

**Division III**  
**THE HIGH SEAS<sup>1</sup>**

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**Subdivision A. Multilateral Treaties**

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1. AGREEMENT ON THE RESCUE OF ASTRONAUTS, THE RETURN OF ASTRONAUTS AND THE RETURN OF OBJECTS LAUNCHED INTO OUTER SPACE. DONE AT WASHINGTON, LONDON AND MOSCOW ON 22 APRIL 1968<sup>2</sup>

*Article 1*

Each Contracting Party which receives information or discovers that the personnel of a spacecraft have suffered accident or are experiencing conditions of distress or have made an emergency or unintended landing in territory under its jurisdiction or on the high seas or in any other place not under the jurisdiction of any State shall immediately:

(a) Notify the launching authority or, if it cannot identify and immediately communicate with the launching authority, immediately make a public announcement by all appropriate means of communication at its disposal;

(b) Notify the Secretary-General of the United Nations, who should disseminate the information without delay by all appropriate means of communication at his disposal.

*Article 2*

If, owing to accident, distress, emergency or unintended landing, the personnel of a spacecraft land in territory under the jurisdiction of a Contracting Party, it shall immediately take all possible steps to rescue them and render

<sup>1</sup> Some of the texts reproduced under DIVISION II and IV may also cover questions concerning the high seas.

<sup>2</sup> United Nations, *Treaty Series*, vol. 672, p. 119. Entered into force on 3 December 1968. The Parties as of 1 July 1973 are: Argentina; Austria; Barbados; Botswana; Bulgaria; Byelorussian SSR; Cameroon; Cyprus; Czechoslovakia; Denmark; Ecuador; Egypt; El Salvador; Fiji; Finland; Gabon; Gambia; German Democratic Republic; Germany, Federal Republic of; Guyana; Hungary; Iceland; Iran; Iraq; Ireland; Israel; Korea; Kuwait; Laos; Lebanon; Madagascar; Maldives; Mauritius; Mexico; Mongolia; Morocco; Nepal; New Zealand; Niger; Norway; Poland; Portugal; Romania; San Marino; South Africa; Swaziland; Sweden; Switzerland; Syrian Arab Republic; Thailand; Tonga; Tunisia; Ukrainian SSR; Union of Soviet Socialist Republics; United Kingdom; United States of America; Uruguay and Yugoslavia.

them all necessary assistance. It shall inform the launching authority and also the Secretary-General of the United Nations of the steps it is taking and of their progress. If assistance by the launching authority would help to effect a prompt rescue or would contribute substantially to the effectiveness of search and rescue operations, the launching authority shall co-operate with the Contracting Party with a view to the effective conduct of search and rescue operations. Such operations shall be subject to the direction and control of the Contracting Party, which shall act in close and continuing consultation with the launching authority.

*Article 3*

If information is received or it is discovered that the personnel of a spacecraft have alighted on the high seas or in any other place not under the jurisdiction of any State, those Contracting Parties which are in a position to do so shall, if necessary, extend assistance in search and rescue operations for such personnel to assure their speedy rescue. They shall inform the launching authority and the Secretary-General of the United Nations of the steps they are taking and of their progress.

*Article 4*

If, owing to accident, distress, emergency or unintended landing, the personnel of a spacecraft land in territory under the jurisdiction of a Contracting Party or have been found on the high seas or in any other place not under the jurisdiction of any State, they shall be safely and promptly returned to representatives of the launching authority.

*Article 5*

1. Each Contracting Party which receives information or discovers that a space object or its component parts has returned to Earth in territory under its jurisdiction or on the high seas or in any other place not under the jurisdiction of any State, shall notify the launching authority and the Secretary-General of the United Nations.

2. Each Contracting Party having jurisdiction over the territory on which a space object or its component parts has been discovered shall, upon the request of the launching authority and with assistance from that authority if requested, take such steps as it finds practicable to recover the object or component parts.

3. Upon request of the launching authority, objects launched into outer space or their component parts found beyond the territorial limits of the launching authority shall be returned to or held at the disposal of representatives of the launching authority, which shall, upon request, furnish identifying data prior to their return.

4. Notwithstanding paragraphs 2 and 3 of this article, a Contracting Party which has reason to believe that a space object or its component parts discovered in territory under its jurisdiction, or recovered by it elsewhere, is of a hazardous or deleterious nature may so notify the launching authority, which shall immediately take effective steps, under the direction and control of the said Contracting Party, to eliminate possible danger of harm.

5. Expenses incurred in fulfilling obligations to recover and return a space object or its component parts under paragraphs 2 and 3 of this article shall be borne by the launching authority.

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## 2. AGREEMENT FOR CO-OPERATION IN DEALING WITH POLLUTION OF THE NORTH SEA BY OIL. DONE AT BONN ON 9 JUNE 1969<sup>1</sup>

The Government of

The Kingdom of Belgium,  
 The Kingdom of Denmark,  
 The French Republic,  
 The Federal Republic of Germany,  
 The Kingdom of the Netherlands,  
 The Kingdom of Norway,  
 The Kingdom of Sweden,  
 The United Kingdom of Great Britain and Northern Ireland,

Recognizing that grave pollution of the sea by oil in the North Sea area involves a danger to the coastal states,

Noting that the Council of the Inter-Governmental Maritime Consultative Organization at its third extraordinary session in May 1967, decided to include among the matters requiring study as a matter of urgency, *inter alia*,

“Procedures whereby States, regionally or interregionally where applicable, can co-operate at short notice to provide manpower, supplies, equipment and scientific advice to deal with discharge of oil or other noxious or hazardous substances including consideration of the possibility of patrols to ascertain the extent of the discharge and the manner of treating it both on sea and land”,

Have agreed on the following:

### *Article 1*

This Agreement shall apply whenever the presence or the prospective presence of oil polluting the sea within the North Sea area, as defined in article 2 of this Agreement, presents a grave and imminent danger to the coast or related interests of one or more Contracting Parties.

### *Article 2*

For the purposes of this Agreement the North Sea area means the North Sea proper southwards of latitude 61° N, together with

(a) The Skagerrak, the southern limit of which is determined by a line joining Skagen and Pater Noster Skären;

(b) The English Channel and its approaches eastwards of a line drawn fifty nautical miles to the west of a line joining the Scilly Isles and Ushant.

<sup>1</sup> United Nations, *Treaty Series*, vol. 704, no. 10099. Entered into force on 9 August 1969, in accordance with article 9.

*Article 3*

The Contracting Parties consider that protection against pollution of the kind referred to in article 1 of this Agreement is a matter which calls for active co-operation between the Contracting Parties.

*Article 4*

Contracting Parties undertake to inform the other Contracting Parties about

- (a) Their national organization for dealing with oil pollution;
- (b) The competent authority responsible for receiving reports of oil pollution and for dealing with questions concerning measures of mutual assistance between Contracting Parties;
- (c) New ways in which oil pollution may be avoided and about new effective measures to deal with oil pollution.

*Article 5*

(1) Whenever a Contracting Party is aware of a casualty or the presence of oil slicks in the North Sea area likely to constitute a serious threat to the coast or related interests of any other Contracting Party, it shall inform the other Party without delay through its competent authority.

(2) The Contracting Parties undertake to request the masters of all ships flying their flags and pilots of aircraft registered in their countries to report without delay through the channels which may be most practicable and adequate in the circumstances:

- (a) All casualties causing or likely to cause oil pollution of the sea;
- (b) The presence, nature and extent of oil slicks on the sea likely to constitute a serious threat to the coast or related interests of one or more Contracting Parties.

*Article 6*

(1) For the sole purposes of this Agreement the North Sea area is divided into the zones described in the annex to this Agreement.

(2) The Contracting Party within whose zone a situation of the kind described in article 1 occurs, shall make the necessary assessments of the nature and extent of any casualty or, as the case may be, of the type and approximate quantity of oil floating on the sea, and the direction and speed of movement of the oil.

(3) The Contracting Party concerned shall immediately inform all the other Contracting Parties through their competent authorities of its assessments and of any action which it has taken to deal with the floating oil and shall keep the oil under observation as long as it is drifting in its zone.

(4) The obligations of the Contracting Parties under the provisions of this article with respect to the zones of joint responsibility shall be the subject of special technical arrangements to be concluded between the Parties concerned. These arrangements shall be communicated to the other Contracting Parties.

(5) In no case shall the division into zones referred to in this article be invoked as a precedent or argument in any matter concerning sovereignty or jurisdiction.

*Article 7*

A Contracting Party requiring assistance to dispose of oil floating on the sea or polluting its coast may call on the help of the other Contracting Parties, starting with those which also seem likely to be affected by the floating oil. Contracting Parties called upon for help in accordance with this article shall use their best endeavours to bring such assistance as is within their power.

*Article 8*

Any Contracting Party which has taken action in accordance with article 7 of this Agreement shall submit a report thereon to the other Contracting Parties and to the Inter-Governmental Maritime Consultative Organization.

*Article 9*

(1) This Agreement shall be open for signature by the Governments mentioned in the preamble from 9 June 1969.

(2) These Governments may become parties to this Agreement either by signature without reservation as to ratification or approval or by signature subject to ratification or approval followed by ratification or approval.

(3) Instruments of ratification or approval shall be deposited with the Government of the Federal Republic of Germany.

(4) This Agreement shall enter into force two months after the date on which six Governments have signed the Agreement without reservation as to ratification or approval or have deposited an instrument of ratification or approval.

(5) For each Government which subsequently signs the Agreement without reservation as to ratification or approval, or ratifies or approves it, it shall enter into force two months after the date of its signature or of the deposit of its instrument of ratification or approval.

*Article 10*

(1) After this Agreement has been in force for five years it may be denounced by any Contracting Party.

(2) Denunciation shall be effected by a notification in writing addressed to the Government of the Federal Republic of Germany which shall notify all the other Contracting Parties of any denunciation received and of the date of its receipt.

(3) A denunciation shall take effect one year after its receipt by the Government of the Federal Republic of Germany.

