

ASSOCIATION OF CARIBBEAN STATES (ACS)

20th MEETING OF THE SPECIAL COMMITTEE ON DISASTER RISK REDUCTION

Port of Spain, Trinidad-and-Tobago, 22nd-23rd November, 2012

Agreement between Member States and Associate Members of the Association of Caribbean States for Regional Cooperation on Natural Disasters

Adoption place and date: Santo Domingo de Guzman, Dominican Republic, April 17, 1999.

Effectiveness clause: The Agreement herewith, once it has been adopted by the Contracting Parties, shall come into force pursuant to the provisions under Article XXVI of the Convention.

Depositary: Ministry of Foreign Affairs.

Effective date of the treaty: Not yet in force internationally.

Updated: Tuesday, October 4, 2011.

Status of signing, ratifications, acceptances, accessions and effectiveness

| States | Signing | Legal Act | Deposit Date | Effective Date |
|----------------------|-------------------|--------------|---------------|----------------|
| ANTIGUA AND BARBUDA | April 17, 1999 | | | |
| NETHERLANDS ANTILLES | December 15, 2004 | Ratification | April 4, 2006 | N/A |
| ARUBA | | | | |

| States | Signing | Legal Act | Deposit Date | Effective Date |
|------------------------------|----------------|------------------|---------------------|-----------------------|
| BAHAMAS | April 17, 1999 | | | |
| BARBADOS | April 17, 1999 | | | |
| BELIZE | April 17, 1999 | Ratification | September 19, 2001 | N/A |
| COLOMBIA | April 17, 1999 | | | |
| COSTA RICA | April 17, 1999 | Ratification | March 1st, 2011 | N/A |
| CUBA | April 17, 1999 | Ratification | December 19, 2002 | N/A |
| DOMINICA | April 17, 1999 | | | |
| EL SALVADOR | April 17, 1999 | Ratification | March 4, 2003 | N/A |
| UNITED MEXICAN STATES | April 17, 1999 | Ratification | February 21, 2001 | N/A |
| GRENADA | April 17, 1999 | | | |
| GUATEMALA | April 17, 1999 | Ratification | July 27, 2005 | N/A |
| GUYANA | April 17, 1999 | | | |
| HAITI | April 17, 1999 | Ratification | July 13, 2009 | N/A |
| HONDURAS | April 17, 1999 | | | |

| States | Signing | Legal Act | Deposit Date | Effective Date |
|---|----------------|------------------|---------------------|-----------------------|
| JAMAICA | April 17, 1999 | | | |
| NICARAGUA | April 17, 1999 | Ratification | November 29, 2001 | N/A |
| PANAMA | April 17, 1999 | Ratification | June 30, 2004 | N/A |
| BOLIVARIAN REPUBLIC OF VENEZUELA | April 17, 1999 | Ratification | June 26, 2002 | N/A |
| DOMINICAN REPUBLIC | April 17, 1999 | Ratification | February 17, 2009 | N/A |
| FRENCH GUIANA, GUADELOUPE AND MARTINIQUE | April 17, 1999 | Ratification | August 21, 2003 | N/A |
| SAINT KITTS AND NEVIS | April 17, 1999 | Ratification | June 6, 2001 | N/A |
| SAINT VINCENT AND THE GRENADINES | April 17, 1999 | Ratification | September 30, 2009 | N/A |
| SAINT LUCIA | April 17, 1999 | | | |
| SURINAME | April 17, 1999 | Ratification | October 26, 2007 | N/A |
| TRINIDAD AND TOBAGO | April 17, 1999 | | | |

AGREEMENT BETWEEN MEMBER STATES AND ASSOCIATE MEMBERS OF THE ASSOCIATION OF CARIBBEAN STATES FOR REGIONAL COOPERATION ON NATURAL DISASTERS

The Contracting Parties,

Being Parties to the Convention Establishing the Association of Caribbean States, (hereinafter called the Convention), signed in Cartagena de Indias, Colombia, on July 24th, 1994,

