

## ASSOCIATION OF CARIBBEAN STATES (ACS)

### 25<sup>TH</sup> MEETING OF THE SPECIAL COMMITTEE ON SUSTAINABLE TOURISM

La Antigua Guatemala, Guatemala, May 22-23, 2014

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## 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”<sup>1</sup>. 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:

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<sup>1</sup> 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 Status of Signatures to the 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 3<sup>rd</sup> Summit of the Association of Caribbean States on 12<sup>th</sup> 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 12<sup>th</sup> 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 4<sup>th</sup> 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

Dirección de Asuntos Jurídicos Internacionales

Ministerio de Relaciones Exteriores

Email address: [alejandra.rodriguez@cancilleria.gov.co](mailto:alejandra.rodriguez@cancilleria.gov.co)

Telephone : 57(1) 381 4000, EXT.: 1215

Street address: Calle 10 N° 5-51 Palacio de San Carlos  
Bogotá D.C. Colombia

## 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

State	Signature	Ratification
<b>CARICOM</b>		
Antigua and Barbuda	12/12/01	
Bahamas	12/12/01	4/07/07
Barbados	12/12/01	7/10/13
Belize	12/12/01	
Dominica	12/12/01	31/3/14
Grenada	12/12/01	22/08/02
Guyana	12/12/01	14/12/13
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	13/11/06
<b>Member States by group of countries and Associate Members</b>		
<b>GROUP OF THREE</b>	<b>GROUP OF THREE</b>	
Colombia	12/12/01	
Mexico	12/12/01	11/11/03
Venezuela	12/12/01	17/6/13
<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	2/8/13
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	5/6/12
Panama	12/12/01	30/06/04
<b>ASSOCIATE STATES</b>	<b>ASSOCIATE STATES</b>	
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.

<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>	<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, Saint Martin and Saint Barthelemy	
Curacao	
Saint Maarten	
Saba	
Saint Eustatius	
Bonaire	