ANNEX  
DESCRIPTION OF THE ZONES REFERRED TO IN  
ARTICLE 6 OF THIS AGREEMENT

The zones with the exception of the zones of joint responsibility are limited by lines joining the following points:

<i>Denmark</i>		<i>Germany</i>	
55° 03' N	8° 22' E	53° 34' N	6° 38' E
55° 10' N	2° 30' E	54° 00' N	5° 30' E
55° 10' N	2° 15' E	54° 00' N	2° 40' E
57° 00' N	1° 30' E	55° 10' N	2° 15' E
57° 00' N	6° 40' E	55° 10' N	7° 30' E
58° 10' N	10° 00' E	55° 03' N	8° 22' E
57° 48' N	10° 57' E		
57° 44' N	10° 38' E (Skagen)		

<i>Netherlands</i>		<i>Norway</i>	
51° 32' N	3° 18' E	61° 00' N	4° 30' E
51° 32' N	2° 06' E	61° 00' N	2° 00' E
52° 30' N	3° 10' E	57° 00' N	1° 30' E
54° 00' N	2° 40' E	57° 00' N	6° 40' E
54° 00' N	5° 30' E	58° 10' N	10° 00' E
53° 34' N	6° 38' E	58° 54,5' N	10° 43' E

To be continued along the  
Norwegian-Swedish border.

<i>Sweden</i>		<i>United Kingdom</i>	
57° 54' N	11° 28' E	61° 00' N	0° 50' W
(Pater Noster lighthouse)		61° 00' N	2° 00' E
57° 48' N	10° 57' E	57° 00' N	1° 30' E
58° 10' N	10° 00' E	52° 30' N	3° 10' E
58° 54,5' N	10° 43' E	51° 32' N	2° 06' E

To be continued along the  
Norwegian-Swedish border.

The zones of joint responsibility are as follows:

- (1) Belgium, France and United Kingdom  
Sea area between parallels 51° 32' N and 51° 06' N.
- (2) France and United Kingdom

The English Channel south-west of parallel 51° 06' N to a line drawn between the points

49° 52' N    07° 44' W and  
48° 27' N    06° 25' W.

3. INTERNATIONAL CONVENTION RELATING TO INTERVENTION OF THE HIGH SEAS IN CASES OF OIL POLLUTION CASUALTIES. DONE AT BRUSSELS ON 29 NOVEMBER 1969<sup>1</sup>

The States Parties to the present Convention,

Conscious of the need to protect the interests of their peoples against the grave consequences of a maritime casualty resulting in danger of oil pollution of sea and coastlines,

Convinced that under these circumstances measures of an exceptional character to protect such interests might be necessary on the high seas and that these measures do not affect the principle of freedom of the high seas,

Have agreed as follows:

*Article I*

1. Parties to the present Convention may take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution of the sea by oil, following upon a maritime casualty or acts related to such a casualty, which may reasonably be expected to result in major harmful consequences.

2. However, no measures shall be taken under the present Convention against any warship or other ship owned or operated by a State and used, for the time being, only on government non-commercial service.

*Article II*

For the purposes of the present Convention:

1. "Maritime casualty" means a collision of ships, stranding or other incident of navigation, or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to a ship or cargo;

2. "Ship" means:

(a) Any sea-going vessel of any type whatsoever, and

(b) Any floating craft, with the exception of an installation or device engaged in the exploration and exploitation of the resources of the sea-bed and the ocean floor and the subsoil thereof;

3. "Oil" means crude oil, fuel oil, diesel oil and lubricating oil;

4. "Related interests" means the interests of a coastal State directly affected or threatened by the maritime casualty, such as:

(a) Maritime coastal, port or estuarine activities, including fisheries activities, constituting an essential means of livelihood of the persons concerned;

(b) Tourist attractions of the area concerned;

(c) The health of the coastal population and the well-being of the area concerned, including conservation of living marine resources and of wildlife;

<sup>1</sup> Text provided by the Permanent Mission of the Netherlands to the United Nations in a note verbale of 9 November 1971.

5. "Organization" means the Inter-Governmental Maritime Consultative Organization.

#### *Article III*

When a coastal State is exercising the right to take measures in accordance with article I, the following provisions shall apply:

(a) Before taking any measures, a coastal State shall proceed to consultations with other States affected by the maritime casualty, particularly with the flag State or States;

(b) The coastal State shall notify without delay the proposed measures to any persons physical or corporate known to the coastal State, or made known to it during the consultations, to have interests which can reasonably be expected to be affected by those measures. The coastal State shall take into account any views they may submit;

(c) Before any measure is taken, the coastal State may proceed to a consultation with independent experts, whose names shall be chosen from a list maintained by the Organization;

(d) In cases of extreme urgency requiring measures to be taken immediately, the coastal State may take measures rendered necessary by the urgency of the situation, without prior notification or consultation or without continuing consultations already begun;

(e) A coastal State shall, before taking such measures and during their course, use its best endeavours to avoid any risk to human life, and to afford persons in distress any assistance of which they may stand in need, and in appropriate cases to facilitate the repatriation of ships' crews, and to raise no obstacle thereto;

(f) Measures which have been taken in application of article I shall be notified without delay to the States and to the known physical or corporate persons concerned, as well as to the Secretary-General of the Organization.

#### *Article IV*

1. Under the supervision of the Organization, there shall be set up and maintained the list of experts contemplated by article III of the present Convention, and the Organization shall make necessary and appropriate regulations in connexion therewith, including the determination of the required qualifications.

2. Nominations to the list may be made by Member States of the Organization and by Parties to this Convention. The experts shall be paid on the basis of services rendered by the States utilizing those services.

#### *Article V*

1. Measures taken by the coastal State in accordance with article I shall be proportionate to the damage actual or threatened to it.

2. Such measures shall not go beyond what is reasonably necessary to achieve the end mentioned in article I and shall cease as soon as that end has been achieved; they shall not unnecessarily interfere with the rights and interests of the flag State, third States and of any persons, physical or corporate, concerned.



3. In considering whether the measures are proportionate to the damage, account shall be taken of;

- (a) The extent and probability of imminent damage if those measures are not taken; and
- (b) The likelihood of those measures being effective; and
- (c) The extent of the damage which may be caused by such measures.

#### *Article VI*

Any Party which has taken measures in contravention of the provisions of the present Convention causing damage to others, shall be obliged to pay compensation to the extent of the damage caused by measures which exceed those reasonably necessary to achieve the end mentioned in article I.

#### *Article VII*

Except as specifically provided, nothing in the present Convention shall prejudice any otherwise applicable right, duty, privilege or immunity or deprive any of the Parties or any interested physical or corporate person of any remedy otherwise applicable.

#### *Article VIII*

1. Any controversy between the Parties as to whether measures taken under article I were in contravention of the provisions of the present Convention, to whether compensation is obliged to be paid under article VI, and to the amount of such compensation shall, if settlement by negotiation between the Parties involved or between the Party which took the measures and the physical or corporate claimants has not been possible, and if the Parties do not otherwise agree, be submitted upon request of any of the Parties concerned to conciliation or, if conciliation does not succeed, to arbitration, as set out in the annex to the present Convention.

2. The Party which took the measures shall not be entitled to refuse a request for conciliation or arbitration under provisions of the preceding paragraph solely on the grounds that any remedies under municipal law in its own court have not been exhausted.

#### *Article IX*

1. The present Convention shall remain open for signature until 31 December 1970 and shall thereafter remain open for accession.

2. States Members of the United Nations or any of the specialized agencies or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice may become Parties to this Convention by:

- (a) Signature without reservation as to ratification, acceptance or approval;
- (b) Signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or
- (c) Accession.

*Article X*

1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.

2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Convention with respect to all existing Parties or after the completion of all measures required for the entry into force of the amendment with respect to those Parties shall be deemed to apply to the Convention as modified by the amendment.

*Article XI*

1. The present Convention shall enter into force on the ninetieth day following the date on which Governments of fifteen States have either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.

2. For each State which subsequently ratifies, accepts, approves or accedes to it the present Convention shall come into force on the ninetieth day after deposit by such State of the appropriate instrument.

*Article XII*

1. The present Convention may be denounced by any Party at any time after the date on which the Convention comes into force for that State.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.

3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

*Article XIII*

1. The United Nations where it is the administering authority for a territory, or any State Party to the present Convention responsible for the international relations of a territory, shall as soon as possible consult with the appropriate authorities of such territories or take such other measures as may be appropriate, in order to extend the present Convention to that territory and may at any time by notification in writing to the Secretary-General of the Organization declare that the present Convention shall extend to such territory.

2. The present Convention shall, from the date of receipt of the notification or from such other date as may be specified in the notification, extend to the territory named therein.

3. The United Nations, or any Party which has made a declaration under paragraph 1 of this article may at any time after the date on which the Convention has been so extended to any territory declare by notification in writing to the Secretary-General of the Organization that the present Convention shall cease to extend to any such territory named in the notification.

4. The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therein,

after the date of receipt of the notification by the Secretary-General of the Organization.

*Article XIV*

1. A Conference for the purpose of revising or amending the present Convention may be convened by the Organization.

2. The Organization shall convene a Conference of the States Parties to the present Convention for revising or amending the present Convention at the request of not less than one-third of the Parties.

*Article XV*

1. The present Convention shall be deposited with the Secretary-General of the Organization.

2. The Secretary-General of the Organization shall:

(a) Inform all States which have signed or acceded to the Convention of:

- (i) Each new signature or deposit of instrument together with the date thereof;
- (ii) The deposit of any instrument of denunciation of this Convention together with the date of the deposit;
- (iii) The extension of the present Convention to any territory under paragraph 1 of Article XIII and of the termination of any such extension under the provisions of paragraph 4 of that Article stating in each case the date on which the present Convention has been or will cease to be so extended;

(b) Transmit certified true copies of the present Convention to all Signatory States and to all States which accede to the present Convention.

*Article XVI*

As soon as the present Convention comes into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

*Article XVII*

The present Convention is established in a single copy in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared and deposited with the signed original.

ANNEX

CHAPTER I. CONCILIATION

*Article 1*

Provided the Parties concerned do not decide otherwise, the procedure for conciliation shall be in accordance with the rules set out in this chapter.