Taking into account that clause 1, paragraph d, of Article III of the Convention, specifies that the Association is an organization for consultation, concerted action and co-operation, whose purpose is to identify and promote the implementation of policies and programmes aimed, among other things, at establishing co-operation agreements which respond to the diverse cultural identities, developmental needs and regulatory systems of the region,

Considering that the Ministerial Council of the Association, during its First Ordinary Meeting, held in Guatemala City, 1st December 1995, approved by Agreement No. 1/95, the Work Programme for the first phase of the Association, and decided that the initial activity should be to focus, *inter alia*, on accomplishing the priority actions in relation to natural disasters which affect the Member States and Associate Members of the Association,

Recalling, that the Ministerial Council of the Association, through Agreement No. 1/95, indicated that with the objective of increasing the ability of the Member States and Associate Members of the Association to cope with disasters and so mitigate their negative effects, actions will

be carried out with the aim of developing a Co-operation System in this area,

Willing to increase and strengthen regional co-operation and emphasizing the importance of it in the effective management of natural disasters, especially when oriented towards reducing the vulnerability of the population, the infrastructure and economic and social activities of the Parties,

Aware of the vulnerability of the Member States and Associate Members to a diversity of natural disasters,

Recognizing the adverse consequences of natural disasters on the health and well-being of the population, bio-diversity, the economy and infrastructure,

Aware that for the development of the region, it is necessary to establish a legal framework that promotes a Co-operation System for the prevention and management of natural disasters,

Have agreed to the following:

ARTICLE 1

Definitions

For the purpose of this Agreement the definitions outlined in Article I of the Convention shall apply.

Furthermore, the Agreement shall consider the following definitions:

1. Natural disaster: damage caused by any natural phenomenon (hurricane, tornado, storm, tidal wave, flood, tsunami, earthquake, volcanic eruption, land slide, forest fire, epidemic, epizootics, agricultural plague and drought, among others), which affects people, infrastructure and the productive sectors of different economic activities with such severity and magnitude that it goes beyond the local response capacity and for which regional assistance is required, upon request of one or more of the affected parties, in order to supplement the efforts and resources available to them, and to reduce damage and losses.
2. Disaster planning: this is part of the process of preparing to confront a future disaster. This planning includes activities aimed at prevention, mitigation, preparedness, response, rehabilitation and reconstruction.
3. Disaster prevention: this term defines all the activities and technical and legal measures that must be carried out during the planning process for socio-economic development, with a view to avoiding the loss of human lives and damage done to the economy, as a consequence of natural disasters.
4. Mitigation: an action aimed at reducing the impact of natural disasters on the population and the economy.
5. Preparation: Organizational activities which ensure that the systems, procedures and resources required to confront a natural disaster, are available in order to provide timely assistance to those affected, using existing mechanisms wherever possible.

6. Disaster reduction and management: all prevention, mitigation, preparation and response measures to guarantee adequate protection for the population and the economy, in the event of a natural disaster.
7. Risk: relationship between the frequency and the consequences of the occurrence of a particular event.
8. Vulnerability: susceptibility to loss or damage of elements exposed to the impact of a natural phenomenon.
9. Secondary threat: this is the result of a primary hazard, usually of greater severity than the previous one.
10. Disaster response: this involves the activities carried out immediately following the disaster, and includes, *inter alia*, rescue and response activities, the provision of health services, food, shelter, water, sanitation facilities and other basic necessities for survival.
11. Highly vulnerable areas: zones, parts of the territory or territories where there are elements which are highly susceptible to suffering severe, large scale damage, caused by one or more natural or anthropogenous phenomena and that require special attention in the sphere of cooperation among the parties.
12. Contracting Parties: The Member States and Associate Members eligible to participate in the Association, in accordance with what is specified in Article IV of the Convention.

ARTICLE 2

Objective

The objective of this Agreement is to develop a network of legally binding mechanisms that promote co-operation for prevention, mitigation and management of natural disasters, through the collaboration of the contracting parties among themselves and with organizations which work in the field of natural disasters in the region.

ARTICLE 3

Highly Vulnerable Areas

The Contracting Parties may, when necessary, declare within their territory, their territories or specific zones, Highly Vulnerable Areas, with a view to developing plans for co-operation in the prevention and management of natural disasters.

