

CONVENTION FOR COOPERATION IN THE PROTECTION AND
SUSTAINABLE DEVELOPMENT OF THE MARINE AND COASTAL
ENVIRONMENT OF THE NORTHEAST PACIFIC (Antigua Convention)

The Contracting Parties,

Mindful of the need to protect and preserve the marine and coastal environment of the Northeast Pacific against all kinds and sources of environmental pollution and degradation.

Convinced of the ecological, economic, social and cultural value of the Northeast Pacific as a means of bonding between the countries of the region,

Considering the need to establish a regional cooperation framework to support and complement the coastal States of the Northeast Pacific in the effective implementation of the various international instruments relating to marine pollution and other forms of environmental degradation,

Mindful that, in conformity with the provisions of chapter 17 of Agenda 21 of the United Nations Conference on Environment and Development, the conservation and sustainable use of the marine and coastal environment and its natural resources in the Northeast Pacific is a joint responsibility of both national and municipal authorities and of civil society in its various organized manifestations,

Recognizing that the financial and human resources to implement the measures set out in this Convention will come, inter alia, from the public and private sectors, and that it is important to ensure the participation of the latter as associates,

Recognizing also the importance of international and non-governmental bodies responsible for facilitating funding giving priority in their general policies to the activities and projects aimed at implementing the Convention,

Recognizing further the benefits of cooperation at a regional level, directly or with the assistance of the competent international organizations and the rest of the international community, for the protection and preservation of the marine environment and the coastal areas mentioned,

Mindful that they share various ecosystems and resources of the marine environment in the Northeast Pacific,

Have agreed as follows:

ARTICLE 1

Purpose

The principal purpose of the Convention is to establish a regional cooperation framework to encourage and facilitate the sustainable development of marine and coastal resources of the countries of the Northeast Pacific for the benefit of present and future generations of the region.

ARTICLE 2

Scope of application of this Convention

1. The scope of application of this Convention comprises the maritime areas of the Northeast Pacific, defined in conformity with the United Nations Convention on the Law of the Sea.
2. No provision of this Convention or its protocols shall be considered as affecting the rights, present or future claims or legal opinions of any Contracting Party relating to the boundaries of its maritime areas or maritime jurisdiction. No Party shall be entitled to call upon the norms and conduct agreed as generating rights or precedents.

ARTICLE 3

Definitions

1. For the purposes of this Convention:

- (a) "Sustainable development" means the process of progressive change in the quality of life of human beings, which places it as the centre and primordial subject of development, by means of economic growth with social equity and the transformation of methods of production and consumption patterns, and which is sustained in the ecological balance and vital support of the region. This process implies respect for regional, national and local ethnic and cultural diversity, and the full participation of people in peaceful coexistence and in harmony with nature, without prejudice to and ensuring the quality of life of future generations;
- (b) "Economic assessment" means the assignment of monetary value to environmental goods and services for which no market values exist, so that their value may be explicitly reflected in every decision-making process based on monetary benefits and costs;
- (c) "Environmental services," means the services provided by the functions of nature itself (for example, the protection of soil by trees, the natural filtration and purification of water, the protection of habitat for biodiversity, etc.);
- (d) "Pollution of the marine environment" means the introduction by man, directly or indirectly, of substances or of energy into the marine environment (including estuaries and wetlands) which cause or may give rise to harmful effects such as damage to living resources or marine life, risks to human health, obstacles to maritime activities including fisheries and other legitimate uses of the sea, deterioration of sea water quality for their use, and impairment of leisure and aquaculture areas;
- (e) "Other forms of environmental deterioration" means activities of man-made origin that may alter the quality of the marine environment and its resources and affect them in such a way as to reduce their natural recovery and regeneration capacity, such as erosion, the introduction of exotic species, protection capacity against natural phenomena, etc.;

(f) The term "discharges" refers to the pollution of the marine and coastal environment deriving from spills, disposal or dumping of wastes and hazardous substances from ships, aircraft, the atmosphere or land-based sources of pollution;

(g) "Dumping" means the deliberate discharge of substances or other materials into the sea or from ships or aircraft;

(h) "Monitoring" means the periodic measurement of environmental quality indicators;

(i) "National authority" means the authority designated by each Contracting Party in accordance with article 9, paragraph 2, and article 11, paragraph 1, subparagraphs (a), (b) and (d) of this Convention;

(j) "Executive Secretariat" means the body indicated in article 14 of this Convention.
(k)

ARTICLE 4

General provisions

The provisions of this Convention shall not affect the rights and obligations that the Contracting Parties may have assumed pursuant to special Conventions and accords that they may have concluded in respect of the protection of the marine and coastal environment of the region.

