

## **Environmental Cooperation Agreement (ECA)**

Bureau of Oceans and International Environmental and Scientific Affairs  
Washington, DC  
February 18, 2005

### **AGREEMENT AMONG THE GOVERNMENTS OF COSTA RICA, THE DOMINICAN REPUBLIC, EL SALVADOR, GUATEMALA, HONDURAS, NICARAGUA, AND THE UNITED STATES OF AMERICA ON ENVIRONMENTAL COOPERATION**

The Parties to this Agreement,

CONVINCED of the importance of promoting all possible forms of cooperation to protect, improve and conserve the environment, including natural resources, in the context of achieving their sustainable development objectives,

NOTING the existence of differences in the Parties' respective natural endowments, climatic, geographical, social, cultural and legal conditions and economic, technological and infrastructural capabilities,

RECOGNIZING the long and productive history of such cooperation among these seven governments and the importance of implementing the Agreement in close coordination, where appropriate, with existing and future environmental agreements, accords, initiatives and mechanisms for cooperation between and among their countries,

EMPHASIZING the importance of building capacity to protect the environment in concert with the strengthening of trade and investment relations, as may be reflected in bilateral and regional free trade agreements between the Parties, including the Dominican Republic-Central America-United States Free Trade Agreement,

ACKNOWLEDGING that economic development, social development and environmental protection are interdependent and mutually reinforcing components of sustainable development and considering the need to augment institutional, professional and scientific capacity to achieve the objective of sustainable development for the well-being of present and future generations,

CONSIDERING that the broad participation of civil society is important for building effective cooperation to achieve sustainable development,

AFFIRMING their political will to further strengthen and demonstrate the importance attached by the governments to cooperation on environmental protection and the conservation of natural resources,

Have agreed as follows:

#### **ARTICLE I – Short Title**

This Agreement among the Governments of Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, and the United States of America on Environmental Cooperation (hereinafter, the "Agreement") may elsewhere be referred to as the Dominican Republic -- Central America -- United States Environmental Cooperation Agreement ("DR-CA-US ECA").

#### **ARTICLE II – Objective**

The Parties agree to cooperate to protect, improve and conserve the environment, including natural resources. The objective of the Agreement is to establish a framework for such cooperation among the Parties. The Parties recognize the importance of both bilateral and regional cooperation to achieve this objective.

### **ARTICLE III – Modalities and Forms of Cooperation**

Cooperation developed under the Agreement may occur through bilateral or regional capacity-building activities, taking into account relevant environmental cooperation provisions of bilateral or regional free trade agreements between the Parties, including Article 9 of Chapter Seventeen (Environment) of the Dominican Republic-Central America-United States Free Trade Agreement, on the basis of technical and/or financial assistance programs, including:

- (a) the exchange of delegations, professionals, technicians and specialists from the academic sector, nongovernmental organizations, industry and the governments, including study visits, to strengthen the development, implementation and assessment of environmental policies and standards;
- (b) the joint organization of conferences, seminars, workshops, meetings, training sessions and outreach and education programs;
- (c) the joint development of programs and actions, including technological and practical demonstrations, applied research projects, studies and reports;
- (d) the facilitation of partnerships, linkages or other new channels for the development and transfer of knowledge and technologies among representatives from academia, industry, intergovernmental and nongovernmental organizations, and government to promote the development and/or exchange of best practices and environmental information and data likely to be of interest to the Parties;
- (e) the collection, publication and exchange of information on environmental policies, laws, standards, regulations, indicators, national environmental programs and compliance and enforcement mechanisms; and
- (f) any other forms of environmental cooperation that may be agreed by the Parties.

### **ARTICLE IV – Establishment and Operation of the Dominican Republic-Central America-United States Environmental Cooperation Commission**

1. The Parties shall establish a Dominican Republic-Central American - United States Environmental Cooperation Commission (the "Commission" or "DR-CA-US ECC"), which shall be composed of government representatives, appointed by each Party. The Commission shall be responsible for:

- (a) establishing priorities for cooperative activities under the Agreement;
- (b) developing a work program as described in Article V below in accordance with those priorities;
- (c) examining and evaluating the cooperative activities under the Agreement;
- (d) making recommendations and providing guidance to the Parties on ways to improve future cooperation; and

(e) undertaking such other activities on which the Parties may agree.

2. The Commission shall meet once a year in the country of the Party that is chairing the Commission, unless the Commission decides otherwise. The first meeting of the Commission should take place within six months after the Agreement enters into force. The Chair of the Commission shall rotate annually among each of the Parties. A high-level official of the Department of State of the United States of America shall chair the first meeting of the Commission. Thereafter, unless the Commission decides otherwise, the Chair will rotate, in English alphabetical order of the Parties, among high-level officials designated by the department or ministry of each of the Parties identified in paragraph 3. Each Party should ensure that its departments or ministries with an environmental mission play a role, either directly or indirectly, in the work of the Commission.