In order to establish a Highly Vulnerable Area, the Contracting Parties must take the following procedure into account:

1. The Party that exercises sovereignty, or sovereign rights or jurisdiction over a Highly Vulnerable Area shall submit its nomination for inclusion in the registry of Highly Vulnerable Areas of the Association of Caribbean States, which will be created and updated by the Secretariat, on the basis of the nomination approved by the Special Committee responsible for the subject of Natural Disasters.
2. The nominations shall be presented in accordance with the guidelines and criteria concerning the identification and selection

of the Highly Vulnerable Areas, which are determined by the Contracting Parties, on the advice of the Special Committee responsible for the subject of Natural Disasters.

3. Each Party which submits a nomination shall make available to the Contracting Parties, through the ACS Secretariat, the following information on their Highly Vulnerable Areas:
 - a) name of the area;
 - b) bio-geography of the area (limits, physical characteristics, climate, social composition, etc.);
 - c) vulnerability of the area;
 - d) management programmes and plans;
 - e) research programmes;
 - f) characteristics of the status of disaster prevention and/or mitigation.

In order to develop fully co-operation among the Contracting Parties in the management of Highly Vulnerable Areas and to ensure effective fulfilment of the obligations outlined in this Agreement, it is recommended that each Party adopt and implement measures for planning, management, surveillance and control, which shall include at least the following:

- (i) formulation and adoption of disaster management guidelines suited to the Highly Vulnerable Areas;
- (ii) adoption of a management plan which outlines the legal and institutional framework and the protective measures suitable for the Highly Vulnerable Area or Areas;
- (iii) development of awareness programmes, local organisation for emergencies and education of the population and

- decision-makers, to reinforce the prevention and/or mitigation measures;
- (iv) active participation of local communities, whenever their direct presence is required, in planning, assistance, and training of the local population;
 - (v) adoption of mechanisms for financing the development and effective management of the Highly Vulnerable Areas and the promotion of programmes of mutual assistance;
 - (vi) establishment of procedures for regulating or authorizing activities compatible with the common guidelines and criteria established by the Contracting Parties;
 - (vii) development of adequate infrastructure and training of interdisciplinary technical staff competent in the management of disasters.

ARTICLE 4

Mutual Co-operation and Assistance

The Contracting Parties shall promote:

1. the formulation and implementation of standards and laws, policies and programmes for the management and prevention of natural disasters, in a gradual and progressive manner;
2. joint actions, with a view to identifying, planning and undertaking programmes for the management of natural disasters, with the assistance of specialized natural disaster organizations operating in the region;

3. co-operation in the formulation, funding and implementation of aid programmes for those Parties that request them, especially with regard to assistance from regional and international organizations. These programmes shall be oriented towards educating the population in the ways of preventing and coping with natural disasters, training of scientific, technical and administrative staff, as well as the acquisition, use, design and development of suitable equipment;
4. periodic exchange of information, by diverse means, concerning their best experiences in the reduction of disasters;
5. the adoption of existing standards for the classification and management of humanitarian supplies and donations with the purpose of improved transparency and efficiency in humanitarian assistance.

The mobilization of the necessary resources for responding to natural disasters among the Contracting Parties shall always be done at the request of the affected Party and shall be done in accordance with the principles and norms of international law, and existing co-operation agreements, particularly with respect to sovereignty and self-determination of the affected Party;

ARTICLE 5

Scientific and Technical Activities

The Contracting Parties shall promote scientific and technical activities geared towards:

1. the creation of an inventory of experts to facilitate impact evaluation missions in collaboration with the sub-regional, regional and international agencies or teams that have already been established;
2. the inventory in the field of prevention and mitigation and other related aspects of natural disaster management;
3. the identification of opportunities to strengthen intra and inter-regional co-operation, including academic institutions and research centres;
4. the exchange of technical materials and reports concerning the management of natural disasters;
5. the preparation, circulation and continual updating of a register of persons qualified in different disciplines to assist the region in the event of disasters;
6. unification of the methodologies, lexicon and other aspects of the terminology of natural disasters, for use by the Contracting Parties.

