

ASSOCIATION OF CARIBBEAN STATES (ACS)

OFFICE OF THE ACS LEGAL ADVISER

**ACCESSION TO THE CONVENTION FOR THE ESTABLISHMENT OF THE
SUSTAINABLE TOURISM ZONE OF THE CARIBBEAN**

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.

ACCESSION DEFINED

ACCESSION is another means whereby a State consents to be bound by a treaty. Specific provision for this form of consent must be made in the treaty. Thus, Article 8 of the Convention for the establishment of the Sustainable Tourism Zone of the Caribbean provides that:

"After the deposit of the fifteenth instrument of ratification, this Convention shall remain open to accession by any of the States, Countries and Territories referred to in IV of the Convention establishing the Association of Caribbean States".

Consequently, upon the receipt of the fifteenth instrument of ratification and the entry into force of the Convention, consent to be bound by the Convention will be established through accession.

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

Accession to the STZC Convention

THE PROCESS OF ACCESSION

Accession, like Ratification consists of firstly the execution of an Instrument of Accession, followed by the lodging of the instrument with the depositary (multilateral treaty).

Execution of the Instrument of Accession

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

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 in **Appendix 1**)

The instrument of accession 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 indicated in **Appendix 2**).

LIST OF ANNEXES:

Appendix 1: Example of an Instrument of Accession

Appendix 2: Contact Information

Appendix 3: Status of Ratifications/Accessions of the STZC Convention and Status of Signatures to the Protocol

Accession to the STZC Convention

APPENDIX 1

(Emblem)

INSTRUMENT OF ACCESSION

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 (COUNTRY) on 12th December, 2001.

RECOGNISING, the entry into force of the said Convention on 6th November, 2013,

NOW THEREFORE, the Government of the (COUNTRY), having considered the above-mentioned Convention, hereby accedes the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I (NAME, TITLE) have hereunto set my hand and affixed my seal.

DONE, at the (PLACE, CITY, COUNTRY), this (DATE).

(NAME)

(TITLE)

(SEAL)

Contact at the Ministry of Foreign Affairs of Colombia

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Accession to the STZC Convention

APPENDIX 3

Convention Establishing the Sustainable Tourism Zone of the Caribbean (STZC) (Entered into Force: 6/11/13)

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: 17

Member States and Associate Members by Group of Countries	Signature	Ratification
CARICOM		
Antigua and Barbuda	12/12/01	
Bahamas	12/12/01	04/07/07
Barbados	12/12/01	07/10/13
Belize	12/12/01	
Dominica	12/12/01	d-o-d ² 31/03/14
Grenada	12/12/01	07/08/02 (d-o-d 22/10/02)
Guyana	12/12/01	19/12/13
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	26/10/06 (d-o-d 13/11/06)
GROUP OF THREE		
Colombia	12/12/01	
México	12/12/01	11/11/03
Venezuela	12/12/01	d-o-d 17/6/13
CENTRAL AMERICA		
Costa Rica	12/12/01	28/01/11 (d-o-d 01/03/11)
El Salvador	12/12/01 with reservation	23/06/05 (d-o-d 05/09/05)
Guatemala	12/12/01 with reservation	30/01/08 (d-o-d 10/04/08)
Honduras	12/12/01	02/08/13 (d-o-d 02/08/13)
Nicaragua	12/12/01 with reservation	03/05/07 (d-o-d 23/10/07)
NON GROUPED COUNTRIES		
Cuba	12/12/01	16/08/05 (d-o-d 18/10/05)
Dominican Republic	12/12/01	01/03/13 (d-o-d 05/06/12)
Panama	12/12/01	19/02/04 (d-o-d 30/06/04)
ASSOCIATE STATES		
France (Guiana, Saint Martin and Saint Bartholomew)	12/12/01	Deposit of the Instrument of Approval 09/10/02
Guadeloupe		
Martinique		
The Netherlands (in respect of Bonaire, Saba, Saint Eustatius)		
Aruba		
Curacao		
Sint Maarten		

² d-o-d refers to the Date of Deposit of the Instrument of Ratification

Accession to the STZC Convention

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.

Member States and Associate Members by Group of Countries	Signature
CARICOM	
Antigua and Barbuda	
Bahamas	
Barbados	12/02/04
Belize	
Dominica	
Grenada	
Guyana	
Haiti	12/02/04
Jamaica	27/07/04
St. Kitts and Nevis	
St. Lucia	12/02/04
St. Vincent and the Grenadines	
Suriname	12/02/04
Trinidad and Tobago	27/07/04
GROUP OF THREE	
Colombia	
México	12/02/04
Venezuela	
CENTRAL AMERICA	
Costa Rica	15/12/04
El Salvador	14/11/07
Guatemala	15/12/04
Honduras	
Nicaragua	12/02/04
NON GROUPED COUNTRIES	
Cuba	12/02/04
Dominican Republic	12/02/04
Panama	12/02/04
ASSOCIATE STATES	SIGNATURE
France (in respect of French Guiana, Saint Martin and Saint Bartholomew) Guadeloupe Martinique	
The Netherlands (in respect of Bonaire, Saba, Saint Eustatius)	
Aruba	
Curacao	
Saint Maarten	