and Rules of Procedure of the Caribbean Sea Commission



Sheldon A. McDonald

Legal Advisor of the Association of Caribbean States