ARTICLE 5

General obligations

1. The Contracting Parties shall, unilaterally, bilaterally or multilaterally, adopt appropriate measures pursuant to the provisions of this Convention, to prevent, reduce, control and avoid pollution of the marine and coastal environment of the Northeast Pacific, as well as other forms of deterioration that may affect these, and ensure sustainable environmental management of the marine and coastal areas and an effective development of their natural resources.

2. The Contracting Parties shall collaborate in the drafting, adoption and implementation of other protocols and Conventions that may establish effective rules, norms, practices and procedures for the implementation of this Convention.

3. Each Contracting Party shall adopt and bring into force the necessary legislative and administrative measures to make this Convention and its protocols effective.

4. The Contracting Parties shall collaborate as necessary at a regional level, directly or in cooperation with competent international organizations, in the drafting, adoption and implementation of rules, norms, practices and procedures for the effective protection and development of the marine and coastal environment of the Northeast Pacific against all types and sources of pollution, and for the sound planning and development of that environment and those areas and their appropriate environmental management, taking into account the special characteristics of the region. Such rules,

norms, practices and procedures shall be communicated to the Executive Secretariat of the Convention.

5. The Contracting Parties shall adopt all necessary measures so that activities under their jurisdiction or control shall be carried out in such a way as not to cause detriment through pollution or other forms of environmental deterioration to other Parties or their environment, and so that pollution caused by accidents or activities under their jurisdiction or control may not, as far as possible, extend beyond the areas over which the Contracting Parties exercise sovereignty and jurisdiction. In cases where it is foreseen that such transboundary effect may cause harm, other interested Parties should be informed and consulted in the course of planning the activity.

6. In order to protect the environment and contribute to the sustainable management, protection and conservation of the marine environment of the region, the Contracting Parties shall:

(a) Apply, in accordance with their capacity, the precautionary principle, by virtue of which, when confronted with serious or irreversible threats to the environment, the absence of complete scientific certainty should not serve as a pretext for delaying the adoption of effective measures to prevent environmental degradation, because of the costs involved;

(b) Promote the application of the "polluter pays" principle, by virtue of which those responsible for pollution should pay the full costs of measures to prevent, control, reduce and remedy such pollution, with due regard for the public interest;

(c) Encourage cooperation between States with respect to environmental impact procedures related to activities under their jurisdiction or control that may have adverse effects on the marine environment of other States or in areas outside the boundaries of their national jurisdiction, by means of notifications, exchange of information and consultations;

(d) Encourage the integrated development and management of coastal areas and shared water basins, taking into account the protection of areas of ecological and scenic interest and the sustainable use of natural resources;

(e) Promote the participation of local authorities and civil society in the processes of adopting decisions that affect the marine environment or their livelihood;

(f) Make available to civil society and local authorities information on the status of the marine environment of the region, on the measures adopted or about to be adopted to prevent, control, reduce and remedy adverse effects and the effectiveness of such measures;

(g) Exchange, through the competent authorities, the available data and information on the management of the use of the marine and coastal environment and on the implementation of this Convention.

ARTICLE 6

Measures to prevent, reduce, control and remedy pollution and other forms of deterioration of the marine and coastal environment

1. The Contracting Parties shall adopt measures to prevent, reduce, control and remedy pollution and other forms of deterioration of the marine and coastal environment, including:

(a) Discharge of toxic, injurious or harmful substances into the sea and coastal areas, especially those that are persistent, originating from sources or activities including:

(i) Land-based sources;

(ii) Atmospheric, including those effected through the atmosphere, and

(iii) Dumping;

(b) Pollution caused by ships and any other arrangement or installation that operates in the marine environment; in particular, measures to avoid discharges, accidental or not, addressing emergencies in accordance with generally accepted international standards;

(c) Biophysical modifications, including alteration and destruction of habitats.

2. Without prejudice to the foregoing, the Contracting Parties shall adopt measures aimed at:

(a) The planning and environmental management of uses and activities in marine and coastal areas;

(b) Improvement as necessary of the environmental impact assessment of installations and activities that it is thought may affect marine and coastal areas;

(c) The identification of areas to be protected and the rehabilitation of degraded habitats and ecosystems;

(d) The identification and protection of endangered species of flora and fauna, and those that may possibly require protection measures;

(e) The application of prevention and precaution criteria to the uses and development of activities that may affect the marine and coastal resources of the region;

(f) The identification of marine coastal areas that are vulnerable to the action of extreme natural phenomena or events and a rise in sea level;

(g) The identification of marine coastal areas vulnerable to man-made activities.

ARTICLE 7

Erosion of coastal areas

The Contracting Parties shall adopt all appropriate measures to prevent, reduce, control and remedy erosion in coastal areas resulting from man-made activities and reduce the vulnerability of coasts to a rise in sea level and to sea-air and climatic interaction phenomena.