3. The relevant department or ministry for each Party for the purposes of this Article shall be as follows:

a. The Ministry of Environment and Energy in Costa Rica; the Secretariat of State of Environment and Natural Resources in the Dominican Republic; the Ministry of Environment and Natural Resources in El Salvador; the Ministry of Environment and Natural Resources in Guatemala; the Ministry of Natural Resources and Environment in Honduras; the Ministry of Environment and Natural Resources in Nicaragua; and the Department of State in the United States of America.

b. Any Party that accedes to the Agreement pursuant to Article XI shall identify its relevant department or ministry to the Chair of the Commission.

c. Any Party may change the relevant department or ministry by notifying the Commission in writing.

4. All decisions of the Commission shall be taken by consensus of the Parties. These decisions shall be made public by the Commission, unless it decides otherwise, or as otherwise provided in the Agreement.

5. Representatives of the Parties may meet between meetings of the Commission to analyze and promote the implementation of the Agreement and to exchange information on the progress of cooperative programs, projects and activities. Each Party shall identify a Coordinator from each of the departments or ministries identified in paragraph 3 above to serve as a general point of contact for cooperative work under the Agreement.

6. The Commission shall periodically inform committees established by bilateral and regional free trade agreements between the Parties to review the implementation of environment-related obligations under those agreements, including the Environmental Affairs Council established under Article 5 of Chapter Seventeen (Environment) of the Dominican Republic-Central America-United States Free Trade Agreement, of the status of cooperation activities developed under the Agreement.

## **ARTICLE V – Work Program and Priority Cooperation Areas**

1. The work program developed by the Commission shall reflect national priorities for cooperative activities and shall be agreed upon by the Parties. The work program may include long-, medium-, and short-term activities related to:

- (a) strengthening each Party's environmental management systems, including reinforcing institutional and legal frameworks and the capacity to develop, implement, administer and enforce environmental laws, regulations, standards and policies;
- (b) developing and promoting incentives and other flexible and voluntary mechanisms in order to encourage environmental protection, including the development of market-based initiatives and economic incentives for environmental management;
- (c) fostering partnerships to address current or emerging conservation and management issues, including personnel training and capacity building;
- (d) conserving and managing shared, migratory, and endangered species in international commercial trade and management of marine and terrestrial parks and other protected areas;
- (e) exchanging information on domestic implementation of multilateral environmental agreements that all the Parties have ratified;
- (f) promoting best practices leading to sustainable management of the environment;
- (g) facilitating technology development and transfer and training to promote the use, proper operation and maintenance of clean production technologies;
- (h) developing and promoting environmentally beneficial goods and services;
- (i) building capacity to promote public participation in the process of environmental decision-making;
- (j) exchanging information and experiences among Parties wishing to perform environmental reviews, including reviews of trade agreements, at the national level; and
- (k) any other areas for environmental cooperation on which the Parties may agree.

2. In developing cooperative programs, projects and activities, the Parties shall develop benchmarks or other types of performance measures to assist the Commission in its ability to examine and evaluate, pursuant to Article IV.1(c) above, the progress of specific cooperative programs, projects and activities in meeting their intended goals. The Commission should consider the extent to which the activities taken collectively are contributing to the fulfillment of the Parties' long-term national and/or regional environmental goals. As appropriate, the Commission may draw upon relevant benchmarks that have been established through other mechanisms.

3. As the Commission periodically examines and evaluates cooperative programs, projects and activities, it shall seek and consider input from relevant local, regional, or international organizations regarding how best to ensure that it is accurately monitoring progress. Each Party shall periodically share with its public information regarding the progress of cooperative activities.

4. In order to avoid duplication and to complement ongoing and future environmental cooperation undertaken outside of the Agreement, the Commission shall endeavor to develop its work program in a manner compatible with the environmental work of other organizations and initiatives in which the Parties have an interest, including the Central America-United States of America Joint Accord (CONCAUSA) and programs conducted by government agencies. As part of its work program, the Commission shall seek to develop proposals and other means to complement and enhance the work of these organizations and initiatives.

5. The Commission may also include in its work program regional environmental cooperative activities of particular interest to the Parties, or a subset of the Parties, in order to concentrate on an issue or achieve an objective that the Commission determines is not being fully addressed in other fora.

#### **ARTICLE VI – Participation by the Public, Governmental Organizations and Other Institutions**

1. Unless otherwise agreed, the Commission shall include a public session in the course of its regular meetings.

2. The Commission shall promote the development of opportunities for public participation in the development and implementation of cooperative environmental activities. Each Party shall solicit and take into account, as appropriate, the views of its public with respect to the work program and should review and respond to such communications in accordance with its own domestic procedures. Each Party shall consider making these communications available to the other Parties and to the public.

3. In developing and implementing the work program, the Commission should take into account the views and recommendations of the appropriate government agencies in each country, committees established by bilateral and regional free trade agreements between the Parties to review the implementation of environment-related obligations under those agreements, including the Environmental Affairs Council established under Article 5 of Chapter Seventeen (Environment) of the Dominican Republic-Central America-United States Free Trade Agreement, and other established regional mechanisms concerned with the environment.