*Article 2*

1. A Conciliation Commission shall be established upon the request of one Party addressed to another in application of article VIII of the Convention.
2. The request for conciliation submitted by a Party shall consist of a statement of the case together with any supporting documents.
3. If a procedure has been initiated between two Parties, any other Party the nationals or property of which have been affected by the same measures, or which is a coastal State having taken similar measures, may join in the conciliation procedure by giving written notice to the Parties which have originally initiated the procedure unless either of the latter Parties object to such joinder.

*Article 3*

1. The Conciliation Commission shall be composed of three members: one nominated by the coastal State which took the measures, one nominated by the State the nationals or property of which have been affected by those measures and a third, who shall preside over the Commission and shall be nominated by agreement between the two original members.
2. The Conciliators shall be selected from a list previously drawn up in accordance with the procedure set out in article 4 below.
3. If within a period of 60 days from the date of receipt of the request for conciliation, the Party to which such request is made has not given notice to the other Party to the controversy of the nomination of the Conciliator for whose selection it is responsible, or if, within a period of 30 days from the date of nomination of the second of the members of the Commission to be designated by the Parties, the first two Conciliators have not been able to designate by common agreement the Chairman of the Commission, the Secretary-General of the Organization shall upon request of either Party and within a period of 30 days, proceed to the required nomination. The members of the Commission thus nominated shall be selected from the list prescribed in the preceding paragraph.
4. In no case shall the Chairman of the Commission be or have been a national of one of the original Parties to the procedure, whatever the method of his nomination.

*Article 4*

1. The list prescribed in article 3 above shall consist of qualified persons designated by the Parties and shall be kept up to date by the Organization. Each Party may designate for inclusion on the list four persons, who shall not necessarily be its nationals. The nominations shall be for periods of six years each and shall be renewable.
2. In the case of the decease or resignation of a person whose name appears on the list, the Party which nominated such person shall be permitted to nominate a replacement for the remainder of the term of office.

*Article 5*

1. Provided the Parties do not agree otherwise, the Conciliation Commission shall establish its own procedures, which shall in all cases permit a fair hearing. As regards examination, the Commission, unless it unanimously decides otherwise, shall conform with the provisions of chapter III of The Hague Convention for the Peaceful Settlement of International Disputes of 18 October 1907.
2. The Parties shall be represented before the Conciliation Commission by agents whose duty shall be to act as intermediaries between the Parties and the Commission. Each of the Parties may seek also the assistance of advisers and experts nominated by it for this purpose and may request the hearing of all persons whose evidence the Party considers useful.

3. The Commission shall have the right to request explanations from agents, advisers and experts of the Parties as well as from any persons whom, with the consent of their Governments, it may deem useful to call.

*Article 6*

Provided the Parties do not agree otherwise, decisions of the Conciliation Commission shall be taken by a majority vote and the Commission shall not pronounce on the substance of the controversy unless all its members are present.

*Article 7*

The Parties shall facilitate the work of the Conciliation Commission and in particular, in accordance with their legislation, and using all means at their disposal:

- (a) Provide the Commission with the necessary documents and information;
- (b) Enable the Commission to enter their territory, to hear witnesses or experts, and to visit the scene.

*Article 8*

The task of the Conciliation Commission will be to clarify the matters under dispute, to assemble for this purpose all relevant information by means of examination or other means, and to endeavour to reconcile the Parties. After examining the case, the Commission shall communicate to the Parties a recommendation which appears to the Commission to be appropriate to the matter and shall fix a period of not more than 90 days within which the Parties are called upon to state whether or not they accept the recommendation.

*Article 9*

The recommendation shall be accompanied by a statement of reasons. If the recommendation does not represent in whole or in part the unanimous opinion of the Commission, any Conciliator shall be entitled to deliver a separate opinion.

*Article 10*

A conciliation shall be deemed unsuccessful if, 90 days after the Parties have been notified of the recommendation, either Party shall not have notified the other Party of its acceptance of the recommendation. Conciliation shall likewise be deemed unsuccessful if the Commission shall not have been established within the period prescribed in the third paragraph of article 3 above, or provided the Parties have not agreed otherwise, if the Commission shall not have issued its recommendation within one year from the date on which the Chairman of the Commission was nominated.

*Article 11*

1. Each member of the Commission shall receive remuneration for his work, such remuneration to be fixed by agreement between the Parties which shall each contribute an equal proportion.

2. Contributions for miscellaneous expenditure incurred by the work of the Commission shall be apportioned in the same manner.

*Article 12*

The parties to the controversy may at any time during the conciliation procedure decide in agreement to have recourse to a different procedure for settlement of disputes.

## CHAPTER II. ARBITRATION

*Article 13*

1. Arbitration procedure, unless the Parties decide otherwise, shall be in accordance with the rules set out in this chapter.

2. Where conciliation is unsuccessful, a request for arbitration may only be made within a period of 180 days following the failure of conciliation.

*Article 14*

The Arbitration Tribunal shall consist of three members: one Arbitrator nominated by the coastal State which took the measures, one Arbitrator nominated by the State the nationals or property of which have been affected by those measures, and another Arbitrator who shall be nominated by agreement between the two first-named, and shall act as its Chairman.

*Article 15*

1. If, at the end of a period of 60 days from the nomination of the second Arbitrator, the Chairman of the Tribunal shall not have been nominated, the Secretary-General of the Organization upon request of either Party shall within a further period of 60 days proceed to such nomination, selecting from a list of qualified persons previously drawn up in accordance with the provisions of article 4 above. This list shall be separate from the list of experts prescribed in article IV of the Convention and from the list of Conciliators prescribed in article 4 of the present annex; the name of the same person may, however, appear both on the list of Conciliators and on the list of Arbitrators. A person who has acted as Conciliator in a dispute may not, however, be chosen to act as Arbitrator in the same matter.

2. If, within a period of 60 days from the date of the receipt of the request, one of the Parties shall not have nominated the member of the Tribunal for whose designation it is responsible, the other Party may directly inform the Secretary-General of the Organization who shall nominate the Chairman of the Tribunal within a period of 60 days, selecting him from the list prescribed in paragraph 1 of the present article.

3. The Chairman of the Tribunal shall, upon nomination, request the Party which has not provided an Arbitrator, to do so in the same manner and under the same conditions. If the party does not make the required nomination, the Chairman of the Tribunal shall request the Secretary-General of the Organization to make the nomination in the form and conditions prescribed in the preceding paragraph.

4. The Chairman of the Tribunal, if nominated under the provisions of the present article, shall not be or have been a national of one of the Parties concerned, except with the consent of the other Party or Parties.

5. In the case of the decease or default of an Arbitrator for whose nomination one of the Parties is responsible, the said Party shall nominate a replacement within a period of 60 days from the date of decease or default. Should the said Party not make the nomination, the arbitration shall proceed under the remaining Arbitrators. In the case of decease or default of the Chairman of the Tribunal, a replacement shall be nominated in accordance with the provisions of article 14 above, or in the absence of agreement between the members of the Tribunal within a period of 60 days of the decease or default, according to the provisions of the present article.

*Article 16*

If a procedure has been initiated between two Parties, any other Party, the nationals or property of which have been affected by the same measures or which is a coastal State having taken similar measures, may join in the arbitration procedure by giving

written notice to the Parties which have originally initiated the procedure unless either of the latter Parties object to such joinder.

*Article 17*

Any Arbitration Tribunal established under the provisions of the present annex, shall decide its own rules of procedure.

*Article 18*

1. Decisions of the Tribunal both as to its procedure and its place of meeting and as to any controversy laid before it, shall be taken by majority vote of its members; the absence or abstention of one of the members of the Tribunal for whose nomination the Parties were responsible shall not constitute an impediment to the Tribunal reaching a decision. In cases of equal voting, the Chairman shall cast the deciding vote.

2. The Parties shall facilitate the work of the Tribunal and in particular, in accordance with their legislation, and using all means at their disposal:

(a) Provide the Tribunal with the necessary documents and information;

(b) Enable the Tribunal to enter their territory, to hear witnesses or experts, and to visit the scene.

3. Absence or default of one Party shall not constitute an impediment to the procedure.

*Article 19*

1. The award of the Tribunal shall be accompanied by a statement of reasons. It shall be final and without appeal. The Parties shall immediately comply with the award.

2. Any controversy which may arise between the Parties as regards interpretation and execution of the award may be submitted by either Party for judgement to the Tribunal which made the award, or, if it is not available, to another Tribunal constituted for this purpose in the same manner as the original Tribunal.

4. INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE. DONE AT BRUSSELS ON 29 NOVEMBER 1969<sup>1</sup>

The States Parties to the present Convention,

Conscious of the dangers of pollution posed by the world-wide maritime carriage of oil in bulk,

Convinced of the need to ensure that adequate compensation is available to persons who suffer damage caused by pollution resulting from the escape or discharge of oil from ships,

Desiring to adopt uniform international rules and procedures for determining questions of liability and providing adequate compensation in such cases,

Have agreed as follows:

*Article I*

For the purposes of this Convention:

1. "Ship" means any sea-going vessel and any seaborne craft of any type whatsoever, actually carrying oil in bulk as cargo.

<sup>1</sup> Text provided by the Permanent Mission of the Netherlands to the United Nations in a note verbale of 9 November 1971.

2. "Person" means any individual or partnership or any public or private body, whether corporate or not, including a State or any of its constituent subdivisions.

3. "Owner" means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship. However, in the case of a ship owned by a State and operated by a company which in that State is registered as the ship's operator, "owner" shall mean such company.

4. "State of the ship's registry" means in relation to registered ships the State of registration of the ship, and in relation to unregistered ships the State whose flag the ship is flying.

5. "Oil" means any persistent oil such as crude oil, fuel oil, heavy diesel oil, lubricating oil and whale oil, whether carried on board a ship as cargo or in the bunkers of such a ship.

6. "Pollution damage" means loss or damage caused outside the ship carrying oil by contamination resulting from the escape or discharge of oil from the ship, wherever such escape or discharge may occur, and includes the costs of preventive measures and further loss or damage caused by preventive measures.

7. "Preventive measures" means any reasonable measures taken by any person after an incident has occurred to prevent or minimize pollution damage.

8. "Incident" means any occurrence, or series of occurrences having the same origin, which causes pollution damage.

9. "Organization" means the Inter-Governmental Maritime Consultative Organization.

#### *Article II*

This Convention shall apply exclusively to pollution damage caused on the territory including the territorial sea of a Contracting State and to preventive measures taken to prevent or minimize such damage.

#### *Article III*

1. Except as provided in paragraphs 2 and 3 of this article, the owner of a ship at the time of an incident, or where the incident consists of a series of occurrences at the time of the first such occurrence, shall be liable for any pollution damage caused by oil which has escaped or been discharged from the ship as a result of the incident.

2. No liability for pollution damage shall attach to the owner if he proves that the damage:

(a) Resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character, or

(b) Was wholly caused by an act or omission done with intent to cause damage by a third party; or

(c) Was wholly caused by the negligence or other wrongful act of any Government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function.



3. If the owner proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person, the owner may be exonerated wholly or partially from his liability to such person.

4. No claim for compensation for pollution damage shall be made against the owner otherwise than in accordance with this Convention. No claim for pollution damage under this Convention or otherwise may be made against the servants or agents of the owner.

5. Nothing in this Convention shall prejudice any right of recourse of the owner against third parties.

#### *Article IV*

When oil has escaped or has been discharged from two or more ships, and pollution damage results therefrom, the owners of all the ships concerned, unless exonerated under article III, shall be jointly and severally liable for all such damage which is not reasonably separable.

#### *Article V*

1. The owner of a ship shall be entitled to limit his liability under this Convention in respect of any one incident to an aggregate amount of 2,000 francs for each ton of the ship's tonnage. However, this aggregate amount shall not in any event exceed 210 million francs.

2. If the incident occurred as a result of the actual fault or privity of the owner, he shall not be entitled to avail himself of the limitation provided in paragraph 1 of this article.

3. For the purpose of availing himself of the benefit of limitation provided for in paragraph 1 of this article the owner shall constitute a fund for the total sum representing the limit of his liability with the Court or other competent authority of any one of the Contracting States, in which action is brought under article IX. The fund can be constituted either by depositing the sum or by producing a bank guarantee or other guarantee, acceptable under the legislation of the Contracting State where the fund is constituted, and considered to be adequate by the Court or another competent authority.

4. The fund shall be distributed among the claimants in proportion to the amounts of their established claims.

5. If before the fund is distributed the owner or any of his servants or agents or any person providing him insurance or other financial security has as a result of the incident in question, paid compensation for pollution damage, such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.

6. The right of subrogation provided for in paragraph 5 of this article may also be exercised by a person other than those mentioned therein in respect of any amount of compensation for pollution damage which he may have paid but only to the extent that such subrogation is permitted under the applicable national law.

7. Where the owner or any other person establishes that he may be compelled to pay at a later date in whole or in part any such amount of compensation,

with regard to which such person would have enjoyed a right of subrogation under paragraphs 5 or 6 of this article, had the compensation been paid before the fund was distributed, the Court or other competent authority of the State where the fund has been constituted may order that a sufficient sum shall be provisionally set aside to enable such person at such later date to enforce his claim against the fund.

8. Claims in respect of expenses reasonably incurred or sacrifices reasonably made by the owner voluntarily to prevent or minimize pollution damage shall rank equally with other claims against the fund.

9. The franc mentioned in this article shall be a unit consisting of 65 1/2 milligrams of gold of millesimal fineness nine hundred. The amount mentioned in paragraph 1 of this article shall be converted into the national currency of the State in which the fund is being constituted on the basis of the value of that currency by reference to the unit defined above on the date of the constitution of the fund.

10. For the purpose of this article the ship's tonnage shall be the net tonnage of the ship with the addition of the amount deducted from the gross tonnage on account of engine room space for the purpose of ascertaining the net tonnage. In the case of a ship which cannot be measured in accordance with the normal rules of tonnage measurement, the ship's tonnage shall be deemed to be 40 per cent of the weight in tons (of 2,240 lbs.) of oil which the ship is capable of carrying.

11. The insurer or other person providing financial security shall be entitled to constitute a fund in accordance with this article on the same conditions and having the same effect as if it were constituted by the owner. Such a fund may be constituted even in the event of the actual fault or privity of the owner but its constitution shall in that case not prejudice the rights of any claimant against the owner.

#### *Article VI*

1. Where the owner, after an incident, has constituted a fund in accordance with article V, and is entitled to limit his liability,

(a) No person having a claim for pollution damage arising out of that incident shall be entitled to exercise any right against any other assets of the owner in respect of such claim;

(b) The Court or other competent authority of any Contracting State shall order the release of any ship or other property belonging to the owner which has been arrested in respect of a claim for pollution damage arising out of that incident, and shall similarly release any bail or other security furnished to avoid such arrest.

2. The foregoing shall, however, only apply if the claimant has access to the Court administering the fund and the fund is actually available in respect of his claim.

#### *Article VII*

1. The owner of a ship registered in a Contracting State and carrying more than 2,000 tons of oil in bulk as cargo shall be required to maintain insurance or other financial security, such as the guarantee of a bank or a

certificate delivered by an international compensation fund, in the sums fixed by applying the limits of liability prescribed in article V, paragraph 1 to cover his liability for pollution damage under this Convention.

2. A certificate attesting that insurance or other financial security is in force in accordance with the provisions of this Convention shall be issued to each ship. It shall be issued or certified by the appropriate authority of the State of the ship's registry after determining that the requirements of paragraph 1 of this article have been complied with. This certificate shall be in the form of the annexed model and shall contain the following particulars:

- (a) Name of ship and port of registration;
- (b) Name and principal place of business of owner;
- (c) Type of security;
- (d) Name and principal place of business of insurer or other person giving security and, where appropriate, place of business where the insurance or security is established;
- (e) Period of validity of certificate which shall not be longer than the period of validity of the insurance or other security.

3. The certificate shall be in the official language or languages of the issuing State. If the language used is neither English nor French, the text shall include a translation into one of these languages.

4. The certificate shall be carried on board the ship and a copy shall be deposited with the authorities who keep the record of the ship's registry.

5. An insurance or other financial security shall not satisfy the requirements of this article if it can cease, for reasons other than the expiry of the period of validity of the insurance or security specified in the certificate under paragraph 2 of this article, before three months have elapsed from the date on which notice of its termination is given to the authorities referred to in paragraph 4 of this article, unless the certificate has been surrendered to these authorities or a new certificate has been issued within the said period. The foregoing provisions shall similarly apply to any modification which results in the insurance or security no longer satisfying the requirements of this article.

6. The State of registry shall, subject to the provisions of this article, determine the conditions of issue and validity of the certificate.

7. Certificates issued or certified under the authority of a Contracting State shall be accepted by other Contracting States for the purposes of this Convention and shall be regarded by other Contracting States as having the same force as certificates issued or certified by them. A Contracting State may at any time request consultation with the State of a ship's registry should it believe that the insurer or guarantor named in the certificate is not financially capable of meeting the obligations imposed by this Convention.

8. Any claim for compensation for pollution damage may be brought directly against the insurer or other person providing financial security for the owner's liability for pollution damage. In such case the defendant may, irrespective of the actual fault or privity of the owner, avail himself of the limits of liability prescribed in article V, paragraph 1. He may further avail himself of the defences (other than the bankruptcy or winding up of the owner) which the owner himself would have been entitled to invoke. Furthermore,

the defendant may avail himself of the defence that the pollution damage resulted from the wilful misconduct of the owner himself, but the defendant shall not avail himself of any other defence which he might have been entitled to invoke in proceedings brought by the owner against him. The defendant shall in any event have the right to require the owner to be joined in the proceedings.

9. Any sums provided by insurance or by other financial security maintained in accordance with paragraph 1 of this article shall be available exclusively for the satisfaction of claims under this Convention.

10. A contracting State shall not permit a ship under its flag to which this article applies to trade unless a certificate has been issued under paragraph 2 or 12 of this article.

11. Subject to the provisions of this Article, each Contracting State shall ensure, under its national legislation, that insurance or other security to the extent specified in paragraph 1 of this article is in force in respect of any ship, wherever registered, entering or leaving a port in its territory, or arriving at or leaving an off-shore terminal in its territorial sea, if the ship actually carries more than 2,000 tons of oil in bulk as cargo.

12. If insurance or other financial security is not maintained in respect of a ship owned by a Contracting State, the provisions of this article relating thereto shall not be applicable to such ship, but the ship shall carry a certificate issued by the appropriate authorities of the State of the ship's registry stating that the ship is owned by that State and that the ship's liability is covered within the limits prescribed by article V, paragraph 1. Such a certificate shall follow as closely as practicable the model prescribed by paragraph 2 of this article.

#### *Article VIII*

Rights of compensation under this Convention shall be extinguished unless an action is brought thereunder within three years from the date when the damage occurred. However, in no case shall an action be brought after six years from the date of the incident which caused the damage. Where this incident consists of a series of occurrences, the six years' period shall run from the date of the first such occurrence.

#### *Article IX*

1. Where an incident has caused pollution damage in the territory including the territorial sea of one or more Contracting States, or preventive measures have been taken to prevent or minimize pollution damage in such territory including the territorial sea, actions for compensation may only be brought in the Courts of any such Contracting State or States. Reasonable notice of any such action shall be given to the defendant.

2. Each Contracting State shall ensure that its Courts possess the necessary jurisdiction to entertain such actions for compensation.

3. After the fund has been constituted in accordance with article V the Courts of the State in which the fund is constituted shall be exclusively competent to determine all matters relating to the apportionment and distribution of the fund.

*Article X*

1. Any judgement given by a Court with jurisdiction in accordance with article IX which is enforceable in the State of origin where it is no longer subject to ordinary forms of review, shall be recognized in any Contracting State, except:

- (a) Where the judgement was obtained by fraud; or
- (b) Where the defendant was not given reasonable notice and a fair opportunity to present his case.

2. A judgement recognized under paragraph 1 of this article shall be enforceable in each Contracting State as soon as the formalities required in that State have been complied with. The formalities shall not permit the merits of the case to be re-opened.

*Article XI*

1. The provisions of this Convention shall not apply to warships or other ships owned or operated by a State and used, for the time being, only on Government non-commercial service.

2. With respect to ships owned by a Contracting State and used for commercial purposes, each State shall be subject to suit in the jurisdictions set forth in article IX and shall waive all defences based on its status as a sovereign State.

*Article XII*

This Convention shall supersede any International Conventions in force or open for signature, ratification or accession at the date on which the Convention is opened for signature, but only to the extent that such Conventions would be in conflict with it; however, nothing in this article shall affect the obligations of Contracting States to non-Contracting States arising under such International Conventions.

*Article XIII*

[Identical with Article IX of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, *supra* 3.]

*Article XIV*

[Identical with Article X of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, *supra* 3, except that "Parties" in that article is replaced by "Contracting States".]

*Article XV*

1. The present Convention shall enter into force on the ninetieth day following the date on which Governments of eight States including five States each with not less than 1,000,000 gross tons of tanker tonnage have either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.

2. For each State which subsequently ratifies, accepts, approves or accedes to it the present Convention shall come into force on the ninetieth day after deposit by such States of the appropriate instrument.

*Article XVI*

[Identical with Article XII of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, *supra* 3, except that "Party" in that article is replaced by "Contracting State".]

*Article XVII*

1. The United Nations, where it is the administering authority for a territory, or any Contracting State responsible for the international relations of a territory, shall as soon as possible consult with the appropriate authorities of such territory or take such other measures as may be appropriate, in order to extend the present Convention to that territory and may at any time by notification in writing to the Secretary-General of the Organization declare that the present Convention shall extend to such territory.

[Paragraphs 2-4 identical with paragraphs 2-4 of Article XIII of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, *supra* 3, except that "Party" in that article is replaced by "Contracting State".]

*Article XVIII*

[Identical with Article XIV of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, *supra* 3, except that "States Parties" and "Parties" in that article are replaced by "Contracting States".]

*Article XIX*

[Identical with Article XV of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, *supra* 3, except that "Article XIII" in that article is replaced by "Article XVII".]

*Articles XVI and XVII*

[Identical with Articles XVI and XVII, respectively, of the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, *supra* 3.]

5. AGREEMENT BETWEEN DENMARK, FINLAND, NORWAY AND SWEDEN CONCERNING CO-OPERATION IN MEASURES TO DEAL WITH POLLUTION OF THE SEA BY OIL. DONE AT COPENHAGEN ON 16 SEPTEMBER 1971<sup>1</sup>

The Governments of Denmark, Finland, Norway and Sweden,

Desiring to co-operate in dealing with any substantial oil pollution of the sea which constitutes a threat to the coast or related interests of a Contracting

<sup>1</sup> United Nations, *Treaty Series*, vol. 822, no. 11793. Entered into force on 16 October 1971 in accordance with Article 12.

State and to co-operate in order to ensure compliance with the Convention for the Prevention of Pollution of the Sea by Oil and with the national regulations adopted in connexion with the Convention,

And having regard to the Agreement of 9 June 1969 for co-operation in Dealing with Pollution of the North Sea by Oil,

Have agreed as follows:

*Article 1*

One Contracting State shall forthwith, inform another Contracting State, through the competent authority, of the sighting of any heavy concentration of oil on the sea which is likely to drift towards the territory of the other State.

*Article 2*

A Contracting State threatened by the presence of a substantial oil pollution which is also likely to cause damage to another Contracting State, shall investigate the situation, ascertaining the type of oil, the approximate quantity of oil or extent of the pollution, and the location and direction and speed of movement of the oil. The result of the investigation shall be communicated forthwith to the other State together with information concerning any measures that have been taken or are to be taken.

*Article 3*

A Contracting State requiring assistance to deal with oil which constitutes a threat to its coast or related interests may call on the help of the other Contracting States. Any such request shall be addressed first to the State which can be expected also to be affected by the Oil. A Contracting State called upon for help in accordance with this article shall do its utmost to provide such assistance.

*Article 4*

(a) Each of the Contracting States undertakes to set up an emergency service to deal with heavy concentrations of oil on the sea.

(b) To ensure maximum efficiency when the emergency service is used, the establishment and positioning of stocks of oil-treatment materials should take place after consultation with the other Contracting States, to the extent deemed necessary.

(c) A Contracting State shall inform the other Contracting States concerning its national emergency service.

(d) A Contracting State shall inform the other Contracting States concerning its experience with materials and methods for dealing with oil pollution.

*Article 5*

A Contracting State shall inform the other Contracting States of heavy concentrations of oil on the sea which can oblige it to take anti-pollution action, and concerning the measures taken and the results achieved.

*Article 6*

One Contracting State shall inform another Contracting State through the competent authority of any offence against the regulations concerning pollution by oil found to have been committed within the territorial or adjacent waters of the Contracting States by a vessel registered in the other State.

*Article 7*

The Contracting States shall furnish assistance to each other in the investigation of offences against the regulations concerning pollution by oil which are presumed to have been committed within the territorial or adjacent waters of the Contracting States.

Such assistance may include inspection of the oil record book, the ship's official log-book and the engine-room log, the taking of oil samples and so on.

*Article 8*

The Contracting States shall exchange information concerning:

- (a) The existence and the construction of facilities for the reception of oily residues from ships;
- (b) National regulations and other circumstances which have a bearing on the prevention of oil pollution;
- (c) The authorities of the respective Contracting States to which information in pursuance of this Agreement is to be transmitted.

*Article 9*

The competent authorities shall co-operate directly in the planning and other measures required of them under this Agreement.

*Article 10*

If one of the Contracting States desires to denounce the Agreement, written notice to that effect shall be given to the Danish Government, which shall forthwith inform the other Contracting States of the denunciation and of the date of receipt of the notice.

The denunciation shall take effect twelve months after the receipt of notice thereof by the Danish Government or at such later date as may be specified in the denunciation.

*Article 11*

The Agreement shall be deposited with the Danish Ministry of Foreign Affairs. The Ministry shall transmit certified copies of the Agreement to the Government of each of the Contracting States.

*Article 12*

The Agreement is open for signature as of 1 September 1971 and shall enter into force one month after the date on which it is signed by Denmark, Finland, Norway and Sweden. At the same time the Agreement of 8 December 1967 between Denmark, Finland, Norway and Sweden concerning Co-operation to ensure Compliance with the Regulations for Preventing the Pollution of the Sea by Oil shall cease to have effect.



6. CONVENTION FOR THE PREVENTION OF MARINE POLLUTION BY DUMPING FROM SHIPS AND AIRCRAFT. SIGNED AT OSLO, ON 15 FEBRUARY 1972<sup>1</sup>

The Contracting Parties

*Recognizing* that the marine environment and the living resources which it supports are of vital importance to all nations;

*Mindful* that the ecological equilibrium and the legitimate uses of the sea are increasingly threatened by pollution;

*Recognizing* that concerted action by Governments at national, regional and global levels is essential to prevent and combat marine pollution;

*Noting* that this pollution has many sources, including dumping from ships and aircraft and discharges through rivers, estuaries, outfalls and pipelines within national jurisdiction, that it is important that states use the best practicable means to prevent such pollution, and that products and processes which will minimize the amount of harmful waste requiring disposal should be developed;

*Being convinced* that international action to control the pollution of the sea by the dumping of harmful substances from ships and aircraft can and should be taken without delay, but that this action should not preclude discussion of measures to control other sources of marine pollution as soon as possible;

*Considering* that the states bordering the North-East Atlantic have a particular responsibility to protect the waters of this region;

*Have agreed* as follows:

*Article 1*

The Contracting Parties pledge themselves to take all possible steps to prevent the pollution of the sea by substances that are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

*Article 2*

The area to which this Convention applies shall be the high seas and the territorial sea which are situated

(a) Within those parts of the Atlantic and Arctic Oceans and their dependent seas which lie north of 36° north latitude and between 42° west longitude and 51° east longitude, but excluding

(i) The Baltic Sea and Belts lying to the south and east of lines drawn from Hasenore Head to Griben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to the Kullen, and

(ii) The Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° north latitude and the meridian of 5°36' west longitude.

(b) Within that part of the Atlantic Ocean north of 59° north latitude and between 44° west longitude and 42° west longitude.

<sup>1</sup> Text provided by the Permanent Representative of the United Kingdom to the United Nations in a note verbale of 8 January 1973. Cmnd. 4984.

*Article 3*

The Contracting Parties agree to apply the measures which they adopt in such a way as to prevent the diversion of dumping of harmful substances into seas outside the area to which this Convention applies.

*Article 4*

The Contracting Parties shall harmonize their policies and introduce, individually and in common, measures to prevent the pollution of the sea by dumping by or from ships and aircraft.

*Article 5*

The dumping of the substances listed in Annex I to this Convention is prohibited.

*Article 6*

No waste containing such quantities of the substances and materials listed in Annex II to this Convention as the Commission established under the provisions of Article 16, hereinafter referred to as "the Commission", shall define as significant, shall be dumped without a specific permit in each case from the appropriate national authority or authorities. When such permits are issued, the provisions of Annexes II and III to this Convention shall be applied.

*Article 7*

No substance or material shall be dumped without the approval of the appropriate national authority or authorities. When such approval is granted, the provisions of Annex III to this Convention shall be applied.

*Article 8*

1. The provisions of Articles 5, 6 and 7 shall not apply in case of force majeure due to stress of weather or any other cause when the safety of human life or of a ship or aircraft is threatened. Such dumping shall immediately be reported to the Commission, together with full details of the circumstances and of the nature and quantities of the substances and materials dumped.

2. The provisions of Article 5 shall not apply where these substances occur as trace contaminants in waste to which they have not been added for the purpose of being dumped. However, such dumping shall remain subject to Articles 6 and 7.

*Article 9*

If a Contracting Party in an emergency considers that a substance listed in Annex I to this Convention cannot be disposed of on land without unacceptable danger or damage, the Contracting Party concerned shall forthwith consult the Commission. The Commission shall recommend methods of storage or the most satisfactory means of destruction or disposal under the prevailing circumstances. The Contracting Party shall inform the Commission of the steps adopted in pursuance of its recommendation. The Contracting Parties pledge themselves to assist one another in such situations.

*Article 10*

The composition of the waste shall be ascertained by the appropriate national authority or authorities in accordance with the provisions of Annex III to this Convention before any permit or approval for the dumping of waste at sea is issued.

*Article 11*

Each Contracting Party shall keep, and transmit to the Commission, according to a standard procedure, records of the nature and the quantities of the substances and materials dumped under permits or approvals issued by that Contracting Party, and of the dates, places and methods of dumping.

*Article 12*

The Contracting Parties agree to establish complementary or joint programmes of scientific and technical research, including research on alternative methods of disposal of harmful substances, and to transmit to each other the information so obtained. In doing so they will have regard to the work carried out by the appropriate international organizations and agencies.

*Article 13*

The Contracting Parties agree to institute, in co-operation with appropriate international organizations and agencies, complementary or joint programmes for monitoring the distribution and effects of pollutants in the area to which this Convention applies.

*Article 14*

The Contracting Parties pledge themselves to promote, within the competent specialized agencies and other international bodies, measures concerning the protection of the marine environment against pollution caused by oil and oily wastes, other noxious or hazardous cargoes, and radioactive materials.

*Article 15*

1. Each Contracting Party undertakes to ensure compliance with the provisions of this Convention:

- (a) By ships and aircraft registered in its territory;
- (b) By ships and aircraft loading in its territory the substances and materials which are to be dumped;
- (c) By ships and aircraft believed to be engaged in dumping within its territorial sea.

2. Each Contracting Party undertakes to issue instructions to its maritime inspection vessels and aircraft and to other appropriate services to report to its authorities any incidents or conditions on the high seas which give rise to suspicions that dumping in contravention of the provisions of the present Convention has occurred or is about to occur. That Contracting Party shall, if it considers it appropriate, report accordingly to any other Contracting Party concerned.

3. Each Contracting Party shall take in its territory appropriate measures to prevent and punish conduct in contravention of the provisions of this Convention.

4. The Contracting Parties undertake to assist one another as appropriate in dealing with pollution incidents involving dumping at sea, and to exchange information on methods of dealing with such incidents.

5. The Contracting Parties further agree to work together in the development of co-operative procedures for the application of the Convention, particularly on the high seas.

6. Nothing in this Convention shall abridge sovereign immunity to which certain vessels are entitled under international law.

#### *Article 16*

A Commission, made up of representatives of each of the Contracting Parties, is hereby established. The Commission shall meet at regular intervals and at any time when, due to special circumstances, it is so decided in accordance with the Rules of Procedure.

#### *Article 17*

It shall be the duty of the Commission:

(a) To exercise overall supervision over the implementation of this Convention;

(b) To receive and consider the records of permits and approvals issued and of dumping which has taken place, as provided for in Articles 8, 9 and 11 of this Convention, and to define the standard procedure to be adopted for this purpose;

(c) To review generally the condition of the seas within the area to which this Convention applies, the efficacy of the control measures being adopted, and the need for any additional or different measures;

(d) To keep under review the contents of the Annexes to this Convention, and to recommend such amendments, additions or deletions as may be agreed;

(e) To discharge such other functions as may be appropriate under the terms of this Convention.

#### *Article 18*

1. The Commission shall draw up its own Rules of Procedure which shall be adopted by unanimous vote. The Government of Norway shall call the first meeting of the Commission as soon as practicable after the coming into force of this Convention.

2. Recommendations for modification of the Annexes to this Convention in accordance with Article 17 (d) shall be adopted by a unanimous vote in the Commission, and the modifications contained therein shall enter into force after unanimous approval by the Governments of the Contracting Parties.

*Article 19*

For the purpose of this Convention:

1. "Dumping" means any deliberate disposal of substances and materials into the sea by or from ships or aircraft other than:

(a) Any discharge incidental to or derived from the normal operation of ships and aircraft and their equipment;

(b) The placing of substances and materials for a purpose other than the mere disposal thereof, if not contrary to the aim of this Convention.

2. "Ships and aircraft" means sea-going vessels and air-borne craft of any type whatsoever. This expression includes air-cushion craft, floating craft whether self-propelled or not, and fixed or floating platforms.

*Article 20*

This Convention shall be open for signature at Oslo until 15th August 1972 by the States invited to participate in the Conference on Marine Pollution, held there from 19th to 22nd October, 1971.

*Article 21*

This Convention shall be subject to ratification. The instruments of ratification shall be deposited with the Government of Norway.

*Article 22*

This Convention shall be open for accession by any State referred to in Article 20. The Contracting Parties may unanimously invite other States to accede to the Convention. The instruments of accession shall be deposited with the Government of Norway.

*Article 23*

1. This Convention shall enter into force on the thirtieth day following the date of deposit of the seventh instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the seventh instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

*Article 24*

At any time after two years from the date on which this Convention has come into force with respect to a Contracting Party, that Party may withdraw from the Convention by means of a notice in writing addressed to the depositary Government. Any such withdrawal shall take effect twelve months after the date of its receipt.

*Article 25*

A conference for the purpose of revising or amending this Convention may be convened by the depositary Government at the request of the Commission adopted by a two-thirds majority.

### *Article 26*

The depositary Government shall inform the Contracting Parties and the States referred to in Article 20:

(a) Of signatures to this Convention, of the deposit of instruments of ratification or accession, and of the receipt of a notice of withdrawal, in accordance with Articles 20, 21, 22 and 24;

(b) Of the date on which this Convention will come into force in accordance with Article 23;

(c) Of the receipt of notification of approval relating to modifications of the Annexes to this Convention and of the entry into force of such modifications in accordance with Article 18.

### *Article 27*

The original of this Convention, of which the English and French texts are equally authentic, shall be deposited with the Government of Norway, which shall send certified copies thereof to the Contracting Parties and to the States referred to in Article 20, and which shall transmit a certified copy to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

### ANNEX I

The following substances are listed for the purposes of Article 5 of the Convention:

1. Organohalogen compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic, or which are rapidly converted in the sea into substances which are biologically harmless;
2. Organosilicon compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic, or which are rapidly converted in the sea into substances which are biologically harmless;
3. Substances which have been agreed between the Contracting Parties as likely to be carcinogenic under the conditions of disposal;
4. Mercury and mercury compounds;
5. Cadmium and cadmium compounds;
6. Persistent plastics and other persistent synthetic materials which may float or remain in suspension in the sea, and which may seriously interfere with fishing or navigation, reduce amenities, or interfere with other legitimate uses of the sea.

### ANNEX II

1. The following substances and materials requiring special care are listed for the purposes of Article 6:

(a) Arsenic, lead, copper, zinc and their compounds, cyanides and fluorides, and pesticides and their by-products not covered by the provisions of Annex I;

(b) Containers, scrap metal, tar-like substances liable to sink to the sea bottom and other bulky wastes which may present a serious obstacle to fishing or navigation;

(c) Substances which, though of a non-toxic nature, may become harmful due to the quantities in which they are dumped, or which are liable to seriously reduce amenities.

2. The substances and materials listed under paragraph 1 (b) above should always be deposited in deep water.

3. In the issuance of permits or approvals for the dumping of large quantities of acids and alkalis, consideration should be given to the possible presence in such wastes of the substances listed in paragraph 1 above.

4. When, in the application of the provisions of Annexes II and III, it is considered necessary to deposit waste in deep water, this should be done only when the following two conditions are both fulfilled:

- (a) That the depth is not less than 2,000 metres,
- (b) That the distance from the nearest land is not less than 150 nautical miles.

### ANNEX III

Provisions governing the issue of permits and approvals for the dumping of wastes at sea.

#### 1. *Characteristics of the waste*

- (a) Amount and composition;
- (b) Amount of substances and materials to be deposited per day, per week, per month);
- (c) Form in which it is presented for dumping, i.e. whether as a solid, sludge or liquid;
- (d) Physical (especially solubility and specific gravity), chemical, biochemical (oxygen demand, nutrient production) and biological properties (presence of viruses, bacteria, yeasts, parasites, etc.);
- (e) Toxicity;
- (f) Persistence;
- (g) Accumulation in biological materials or sediments;
- (h) Chemical and physical changes of the waste after release, including possible formation of new compounds;
- (i) Probability of production of taints reducing marketability of resources (fish, shellfish, etc.).

#### 2. *Characteristics of dumping site and method of deposit*

- (a) Geographical position, depth and distance from coast;
- (b) Location in relation to living resources in adult or juvenile phases;
- (c) Location in relation to amenity areas;
- (d) Methods of packing, if any;
- (e) Initial dilution achieved by proposed method of release;
- (f) Dispersal, horizontal transport and vertical mixing characteristics;
- (g) Existence and effects of current and previous discharges and dumping in the area (including accumulative effects).

#### 3. *General considerations and conditions*

- (a) Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate use of the sea;
- (b) In applying these principles the practical availability of alternative means of disposal or elimination will be taken into consideration.

7. CONVENTION OF THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER. DONE AT LONDON, MEXICO CITY, MOSCOW AND WASHINGTON ON 29 DECEMBER 1972<sup>1</sup>

*The Contracting Parties to this Convention,*

*Recognizing* that the marine environment and the living organisms which it supports are of vital importance to humanity, and all people have an interest in assuring that it is so managed that its quality and resources are not impaired;

*Recognizing* that the capacity of the sea to assimilate wastes and render them harmless, and its ability to regenerate natural resources, is not unlimited;

*Recognizing* that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction;

*Recalling* resolution 2749 (XXV) of the General Assembly of the United Nations on the principles governing the sea-bed and the ocean floor and the subsoil thereof, beyond the limits of national jurisdiction;

*Noting* that marine pollution originates in many sources, such as dumping and discharges through the atmosphere, rivers, estuaries, outfalls and pipelines, and that it is important that States use the best practicable means to prevent such pollution and develop products and processes which will reduce the amount of harmful wastes to be disposed of;

*Being convinced* that international action to control the pollution of the sea by dumping can and must be taken without delay but that this action should not preclude discussion of measures to control other sources of marine pollution as soon as possible; and

*Wishing* to improve protection of the marine environment by encouraging States with a common interest in particular geographical areas to enter into appropriate agreements supplementary to this Convention;

*Have agreed* as follows:

*Article I*

Contracting Parties shall individually and collectively promote the effective control of all sources of pollution of the marine environment, and pledge themselves especially to take all practicable steps to prevent the pollution of the sea by the dumping of waste and other matter that is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

*Article II*

Contracting Parties shall, as provided for in the following Articles, take effective measures individually, according to their scientific, technical and

<sup>1</sup> Text provided by the United Kingdom delegation to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction for circulation in the Committee in March 1973.



economic capabilities, and collectively, to prevent marine pollution caused by dumping and shall harmonize their policies in this regard.

### *Article III*

For the purposes of this Convention:

- (a) "Dumping" means:
- (i) Any deliberate disposal at sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea;
  - (ii) Any deliberate disposal at sea of vessels, aircraft, platforms or other man-made structures at sea.
- (b) "Dumping" does not include:
- (i) The disposal at sea of wastes or other matter incidental to, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures;
  - (ii) Placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Convention.

(c) The disposal of wastes or other matter directly arising from, or related to the exploration, exploitation and associated off-shore processing of sea-bed mineral resources will not be covered by the provisions of this Convention.

2. "Vessels and aircraft" means waterborne or airborne craft of any type whatsoever. This expression includes air cushioned craft and floating craft, whether self-propelled or not.

3. "Sea" means all marine waters other than the internal waters of States.

4. "Wastes or other matter" means material and substance of any kind, form or description.

5. "Special permit" means permission granted specifically on application in advance and in accordance with Annex II and Annex III.

6. "General permit" means permission granted in advance and in accordance with Annex III.

7. "The Organization" means the Organisation designated by the Contracting Parties in accordance with Article XIV (2).

### *Article IV*

1. In accordance with the provisions of this Convention Contracting Parties shall prohibit the dumping of any wastes or other matter in whatever form or condition except as otherwise specified below:

- (a) The dumping of wastes or other matter listed in Annex I is prohibited;
- (b) The dumping of wastes or other matter listed in Annex II requires a prior special permit;
- (c) The dumping of all other wastes or matter requires a prior general permit.

2. Any permit shall be issued only after careful consideration of all the factors set forth in Annex III, including prior studies of the characteristics of the dumping site as set forth in Sections B and C of that Annex.

3. No provision of this Convention is to be interpreted as preventing a Contracting Party from prohibiting, insofar as that Party is concerned, the dumping of wastes or other matter not mentioned in Annex I. That Party shall notify such measures to the Organisation.

#### *Article V*

1. The provisions of Article IV shall not apply when it is necessary to secure the safety of human life or of vessels, aircraft, platforms or other man-made structures at sea in cases of *force majeure* caused by stress of weather, or in any case which constitutes a danger to human life or a real threat to vessels, aircraft, platforms or other man-made structures at sea, if dumping appears to be the only way of averting the threat and if there is every probability that the damage consequent upon such dumping will be less than would otherwise occur. Such dumping shall be so conducted as to minimise the likelihood of damage to human or marine life and shall be reported forthwith to the Organisation.

2. A Contracting Party may issue a special permit as an exception to Article IV 1 (a), in emergencies, posing unacceptable risk relating to human health and admitting no other feasible solution. Before doing so the Party shall consult any other country or countries that are likely to be affected and the Organisation which, after consulting other Parties, and international organisations as appropriate, shall in accordance with Article XIV promptly recommend to the Party the most appropriate procedures to adopt. The Party shall follow these recommendations to the maximum extent feasible consistent with the time within which action must be taken and with the general obligation to avoid damage to the marine environment and shall inform the Organisation of the action it takes. The Parties pledge themselves to assist one another in such situations.

3. Any Contracting Party may waive its rights under paragraph (2) at the time of, or subsequent to ratification of, or accession to this Convention.

#### *Article VI*

1. Each Contracting Party shall designate an appropriate authority or authorities to:

(a) Issue special permits which shall be required prior to, and for, the dumping of matter listed in Annex II and in the circumstances provided for in Article V 2;

(b) Issue general permits which shall be required prior to, and for, the dumping of all other matter;

(c) Keep records of the nature and quantities of all matter permitted to be dumped and the location, time and method of dumping;

(d) Monitor individually, or in collaboration with other Parties and competent International Organisations, the condition of the seas for the purposes of this Convention.

2. The appropriate authority or authorities of a Contracting Party shall issue prior special or general permits in accordance with paragraph 1 in respect of matter intended for dumping;

(a) Loaded in its territory;

(b) Loaded by a vessel or aircraft registered in its territory or flying its flag, when the loading occurs in the territory of a State not party to this Convention.

3. In issuing permits under sub-paragraphs 1 (a) and (b) above, the appropriate authority or authorities shall comply with Annex III, together with such additional criteria, measures and requirements as they may consider relevant.

4. Each Contracting Party, directly or through a Secretariat established under a regional agreement, shall report to the Organisation, and where appropriate to other Parties, the information specified in sub-paragraphs (c) and (d) of paragraph 1 above, and the criteria, measures and requirements it adopts in accordance with paragraph 3 above. The procedure to be followed and the nature of such reports shall be agreed by the Parties in consultation.

#### *Article VII*

1. Each Contracting Party shall apply the measures required to implement the present Convention to all:

(a) Vessels and aircraft registered in its territory or flying its flag;

(b) Vessels and aircraft loading in its territory or territorial seas matter which is to be dumped;

(c) Vessels and aircraft and fixed or floating platforms under its jurisdiction believed to be engaged in dumping.

2. Each Party shall take in its territory appropriate measures to prevent and punish conduct in contravention of the provisions of this Convention.

3. The Parties agree to co-operate in the development of procedures for the effective application of this Convention particularly on the high seas, including procedures for the reporting of vessels and aircraft observed dumping in contravention of the Convention.

4. This Convention shall not apply to those vessels and aircraft entitled to sovereign immunity under international law. However each Party shall ensure by the adoption of appropriate measures that such vessels and aircraft owned or operated by it act in a manner consistent with the object and purpose of this Convention, and shall inform the Organisation accordingly.

5. Nothing in this Convention shall affect the right of each Party to adopt other measures, in accordance with the principles of international law, to prevent dumping at sea.

#### *Article VIII*

In order to further the objectives of this Convention, the Contracting Parties with common interests to protect in the marine environment in a given geographical area shall endeavour, taking into account characteristic regional features, to enter into regional agreements consistent with this Convention for the prevention of pollution, especially by dumping. The Contracting Parties to the present Convention shall endeavour to act consistently with the objectives

and provisions of such regional agreements, which shall be notified to them by the Organisation. Contracting Parties shall seek to co-operate with the Parties to regional agreements in order to develop harmonized procedures to be followed by Contracting Parties to the different conventions concerned. Special attention shall be given to co-operation in the field of monitoring and scientific research.

*Article IX*

The Contracting Parties shall promote, through collaboration within the Organisation and other international bodies, support for those Parties which request it for:

- (a) The training of scientific and technical personnel;
  - (b) The supply of necessary equipment and facilities for research and monitoring;
  - (c) The disposal and treatment of waste and other measures to prevent or mitigate pollution caused by dumping;
- preferably within the countries concerned, so furthering the aims and purposes of this Convention.

*Article X*

In accordance with the principles of international law regarding State responsibility for damage to the environment of other States or to any other area of the environment, caused by dumping of wastes and other matter of all kinds, the Contracting Parties undertake to develop procedures for the assessment of liability and the settlement of disputes regarding dumping.

*Article XI*

The Contracting Parties shall at their first consultative meeting consider procedures for the settlement of disputes concerning the interpretation and application of this Convention.

*Article XII*

The Contracting Parties pledge themselves to promote, within the competent specialised agencies and other international bodies, measures to protect the marine environment against pollution caused by:

- (a) Hydrocarbons, including oil, and their wastes;
- (b) Other noxious or hazardous matter transported by vessels for purposes other than dumping;
- (c) Wastes generated in the course of operation of vessels, aircraft, platforms and other man-made structures at sea;
- (d) Radio-active pollutants from all sources, including vessels;
- (e) Agents of chemical and biological warfare;
- (f) Wastes or other matter directly arising from, or related to the exploration, exploitation and associated off-shore processing of sea-bed mineral resources.

The Parties will also promote, within the appropriate international organisation, the codification of signals to be used by vessels engaged in dumping.

*Article XIII*

Nothing in this Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750 C (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction. The Contracting Parties agree to consult at a meeting to be convened by the Organisation after the Law of the Sea Conference, and in any case not later than 1976, with a view to defining the nature and extent of the right and the responsibility of a coastal State to apply the Convention in a zone adjacent to its coast.

*Article XIV*

1. The Government of the United Kingdom of Great Britain and Northern Ireland as a depositary shall call a meeting of the Contracting Parties not later than three months after the entry into force of this Convention to decide on organisational matters.

2. The Contracting Parties shall designate a competent Organisation existing at the time of that meeting to be responsible for Secretariat duties in relation to this Convention. Any Party to this Convention not being a member of this Organisation shall make an appropriate contribution to the expenses incurred by the Organisation in performing these duties.

3. The Secretariat duties of the Organisation shall include:

(a) The convening of consultative meetings of the Contracting Parties not less frequently than once every two years and of special meetings of the Parties at any time on the request of two-thirds of the Parties;

(b) Preparing and assisting, in consultation with the Contracting Parties and appropriate International Organisations, in the development and implementation of procedures referred to in subparagraph 4 (e) of this Article;

(c) Considering enquiries by, and information from the Contracting Parties, consulting with them and with the appropriate International Organisations, and providing recommendations to the Parties on questions related to, but not specifically covered by the Convention;

(d) Conveying to the Parties concerned all notifications received by the Organisation in accordance with Articles IV 3, V 1 and 2, VI 4, XV, XX and XXI.

Prior to the designation of the Organisation these functions shall, as necessary, be performed by the depositary, who for this purpose shall be the Government of the United Kingdom of Great Britain and Northern Ireland.

4. Consultative or special meetings of the Contracting Parties shall keep under continuing review the implementation of this Convention and may, *inter alia*:

(a) Review and adopt amendments to this Convention and its Annexes in accordance with Article XV;

(b) Invite the appropriate scientific body or bodies to collaborate with and to advise the Parties or the Organisation on any scientific or technical

aspect relevant to this Convention, including particularly the content of the Annexes;

(c) Receive and consider reports made pursuant to Article VI (4);

(d) Promote co-operation with and between regional organisations concerned with the prevention of marine pollution;

(e) Develop or adopt, in consultation with appropriate International Organisations procedures referred to in Article V 2, including basic criteria for determining exceptional and emergency situations, and procedures for consultative advice and the safe disposal of matter in such circumstances, including the designation of appropriate dumping areas, and recommend accordingly;

(f) Consider any additional action that may be required.

5. The Contracting Parties at their first consultative meeting shall establish rules of procedure as necessary.

#### *Article XV*

1. (a) At meetings of the Contracting Parties called in accordance with Article XIV amendments to this Convention may be adopted by a two-thirds majority of those present. An amendment shall enter into force for the Parties which have accepted it on the sixtieth day after two-thirds of the Parties shall have deposited an instrument of acceptance of the amendment with the Organisation. Thereafter the amendment shall enter into force for any other Party 30 days after that Party deposits its instrument of acceptance of the amendment.

(b) The Organisation shall inform all Contracting Parties of any request made for a special meeting under Article XIV and of any amendments adopted at meetings of the Parties and of the date on which each such amendment enters into force for each Party.

2. Amendments to the Annexes will be based on scientific or technical considerations. Amendments to the Annexes approved by a two-thirds majority of those present at a meeting called in accordance with Article XIV shall enter into force for each Contracting Party immediately on notification of its acceptance to the Organisation and 100 days after approval by the meeting for all other Parties except for those which before the end of the 100 days make a declaration that they are not able to accept the amendment at that time. Parties should endeavour to signify their acceptance of an amendment to the Organisation as soon as possible after approval at a meeting. A Party may at any time substitute an acceptance for a previous declaration of objection and the amendment previously objected to shall thereupon enter into force for that Party.

3. An acceptance or declaration of objection under this Article shall be made by the deposit of an instrument with the Organisation. The Organisation shall notify all Contracting Parties of the receipt of such instruments.

4. Prior to the designation of the Organisation, the Secretariat functions herein attributed to it, shall be performed temporarily by the Government of the United Kingdom of Great Britain and Northern Ireland, as one of the depositaries of this Convention.

*Article XVI*

This Convention shall be open for signature by any State at London, Mexico City, Moscow and Washington from 29 December 1972 until 31 December 1973.

*Article XVII*

This Convention shall be subject to ratification. The instruments of ratification shall be deposited with the Governments of Mexico, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

*Article XVIII*

After 31 December 1973, this Convention shall be open for accession by any State. The instruments of accession shall be deposited with the Governments of Mexico, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

*Article XIX*

1. This Convention shall enter into force on the thirtieth day following the date of deposit of the fifteenth instrument of ratification or accession.

2. For each Contracting Party ratifying or acceding to the Convention after the deposit of the fifteenth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such Party of its instrument of ratification or accession.

*Article XX*

The depositaries shall inform Contracting Parties:

(a) Of signatures to this Convention and of the deposit of instruments of ratification, accession or withdrawal, in accordance with Articles XVI, XVII, XVIII and XXI, and

(b) Of the date on which this Convention will enter into force, in accordance with Article XIX.

*Article XXI*

Any Contracting Party may withdraw from this Convention by giving six months' notice in writing to a depositary, which shall promptly inform all Parties of such notice.

*Article XXII*

The original of this Convention of which the English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Governments of Mexico, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America who shall send certified copies thereof to all States.

## ANNEX I

1. Organohalogen compounds.
2. Mercury and mercury compounds.
3. Cadmium and cadmium compounds.
4. Persistent plastics and other persistent synthetic materials, for example, netting and ropes, which may float or may remain in suspension in the sea in such a manner as to interfere materially with fishing, navigation or other legitimate uses of the sea.
5. Crude Oil, fuel oil, heavy diesel oil, and lubricating oils, hydraulic fluids, and any mixtures containing any of these, taken on board for the purpose of dumping.
6. High-level radio-active wastes or other high-level radio-active matter, defined on public health, biological or other grounds, by the competent international body in this field, at present the International Atomic Energy Agency, as unsuitable for dumping at sea.
7. Materials in whatever form (e.g. solids, liquids, semi-liquids, gases or in a living state) produced for biological and chemical warfare.
8. The preceding paragraphs of this Annex do not apply to substances which are rapidly rendered harmless by physical, chemical or biological processes in the sea provided they do not:
  - (i) Make edible marine organisms unpalatable, or
  - (ii) Endanger human health or that of domestic animals.

The consultative procedure provided for under Article XIV should be followed by a Party if there is doubt about the harmlessness of the substance.

9. This Annex does not apply to wastes or other materials (e.g. sewage sludges and dredged spoils) containing the matters referred to in paragraphs 1-5 above as trace contaminants. Such wastes shall be subject to the provisions of Annexes II and III as appropriate.

## ANNEX II

The following substances and materials requiring special care are listed for the purposes of Article VI 1 (a).

## A. Wastes containing significant amounts of the matters listed below:

Arsenic	}	and their compounds
Lead		
Copper		
Zinc		

Organosilicon compounds

Cyanides

Fluorides

Pesticides and their by-products not covered in Annex I.

B. In the issue of permits for the dumping of large quantities of acids and alkalis, consideration shall be given to the possible presence in such wastes of the substances listed in paragraph A and to the following additional substances:

Beryllium	}	and their compounds
Chromium		
Nickel		
Vanadium		



C. Containers, scrap metal and other bulky wastes liable to sink to the sea bottom which may present a serious obstacle to fishing or navigation.

D. Radio-active wastes or other radio-active matter not included in Annex I. In the issue of permits for the dumping of this matter, the Contracting Parties should take full account of the recommendations of the competent international body in this field, at present the International Atomic Energy Agency.

### ANNEX III

Provisions to be considered in establishing criteria governing the issue of permits for the dumping of matter at sea, taking into account Article IV 2, include:

#### A. *Characteristics and composition of the matter*

1. Total amount and average composition of matter dumped (e.g. per year).
2. Form, e.g. solid, sludge, liquid, or gaseous.
3. Properties: physical (e.g. solubility and density), chemical and biochemical (e.g. oxygen demand, nutrients) and biological (e.g. presence of viruses, bacteria, yeasts, parasites).
4. Toxicity.
5. Persistence: physical, chemical and biological.
6. Accumulation and biotransformation in biological materials or sediments.
7. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials.
8. Probability of production of taints or other changes reducing marketability of resources (fish, shellfish, etc.).

#### B. *Characteristics of dumping site and method of deposit*

1. Location (e.g. co-ordinates of the dumping area, depth and distance from the coast), location in relation to other areas (e.g. amenity areas, spawning, nursery and fishing areas and exploitable resources).
2. Rate of disposal per specific period (e.g. quantity per day, per week, per month).
3. Methods of packaging and containment, if any.
4. Initial dilution achieved by proposed method of release.
5. Dispersal characteristics (e.g. effects of currents, tides and wind on horizontal transport and vertical mixing).
6. Water characteristics (e.g. temperature, pH, salinity, stratification, oxygen indices of pollution - dissolved oxygen (DO), chemical oxygen demand (COD), biochemical oxygen demand (BOD - nitrogen present in organic and mineral form including ammonia, suspended matter, other nutrients and productivity).
7. Bottom characteristics (e.g. topography, geochemical and geological characteristics and biological productivity).
8. Existence and effects of other dumpings which have been made in the dumping area (e.g. heavy metal background reading and organic carbon content).
9. In issuing a permit for dumping, Contracting Parties should consider whether an adequate scientific basis exists for assessing the consequences of such dumping, as outlined in this Annex, taking into account seasonal variations.

#### C. *General considerations and conditions*

1. Possible effects on amenities (e.g. presence of floating or stranded material, turbidity, objectionable odour, discolouration and foaming).
2. Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed harvesting and culture.

3. Possible effects on other uses of the sea (e.g. impairment of water quality for industrial use, underwater corrosion of structures, interference with ship operations from floating materials, interference with fishing or navigation through deposit of waste or solid objects on the sea floor and protection of areas of special importance for scientific or conservation purposes).

4. The practical availability of alternative land-based methods of treatment, disposal or elimination, or of treatment to render the matter less harmful for dumping at sea.

## Subdivision B. Bilateral Treaties

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AGREEMENT BETWEEN THE GOVERNMENT OF THE SPANISH STATE AND THE GOVERNMENT OF THE PORTUGUESE REPUBLIC CONCERNING OCEANOGRAPHIC CO-OPERATION. DONE AT LISBON, ON 27 MAY 1971<sup>1</sup>

### *Article 1*

The oceanographic co-operation provided for in this Agreement shall consist primarily of the following:

1. Study of the problems of basic oceanographic research - that is, oceanographic research which is essential to inventory marine resources in the areas of interest of the two countries, in the fields of physics, chemistry, biology and submarine geology and geophysics.

2. The preparation and execution of whatever oceanographic programmes of mutual interest are considered necessary to keep the aforementioned inventories up to date and to promote such research schemes as may be deemed appropriate with a view to ensuring effective utilization and protection of marine resources.

3. The exchange of information and the standardization of methods of processing, computing and analysing basic oceanographic data, in order that the exchange of such data between the two countries and comparison of the results obtained may at all times be effected readily.

4. Study and preparation of synoptic oceanographic charts with a view to the publication of such charts on a simultaneous and continuing basis in the areas for which the two countries are responsible.

5. Exchanges of students, technicians and scientists and their participation in conferences, symposia, seminars, courses and other similar activities.

6. The granting of reciprocal facilities of every kind to enable scientists and technicians of either Party to work on projects of mutual interest in establishments of the other Party.

7. Increased co-ordination of the oceanographic policies of the two countries so that they may utilize each other's results, complement each other's efforts and achieve maximum effectiveness in the utilization and protection of marine resources.

. . .

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<sup>1</sup> Text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 4 November 1971. Translation by the Secretariat of the United Nations.

*Article 3*

The Hispano-Portuguese Oceanographic Commission is hereby established, as a consultative technical organ of the Governments of Spain and Portugal, whose function shall be to promote the implementation of this Agreement.

...

*Article 16*

This Agreement shall enter into force on the date of its signature and shall remain in force for a period of five years; it shall thereafter be extended for successive periods of one year, unless either Party denounces it not less than six months prior to the current expiring date.

...