ARTICLE 8

Cooperation in cases of pollution and other forms of environmental deterioration resulting from emergency situations

1. The Contracting Parties shall cooperate, bilaterally, regionally or multilaterally in the prevention, containment, mitigation and restoration of damage resulting from:

- (a) Pollution and/or environmental deterioration resulting from accidents;
- (b) Pollution and/or environmental deterioration resulting from natural disasters, and
- (c) Pollution and/or environmental deterioration resulting from deliberate man-made activities.

2. To this end, the Contracting Parties shall develop, individually or jointly, emergency and/or contingency plans, and shall adopt other measures where appropriate to respond to naturally caused or man-made disasters, including the probable effects of climate change and a rise in sea level.

3. The Contracting Parties shall provide the relevant timely information in cases of risk to coastal communities and infrastructure and of damage to the marine environment originating from pollution derived from man-made activities.

4. The Contracting Parties shall develop, individually or jointly, where appropriate, rehabilitation plans for fisheries that may require such, because of being affected by natural phenomena or pollution, and plans for the restoration of coastal habitats that may have suffered damage or been lost as a result of man-made activities or natural phenomena.

5. The Contracting Parties affected by pollution or other forms of deterioration of the environment resulting from emergency situations shall:

- (a) Assess the nature, magnitude and scope of the emergency;
- (b) Adopt appropriate measures to avoid or reduce the effects of pollution and other forms of environmental deterioration;
- (c) Immediately provide information on the measures adopted or about to be adopted to combat pollution and other forms of environmental deterioration of the marine and coastal environment;
- (d) Continue to observe the emergency situation while it lasts, and any changes thereto, and, in general, the changes in the pollution or other forms of environmental

deterioration of the marine and coastal environment that may provoke emergency situations;

(e) Communicate to the other Contracting Parties and the Executive Secretariat of the Convention the information obtained as a result of those observations; and

(f) Initiate, once the emergency is over, a review of the effectiveness of the operation of the response mechanism to the crisis situation, as appropriate.

6. The Contracting Parties that may require assistance in combating, controlling, mitigating, diagnosing and forecasting the pollution and other forms of environmental deterioration resulting from emergency situations may request, directly or through the Executive Secretariat, in cooperation with the other Contracting Parties, especially those that may be affected by the pollution and other forms of environmental deterioration.

7. Such cooperation may include assessment by experts and the provision of equipment and materials to combat pollution and other forms of environmental deterioration.

8. The Contracting Parties from whom assistance may have been requested shall consider that request as soon as possible, and, in the light of their capabilities, immediately inform the requesting Contracting Party of the form, scope and conditions of the cooperation they might provide.

ARTICLE 9

Monitoring of pollution and other forms of environmental deterioration

1. The Contracting Parties shall, directly or in collaboration with the relevant international bodies, establish and implement a regional monitoring programme for pollution in the marine and coastal environment of the Northeast Pacific.

2. To this end, the Contracting Parties shall designate the authorities responsible for the monitoring of pollution and other forms of environmental deterioration in their respective areas of sovereignty and jurisdiction, in conformity with international law.

3. In particular, when transboundary areas are involved, the Contracting Parties shall participate in bilateral and multisectoral projects and missions to assess marine pollution and other forms of environmental deterioration, in conformity with international law.

ARTICLE 10

Integrated management and sustainable development of the marine and coastal environment

1. As part of the implementation of their policies and strategies for integrated management and sustainable development of the marine and coastal environment, the Contracting Parties shall incorporate into their economic development projects in

marine and coastal areas those environmental criteria that provide sustainability in the use of resources and in the maintenance of the integrity of ecosystems.

2. Also as part of these policies, the Contracting Parties shall strive to implement integrated management and bring about sustainable development of the marine and coastal environment. To this end, the Contracting Parties shall endeavour to:

- (a) Formulate and implement plans and programmes at appropriate levels for the integrated management and sustainable development of the marine and coastal environment;
- (b) Use environmental assessment and systematic observation as preventative and precautionary measures in the planning and implementation of projects;
- (c) Encourage the preparation and use of methods of economic assessment of ecosystems and of marine and coastal ecosystems and of environmental goods and services at a national level;
- (d) Integrate into a national plan and/or programme of integrated management and sustainable development sectoral plans in relation to coastal human settlements, aquaculture, industry, tourism, fisheries and ports that use or affect the coastal area;
- (e) Adopt the use of an ecosystem approach in fisheries management measures;
- (f) Promote the use of the best available techniques, including cleaner technologies appropriate to the conditions of the region, taking socio-economic factors into account;
- (g) Promote the education, sensitization and participation of civil society and also the development of environmental information programmes regarding the marine and coastal environment;
- (h) Establish protected coastal areas with the objective of maintaining biological integrity and diversity;
- (i) Identify the habitats of living marine resources that contribute to the food security of coastal people and are of major socio-economic and ecological importance;

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