ARTICLE 6

Reports to the ACS Ministerial Council

The Contracting Parties shall present to the ACS Ministerial Council, at every Ordinary Meeting, through the Special Committee responsible for Natural Disasters, a report on all the activities conducted for the management of disasters in the region, including basic statistics, the

projected impact on regional and national development and the results obtained following the implementation of the present Agreement.

ARTICLE 7

Establishment of Common Guidelines and Criteria

The Parties shall evaluate and propose to the Ministerial Council, the adoption of common guidelines and criteria, particularly on the following aspects:

- a) identification and selection of Highly Vulnerable Areas with the aim of their being applied to the procedure for the establishment of these same Areas;
- b) provision of information on the Highly Vulnerable Areas, activities and priorities;
- c) national and regional initiatives aimed at reducing the vulnerability of the population;
- d) strengthening of national sub-regional and regional infrastructure;
- e) identification of common interests in order to ensure and adopt a position of consensus in various regional and international fora;
- f) urging of the Contracting Parties to include issues related to the prevention and mitigation of natural disasters in their co-operation projects and to give priority to such issues on their agenda of international negotiation;
- g) the establishment of a system of co-operation in education for the management of natural disasters supported by the development of a common curriculum, the benefit of shared academic resources, the promotion of teacher exchanges and greater use of the Internet;
- h) promotion of action programmes for the incorporation of disaster management in urban and rural planning policies;

- i) recommending the Contracting Parties to initiate dialogue with insurance companies in order to promote the adoption of prevention and mitigation measures by means of incentives;
- j) promotion of the continuous training of personnel in the field of disaster management, in the areas of health, emergency response and telecommunications and for the development and improvement of early warning systems at the regional, sub-regional and national levels;
- k) promotion of the development of centres for documentation on disasters at the regional and sub-regional levels, taking into consideration existing capabilities and using a common methodology of indexation and standardization ;
- l) granting priority at the regional and sub-regional levels to:
 - i. carry out activities of co-operation and mutual aid which are dealt with in Article 4 above;
 - ii. complete scientific and technical activities particularly those specified in Article 5 above;
 - iii. design training programmes in the management of disasters;
 - iv. design regional and sub-regional projects to be presented to the ACS Special Fund and to the international finance agencies.

ARTICLE 8

Prevention and Mitigation

1. The Contracting Parties shall adopt both individually and jointly, all the measures required to support intra-regional and inter-regional co-operation in the management of natural disasters.

2. Each Contracting Party shall periodically exchange with the others, updated information on the implementation of the present Agreement.
3. In the area of the transportation of material and equipment for natural disaster prevention and mitigation, the Contracting Parties shall take the necessary measures to obtain the co-operation of the private sector in air and maritime transportation.

ARTICLE 9

Relation with other Regional and International Organizations/Conventions

The Contracting Parties:

1. Recognize the Regional Disaster Information Centre (CRID) as a focal point for the diffusion and dissemination of information on the issue of natural disasters.
2. May invite to their meetings the authorities of regional, sub-regional and international organizations and institutions in order to encourage the exchange of experiences, data and human resources in the management of natural disasters in the Wider Caribbean.
3. Shall ensure the effective co-ordination of the technical assistance supplied, prior to a disaster, by a Contracting Party, third parties or international organizations.

4. Shall collaborate with existing sub-regional co-ordination mechanisms, such as CDERA and CEPREDENAC, in their disaster management activities.

ARTICLE 10

Institutional Provisions

1. Each Contracting Party shall designate a Focal Point which will act as liaison with the ACS with regard to the implementation of this Agreement.
2. The Contracting Parties designate the Special Committee responsible for Natural Disasters, in collaboration with the ACS Secretariat, to exercise the following functions, in accordance with their respective competence:
 - a) convene and lend assistance at meetings of the Parties;
 - b) prepare common formats for use by the Parties, which would serve as a basis for notices and reports to the Ministerial Council, according to the provisions of Article 6 above;
 - c) distribute among the Parties material containing scientific, technical and educational information, with the assistance of the CRID and in collaboration with the specialized natural disaster organizations operating in the region;

Council, in relation to the issue treated by the Contracting Parties;

- d) assess the effectiveness of measures adopted for natural disaster management and protection, including Highly Vulnerable Areas, and examine the need for additional measures, the aim of which would be to improve the level of co-operation in accordance with the present Agreement, in the form of Appendices to this Agreement;
- e) establish and revise, as required, the common guidelines and criteria, in accordance with the provisions of Article 7 above;
- f) approve by consensus the annual report that must be submitted to the Ministerial Council, in accordance with the provisions of Article 6 above;
- g) any other function related to the implementation of the present Agreement and those decided by the Ministerial Council;

ARTICLE 14

Effective Implementation of the Agreement

The Contracting Parties shall co-operate on the development and adoption of the measures required to facilitate the effective implementation of the present Agreement, in accordance with the rules of international law.

ARTICLE 15

Signature

This Agreement shall be open for signature as from the 17th day of the month of April, 1999, by any State, Country and Territory referred to in Article IV of the Convention, which has ratified or adhered to same.

ARTICLE 16

Ratification and Adherence

Ratification and adherence shall be conducted according to the procedure stipulated in Articles XXIII and XXVII of the Convention, respectively.

ARTICLE 17

Depositary

The instruments of ratification or adherence must be deposited with the Depositary Government for the Convention, the Government of the Republic of Colombia, and must comply with the procedure for notification stipulated in Article XXV of the Convention.

ARTICLE 18

Entry into Force

The present Agreement, once adopted by the Contracting Parties, shall come into effect in accordance with the procedure specified in Article XXVI of the Convention.

ARTICLE 19

Amendments

The present Agreement may be amended by consensus at Meetings of the Heads of State and/or Government or Meetings of the Ministerial Council of the ACS. The amendments shall enter into force thirty days after ratification by two thirds of the Member States.

ARTICLE 20

Interpretation and Resolution of Disputes

Doubts or disputes that might arise among the Contracting Parties concerning the application or interpretation of this Agreement, and which cannot be resolved by the Parties involved, shall be resolved by the Ministerial Council. In any case, the Convention shall prevail over this Agreement.

ARTICLE 21

Duration and Withdrawal

1. This Agreement shall remain in effect for an indefinite time, or for as long as the Convention remains valid.
2. Each Contracting Party may withdraw from this Agreement in accordance with the procedure established in Article XXX of the Convention.

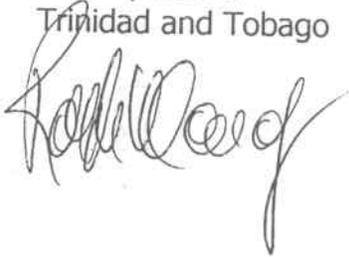
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Saint Vincent and the Grenadines



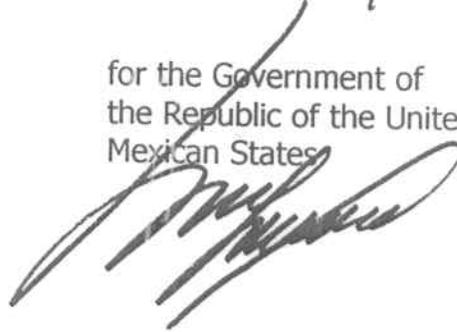
for the Government of
the Republic of
Suriname



for the Government of
the Republic of
Trinidad and Tobago



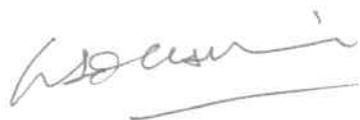
for the Government of
the Republic of the United
Mexican States



for the Government of
the Republic of
Venezuela



for the Government of
the French Republic
(in respect of Guadeloupe,
Guyane and Martinique)

A handwritten signature in cursive script, appearing to be 'H. Durieux', with a horizontal line underneath.

for the Kingdom of the Netherlands,
on behalf of Aruba

for the Kingdom of the Netherlands,
on behalf of the Netherlands Antilles

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