4. The Commission shall encourage and facilitate, as appropriate, direct contacts and cooperation among government agencies, multilateral organizations, foundations, universities, research centers, institutions, nongovernmental organizations, firms and other entities of the Parties, and the conclusion of implementing arrangements among them for the conduct of cooperative activities under the Agreement.

#### **ARTICLE VII – Bilateral Cooperation**

To further promote environmental cooperation under the Agreement, Parties may pursue bilateral cooperative projects with each other in priority areas of shared interest. Bilateral cooperation under the Agreement is intended to complement any activities that are conducted outside of the Agreement.

#### **ARTICLE VIII – Resources**

1. All cooperative activities under the Agreement shall be subject to the availability of funds and of human and other resources, and to the applicable laws and regulations of the appropriate Parties.

2. In developing its work program, the Commission should consider the mechanisms by which cooperative activities may be financed and the adequate allocation of human, technological, material, and organizational resources that may be required for the effective implementation of the cooperation activities in accordance with the capacities of the Parties. The following funding mechanisms may be considered for environmental cooperation:

(a) cooperative activities jointly financed as agreed by the Parties;

(b) cooperative activities in which each institution, organization, or agency assumes the costs of its own participation;

(c) cooperative activities financed, as appropriate, by private institutions, foundations, or public international organizations, including through ongoing programs; or,

(d) any combination of the above.

3. Unless otherwise agreed, each Party shall assume the costs of its participation in the work of the Commission.

4. Each Party shall facilitate, in accordance with its laws and regulations, duty free entry for materials and equipment provided pursuant to cooperative activities provided for under the Agreement.

5. Commodities provided pursuant to cooperative activities provided for under the Agreement and acquired by the United States, its contractors, grantees, or by foreign governments or their agents where such commodities were financed with United States funds, shall be exempt from taxation, including value-added taxes (VAT) and customs duties. If such taxation is imposed by a Party other than the United States of America, then such Party shall provide timely reimbursement to the Government of the United States of America or its agents. Commodities include any materials, articles, supplies, goods, or equipment. These same rules apply to all funds provided for under the Agreement, including grants, salaries and all monetary assistance.

#### **ARTICLE IX – Equipment and Personnel**

Each Party shall facilitate the entry of equipment and personnel related to the Agreement into its territory, subject to its laws and regulations.

#### **ARTICLE X – Technical and Confidential Information and Intellectual Property**

1. Except as provided below, all technical information obtained through the implementation of the Agreement will be available to the Parties.

2. The Parties do not foresee the creation of intellectual property under the Agreement. In the event that intellectual property that can be protected is created, the Parties shall consult to determine the allocation of the rights to that intellectual property.

3. In the event that a Party deems information confidential under its laws, or identifies information in a timely fashion as "business-confidential," which is furnished or created under the Agreement, each Party and its participants shall protect such information in accordance with their respective applicable laws, regulations, and administrative practices. Information may be identified as "business-confidential" if a person having the information may derive an economic benefit from it or may obtain a competitive advantage over those who do not have it, the information is not generally known or publicly available from other sources, and the owner has not previously made the information available without imposing in a timely manner an obligation to keep it confidential.

#### **ARTICLE XI – Accession**

The Parties may, by consensus, agree to invite, in writing, other Governments of the Central American and neighboring regions to accede to the Agreement. The Agreement shall enter into force for such other Government thirty days after receipt by the Secretariat of the Organization of American States (OAS Secretariat) of such other Government's expression of consent to be

bound by the Agreement as between it and all other Parties. The OAS Secretariat shall communicate the fact of the accession to all the other Parties and shall furnish a certified copy of the Agreement to the new Party.

## **ARTICLE XII – Entry into Force, Withdrawal, Amendments**

1. Each signatory Government shall notify the OAS Secretariat by diplomatic note upon completion of its internal requirements necessary for the entry into force of the Agreement, and the OAS Secretariat shall notify the signatory Governments upon receipt of each such diplomatic note. The Agreement shall enter into force thirty days after the receipt of the last such note by the OAS Secretariat.

2. The Agreement shall remain in force indefinitely. Any Party may withdraw from the Agreement upon six months' written notification to the OAS Secretariat of its intention to withdraw. The OAS Secretariat shall communicate this notification to all other Parties. Unless otherwise agreed, such withdrawal shall not affect the validity of any ongoing activities not fully completed at the time of termination, nor shall it affect the Agreement as it relates to the remaining Parties.

3. The Agreement may be amended by written mutual consent of the Parties.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Washington, D.C., this Eighteenth day of February, 2005 in two copies in the English and Spanish languages, both texts being equally authentic.

FOR THE GOVERNMENT OF COSTA RICA:

FOR THE GOVERNMENT OF THE DOMINICAN REPUBLIC:

FOR THE GOVERNMENT OF EL SALVADOR:

FOR THE GOVERNMENT OF GUATEMALA:

FOR THE GOVERNMENT OF HONDURAS:

FOR THE GOVERNMENT OF NICARAGUA:

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA: