

Division IV

THE HIGH SEAS

Multilateral treaties

1. TREATY ON THE PROHIBITION OF THE EMPLACEMENT OF NUCLEAR WEAPONS AND OTHER WEAPONS OF MASS DESTRUCTION ON THE SEA-BED AND THE OCEAN FLOOR AND IN THE SUBSOIL THEREOF, DONE AT LONDON, MOSCOW AND WASHINGTON, 11 FEBRUARY 1971¹

The States Parties to this Treaty,

Recognizing the common interest of mankind in the progress of the exploration and use of the sea-bed and the ocean floor for peaceful purposes,

Considering that the prevention of a nuclear arms race on the sea-bed and the ocean floor serves the interests of maintaining world peace, reduces international tensions and strengthens friendly relations among States,

Convinced that this Treaty constitutes a step towards the exclusion of the sea-bed, the ocean floor and the subsoil thereof from the arms race,

Convinced that this Treaty constitutes a step towards a treaty on general and complete disarmament under strict and effective international control, and determined to continue negotiations to this end,

Convinced that this Treaty will further the purposes and principles of the Charter of the United Nations, in a manner consistent with the principles of international law and without infringing the freedoms of the high seas,

Have agreed as follows:

Article I

1. The States Parties to this Treaty undertake not to emplant or emplace on the sea-bed and the ocean floor and in the subsoil thereof beyond the outer limit of a sea-bed zone, as defined in article II, any nuclear weapons or any other types of weapons of mass destruction as well as structures, launching installations or any other facilities specifically designed for storing, testing or using such weapons.

¹ Entered into force on 18 May 1972. English text provided by the Ministry of Foreign Affairs of Denmark in a note verbale of 11 October 1977.

2. The undertakings of paragraph 1 of this article shall also apply to the sea-bed zone referred to in the same paragraph, except that within such sea-bed zone they shall not apply either to the coastal State or to the sea-bed beneath its territorial waters.

3. The States Parties to this Treaty undertake not to assist, encourage or induce any State to carry out activities referred to in paragraph 1 of this article and not to participate in any other way in such actions.

Article II

For the purpose of this Treaty, the outer limit of the sea-bed zone referred to in article I shall be coterminous with the twelve-mile outer limit of the zone referred to in part II of the Convention on the Territorial Sea and the Contiguous Zone, signed at Geneva on 29 April 1958, and shall be measured in accordance with the provisions of part I, section II, of that Convention and in accordance with international law.

Article III

1. In order to promote the objectives of and ensure compliance with the provisions of this Treaty, each State Party to the Treaty shall have the right to verify through observation the activities of other States Parties to the Treaty on the sea-bed and the ocean floor and in the subsoil thereof beyond the zone referred to in article I, provided that observation does not interfere with such activities.

2. If after such observation reasonable doubts remain concerning the fulfilment of the obligations assumed under the Treaty, the State Party having such doubts and the State Party that is responsible for the activities giving rise to the doubts shall consult with a view to removing the doubts. If the doubts persist, the State Party having such doubts shall notify the other States Parties, and the Parties concerned shall co-operate on such further procedures for verification as may be agreed, including appropriate inspection of objects, structures, installations or other facilities that reasonably may be expected to be of a kind described in article I. The Parties in the region of the activities, including any coastal State, and any other Party so requesting, shall be entitled to participate in such consultation and co-operation. After completion of the further procedures for verification, an appropriate report shall be circulated to other Parties by the Party that initiated such procedures.

3. If the State responsible for the activities giving rise to the reasonable doubts is not identifiable by observation of the object, structure, installation or other facility, the State Party having such doubts shall notify and make appropriate inquiries of States Parties in the region of the activities and of any other State Party. If it is ascertained through these inquiries that a particular State Party is responsible for the activities, that State Party shall consult and co-operate with other Parties as provided in paragraph 2 of this article. If the identity of the State responsible for the activities cannot be ascertained through these inquiries, then further verification procedures, including inspection, may be undertaken by the inquiring State

Party, which shall invite the participation of the Parties in the region of the activities, including any coastal State, and of any other Party desiring to co-operate.

4. If consultation and co-operation pursuant to paragraphs 2 and 3 of this article have not removed the doubts concerning the activities and there remains a serious question concerning fulfilment of the obligations assumed under this Treaty, a State Party may, in accordance with the provisions of the Charter of the United Nations, refer the matter to the Security Council, which may take action in accordance with the Charter.

5. Verification pursuant to this article may be undertaken by any State Party using its own means, or with the full or partial assistance of any other State Party, or through appropriate international procedures within the framework of the United Nations and in accordance with its Charter.

6. Verification activities pursuant to this Treaty shall not interfere with activities of other States Parties and shall be conducted with due regard for rights recognized under international law, including the freedoms of the high seas and the rights of coastal States with respect to the exploration and exploitation of their continental shelves.

Article IV

Nothing in this Treaty shall be interpreted as supporting or prejudicing the position of any State Party with respect to existing international conventions, including the 1958 Convention on the Territorial Sea and the Contiguous Zone, or with respect to rights or claims which such State Party may assert, or with respect to recognition or non-recognition of rights or claims asserted by any other State, related to waters off its coasts, including, *inter alia*, territorial seas and contiguous zones, or to the sea-bed and the ocean floor, including continental shelves.

Article V

The Parties to this Treaty undertake to continue negotiations in good faith concerning further measures in the field of disarmament for the prevention of an arms race on the sea-bed, the ocean floor and the subsoil thereof.

Article VI

Any State Party may propose amendments to this Treaty. Amendments shall enter into force for each State Party accepting the amendments upon their acceptance by a majority of the States Parties to the Treaty and, thereafter, for each remaining State Party on the date of acceptance by it.

Article VII

Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held at Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the preamble and the provisions of the Treaty are being realized. Such

review shall take into account any relevant technological developments. The review conference shall determine, in accordance with the views of a majority of those Parties attending, whether and when an additional review conference shall be convened.

Article VIII

Each State Party to this Treaty shall in exercising its national sovereignty have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject-matter of this Treaty have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it considers to have jeopardized its supreme interests.

Article IX

The provisions of this Treaty shall in no way affect the obligations assumed by States Parties to the Treaty under international instruments establishing zones free from nuclear weapons.

Article X

1. This Treaty shall be open for signature to all states. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Treaty shall be subject to ratification by signatory States. Instruments of ratification and of accession shall be deposited with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after the deposit of instruments of ratification by twenty-two Governments, including the Governments designated as Depositary Governments of this Treaty.

4. For States whose instruments of ratification or accession are deposited after the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform the Governments of all signatory and acceding States of the date of each signature, of the date of deposit of each instrument of ratification or of accession, of the date of the entry into force of this Treaty, and of the receipt of other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article XI

This Treaty, the Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments of the States signatory and acceding thereto.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Treaty.

DONE in triplicate, at the cities of London, Moscow and Washington, this eleventh day of February, one thousand nine hundred and seventy-one.

2. (a) CONVENTION FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION, DONE AT BARCELONA ON 16 FEBRUARY 1976¹

The Contracting Parties,

Conscious of the economic, social, health and cultural value of the marine environment of the Mediterranean Sea Area,

Fully aware of their responsibility to preserve this common heritage for the benefit and enjoyment of present and future generations,

Recognizing the threat posed by pollution to the marine environment, its ecological equilibrium, resources and legitimate uses,

Mindful of the special hydrographic and ecological characteristics of the Mediterranean Sea Area and its particular vulnerability to pollution,

Noting that existing international conventions on the subject do not cover, in spite of the progress achieved, all aspects and sources of marine pollution and do not entirely meet the special requirements of the Mediterranean Sea Area,

Realizing fully the need for close co-operation among the States and international organizations concerned in a co-ordinated and comprehensive regional approach for the protection and enhancement of the marine environment in the Mediterranean Sea Area,

Have agreed as follows:

Article 1. Geographical coverage

1. For the purposes of this Convention, the Mediterranean Sea Area shall mean the maritime waters of the Mediterranean Sea proper, including its gulfs and seas bounded to the west by the meridian passing through Cape Spartel lighthouse, at the entrance of the Straits of Gibraltar, and to the East by the southern limits of the Straits of the Dardanelles between Mehmetcik and Kumkale lighthouses.

2. Except as may be otherwise provided in any protocol to this Convention the Mediterranean Sea Area shall not include internal waters of the Contracting Parties.

¹ Entered into force on 12 February 1978. Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 17 June 1977. The text reproduced is the authentic English version (UNEP/GC/61/Add.3).

Article 2. Definitions

For the purposes of this Convention:

(a) "Pollution" means the introduction by man, directly or indirectly, of substances or energy into the marine environment resulting in such deleterious effects as harm to living resources, hazards to human health, hindrance to marine activities including fishing, impairment of quality for use of sea water and reduction of amenities.

(b) "Organizations" means the body designated as responsible for carrying out secretariat functions pursuant to article 13 of this Convention.

Article 3. General provisions

1. The Contracting Parties may enter into bilateral or multilateral agreements, including regional or subregional agreements, for the protection of the marine environment of the Mediterranean Sea against pollution, provided that such agreements are consistent with this Convention and conform to international law. Copies of such agreements between Contracting Parties to this Convention shall be communicated to the Organization.

2. 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.

Article 4. General undertakings

1. The Contracting Parties shall individually or jointly take all appropriate measures in accordance with the provisions of this Convention and those protocols in force to which they are party, to prevent, abate and combat pollution of the Mediterranean Sea Area and to protect and enhance the marine environment in that Area.

2. The Contracting Parties shall co-operate in the formulation and adoption of protocols, in addition to the protocols opened for signature at the same time as this Convention, prescribing agreed measures, procedures and standards for the implementation of this Convention.

3. The Contracting Parties further pledge themselves to promote, within the international bodies considered to be competent by the Contracting Parties, measures concerning the protection of the marine environment in the Mediterranean Sea Area from all types and sources of pollution.

Article 5. Pollution caused by dumping from ships and aircraft

The Contracting Parties shall take all appropriate measures to prevent and abate pollution of the Mediterranean Sea Area caused by dumping from ships and aircraft.

Article 6. Pollution from ships

The Contracting Parties shall take all measures in conformity with international law to prevent, abate and combat pollution of the Mediterranean Sea Area caused by discharges from ships and to ensure the effective implementation in that Area of the rules which are generally recognized at the international level relating to the control of this type of pollution.

Article 7. Pollution resulting from exploration and exploitation of the continental shelf and the sea-bed and its subsoil

The Contracting Parties shall take all appropriate measures to prevent, abate and combat pollution of the Mediterranean Sea Area resulting from exploration and exploitation of the continental shelf and the sea-bed and its subsoil.

Article 8. Pollution from land-based sources

The Contracting Parties shall take all appropriate measures to prevent, abate and combat pollution of the Mediterranean Sea Area caused by discharges from rivers, coastal establishments or out-falls, or emanating from any other land-based sources within their territories.

Article 9. Co-operation in dealing with pollution emergencies

1. The Contracting Parties shall co-operate in taking the necessary measures for dealing with pollution emergencies in the Mediterranean Sea Area, whatever the causes of such emergencies, and reducing or eliminating damage resulting therefrom.

2. Any Contracting Party which becomes aware of any pollution emergency in the Mediterranean Sea Area shall without delay notify the Organization and, either through the Organization or directly, any Contracting Party likely to be affected by such emergency.

Article 10. Monitoring

1. The Contracting Parties shall endeavour to establish, in close co-operation with the international bodies which they consider competent, complementary or joint programmes including, as appropriate, programmes at the bilateral or multilateral levels, for pollution monitoring in the Mediterranean Sea Area and shall endeavour to establish a pollution monitoring system for that Area.

2. For this purpose, the Contracting Parties shall designate the competent authorities responsible for pollution monitoring within areas under their national jurisdiction and participate as far as practicable in international arrangements for pollution monitoring in areas beyond national jurisdiction.

3. The Contracting Parties undertake to co-operate in the formulation, adoption and implementation of such annexes to this Convention as may be required to prescribe common procedures and standards for pollution monitoring.

Article 11. Scientific and technological co-operation

1. The Contracting Parties undertake as far as possible to co-operate directly, or when appropriate through competent regional or other international organizations, in the fields of science and technology, and to exchange data as well as other scientific information for the purpose of this Convention.

2. The Contracting Parties undertake as far as possible to develop and co-ordinate their national research programmes relating to all types of marine pollution in the Mediterranean Sea Area and to co-operate in the establishment and implementation of regional and other international research programmes for the purposes of this Convention.

3. The Contracting Parties undertake to co-operate in the provision of technical and other possible assistance in fields relating to marine pollution, with priority to be given to the special needs of developing countries in the Mediterranean region.

Article 12. Liability and compensation

The Contracting Parties undertake to co-operate as soon as possible in the formulation and adoption of appropriate procedures for the determination of liability and compensation for damage resulting from the pollution of the marine environment deriving from violations of the provisions of this Convention and applicable protocols.

Article 13. Institutional arrangements

The Contracting Parties designate the United Nations Environment Programme as responsible for carrying out the following secretariat functions:

- (i) To convene and prepare the meetings of Contracting Parties and conferences provided for in articles 14, 15 and 16;
- (ii) To transmit to the Contracting Parties notifications, reports and other information received in accordance with articles 3, 9 and 20;
- (iii) To consider inquiries by, and information from, the Contracting Parties, and to consult with them on questions relating to this Convention and the protocols and annexes thereto;
- (iv) To perform the functions assigned to it by the protocols to this Convention;
- (v) To perform such other functions as may be assigned to it by the Contracting Parties;
- (vi) To ensure the necessary co-ordination with other international bodies which the Contracting Parties consider competent, and in particular to enter into such administrative arrangements as may be required for the effective discharge of the secretariat functions.

Article 14. Meetings of the Contracting Parties

1. The Contracting Parties shall hold ordinary meetings once every two years, and extraordinary meetings at any other time deemed necessary, upon the request of the Organization or at the request of any Contracting Party, provided that such requests are supported by at least two Contracting Parties.

2. It shall be the function of the meetings of the Contracting Parties to keep under review the implementation of this Convention and the protocols and, in particular:

- (i) To review generally the inventories carried out by Contracting Parties and competent international organizations on the state of marine pollution and its effects in the Mediterranean Sea Area;
- (ii) To consider reports submitted by the Contracting Parties under article 20;
- (iii) To adopt, review and amend as required the annexes to this Convention and to the protocols, in accordance with the procedure established in article 17;
- (iv) To make recommendations regarding the adoption of any additional protocols or any amendments to this Convention or the protocols in accordance with the provisions of articles 15 and 16;
- (v) To establish working groups as required to consider any matters related to this Convention and the protocols and annexes;
- (vi) To consider and undertake any additional action that may be required for the achievement of the purposes of this Convention and the protocols.

Article 15. Adoption of additional protocols

1. The Contracting Parties, at a diplomatic conference, may adopt additional protocols to this Convention pursuant to paragraph 2 of article 4.

2. A diplomatic conference for the purpose of adopting additional protocols shall be convened by the Organization at the request of two thirds of the Contracting Parties.

3. Pending the entry into force of this Convention the Organization may, after consulting with the signatories to this Convention, convene a diplomatic conference for the purpose of adopting additional protocols.

Article 16. Amendment of the Convention or Protocols

1. Any Contracting Party to this Convention may propose amendments to the Convention. Amendments shall be adopted by a diplomatic conference which shall be convened by the Organization at the request of two thirds of the Contracting Parties.

2. Any Contracting Party to this Convention may propose amendments to any protocol. Such amendments shall be adopted by a diplomatic conference which shall be convened by the Organization at the request of two thirds of the Contracting Parties to the protocol concerned.

3. Amendments to this Convention shall be adopted by a three-fourths majority vote of the Contracting Parties to the Convention which are represented at the diplomatic conference, and shall be submitted by the Depositary for acceptance by all Contracting Parties to the Convention. Amendments to any protocol shall be adopted by a three-fourths majority vote of the Contracting Parties to such protocol which are represented at the diplomatic conference, and shall be submitted by the Depositary for acceptance by all Contracting Parties to such protocol.

4. Acceptance of amendments shall be notified to the Depositary in writing. Amendments adopted in accordance with paragraph 3 of this article shall enter into force between Contracting Parties having accepted such amendments on the thirtieth day following the receipt by the Depositary of notification of their acceptance by at least three fourths of the Contracting Parties to this Convention or to the protocol concerned, as the case may be.

5. After the entry into force of an amendment to this Convention or to a protocol, any new Contracting Party to this Convention or such protocol shall become a Contracting Party to the instrument as amended.

Article 17. Annexes and amendments to annexes

1. Annexes to this Convention or to any protocol shall form an integral part of the Convention or such protocol, as the case may be.

2. Except as may be otherwise provided in any protocol, the following procedure shall apply to the adoption and entry into force of any amendments to annexes to this Convention or to any protocol, with the exception of amendments to the annex on arbitration:

- (i) Any Contracting Party may propose amendments to the annexes to this Convention or to protocols at the meetings referred to in article 14;
- (ii) Such amendments shall be adopted by a three-fourths majority vote of the Contracting Parties to the instrument in question;
- (iii) The Depositary shall without delay communicate the amendments so adopted to all Contracting Parties;
- (iv) Any Contracting Party that is unable to approve an amendment to the annexes to this Convention or to any protocol shall so notify in writing the Depositary within a period determined by the Contracting Parties concerned when adopting the amendment;
- (v) The Depositary shall without delay notify all Contracting Parties of any notification received pursuant to the preceding subparagraph;
- (vi) On expiry of the period referred to in subparagraph (iv) above, the amendment to the annex shall become effective for all Contracting Parties to this Convention or to the protocol concerned which have not submitted a notification in accordance with the provisions of that subparagraph.

3. The adoption and entry into force of a new annex to this Convention or to any protocol shall be subject to the same procedure as for the adoption and entry into force provided that, if any amendment to the Convention or the protocol concerned is involved the new annex shall not enter into force until such time as the amendment to the Convention or the protocol concerned enters into force.

4. Amendments to the annex on arbitration shall be considered to be amendments to this Convention and shall be proposed and adopted in accordance with the procedures set out in article 16 above.

Article 18. Rules of procedure and financial rules

1. The Contracting Parties shall adopt rules of procedure for their meetings and conferences envisaged in articles 14, 15 and 16 above.

2. The Contracting Parties shall adopt financial rules, prepared in consultation with the Organization, to determine, in particular, their financial participation.

Article 19. Special exercise of voting right

Within the areas of their competence, the European Economic Community and any regional economic grouping referred to in article 24 of this Convention shall exercise their right to vote with a number of votes equal to the number of their member States which are Contracting Parties to this Convention and to one or more protocols; the European Economic Community and any grouping as referred to above shall not exercise their right to vote in cases where the member States concerned exercise theirs, and conversely.

Article 20. Reports

The Contracting Parties shall transmit to the Organization reports on the measures adopted in implementation of this Convention and of protocols to which they are Parties, in such form and at such intervals as the meetings of Contracting Parties may determine.

Article 21. Compliance control

The Contracting Parties undertake to co-operate in the development of procedures enabling them to control the application of this Convention and the protocols.

Article 22. Settlement of disputes

1. In case of a dispute between Contracting Parties as to the interpretation or application of this Convention or the protocols, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

2. If the Parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute shall upon common agreement be submitted to arbitration under the conditions laid down in annex A to this Convention.

3. Nevertheless, the Contracting Parties may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other Party accepting the same obligation, the application of the arbitration procedure in conformity with the provisions of annex A. Such declaration shall be notified in writing to the Depositary, who shall communicate it to the other Parties.

Article 23. Relationship between the Convention and protocols

1. No one may become a Contracting Party to this Convention unless it becomes at the same time a Contracting Party to at least one of the protocols. No one may become a Contracting Party to a protocol unless it is, or becomes at the same time, a Contracting Party to this Convention.

2. Any protocol to this Convention shall be binding only on the Contracting Parties to the protocol in question.

3. Decisions concerning any protocol pursuant to articles 14, 16 and 17 of this Convention shall be taken only by the Parties to the protocol concerned.

Article 24. Signature

This Convention, the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft and the Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency shall be open for signature in Barcelona on 16 February 1976 and in Madrid from 17 February 1976 to 16 February 1977 by any State invited as a participant in the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region on the Protection of the Mediterranean Sea, held in Barcelona from 2 to 16 February 1976, and by any State entitled to sign any protocol in accordance with the provisions of such protocol. They shall also be open until the same date for signature by the European Economic Community and by any similar regional economic grouping at least one member of which is a coastal State of the Mediterranean Sea Area and which exercise competences in fields covered by this Convention, as well as by any protocol affecting them.

Article 25. Ratification, acceptance or approval

This Convention and any protocol thereto shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of Spain, which will assume the functions of Depositary.

Article 26. Accession

1. As from 17 February 1977, the present Convention, the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, and the Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency shall be open for accession by the States, by the European Economic Community and by any grouping as referred to in article 24.

2. After the entry into force of the Convention and of any protocol, any State not referred to in article 24 may accede to this Convention and to any protocol subject to prior approval by three fourths of the Contracting Parties to the protocol concerned.

3. Instruments of accession shall be deposited with the Depositary.

Article 27. Entry into force

1. This Convention shall enter into force on the same date as the protocol first entering into force.

2. The Convention shall also enter into force with regard to the States, the European Economic Community and any regional economic grouping referred to in article 24 if they have complied with the formal requirements for becoming Contracting Parties to any other protocol not yet entered into force.

3. Any protocol to this Convention, except as otherwise provided in such protocol, shall enter into force on the thirtieth day following the date of deposit of at least six instruments of ratification, acceptance, or approval of, or accession to such protocol by the Parties referred to in article 24.

4. Thereafter, this Convention and any protocol shall enter into force with respect to any State, the European Economic Community and any regional economic grouping referred to in article 24 on the thirtieth day following the date of deposit of the instruments of ratification, acceptance, approval or accession.

Article 28. Withdrawal

1. At any time after three years from the date of entry into force of this Convention, any Contracting Party may withdraw from this Convention by giving written notification of withdrawal.

2. Except as may be otherwise provided in any protocol to this Convention, any Contracting Party may, at any time after three years from the date of entry into force of such protocol, withdraw from such protocol by giving written notification of withdrawal.

3. Withdrawal shall take effect 90 days after the date on which notification of withdrawal is received by the Depositary.

4. Any Contracting Party which withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it was a Party.

5. Any Contracting Party which, upon its withdrawal from a protocol, is no longer a Party to any protocol to this Convention, shall be considered as also having withdrawn from this Convention.

Article 29. Responsibilities of the Depositary

1. The Depositary shall inform the Contracting Parties, any other Party referred in article 24, and the Organization:

- (i) Of the signature of this Convention and of any protocol thereto, and of the deposit of instruments of ratification, acceptance, approval or accession in accordance with articles 24, 25 and 26;
- (ii) Of the date on which the Convention and any protocol will come into force in accordance with the provisions of article 27;
- (iii) Of notifications of withdrawal made in accordance with article 28;
- (iv) Of the amendments adopted with respect to the Convention and to any protocol, their acceptance by the Contracting Parties and the date of entry into force of those amendments in accordance with the provisions of article 16;
- (v) Of the adoption of new annexes and of the amendment of any annex in accordance with article 17;
- (vi) Of declarations recognizing as compulsory the application of the arbitration procedure mentioned in paragraph 3 of article 22.

2. The original of this Convention and of any protocol thereto shall be deposited with the Depositary, the Government of Spain, which shall send certified copies thereof to the Contracting Parties, to the Organization, and to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the United Nations Charter.

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

DONE at Barcelona on 16 February 1976 in a single copy in the Arabic, English, French and Spanish languages, the four texts being equally authoritative.

(b) **PROTOCOL CONCERNING CO-OPERATION IN COMBATING POLLUTION OF THE MEDITERRANEAN SEA BY OIL AND OTHER HARMFUL SUBSTANCES IN CASES OF EMERGENCY, DONE AT BARCELONA ON 16 FEBRUARY 1976¹**

The Contracting Parties to the present Protocol,

Being Parties to the Convention for the Protection of the Mediterranean Sea against Pollution,

Recognizing that grave pollution of the sea by oil and other harmful substances in the Mediterranean Sea Area involves a danger for the coastal States and the marine eco-system,

Considering that the co-operation of all the coastal States of the Mediterranean is called for to combat this pollution,

¹ Entered into force on 12 February 1978. Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 17 June 1977. The text reproduced is the authentic English version (UNEP/GC/61/Add.3).

Bearing in mind the International Convention for the Prevention of Pollution from Ships, 1973,¹ the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969² as well as the Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other than Oil, 1973,³

Further taking into account the International Convention on Civil Liability for Oil Pollution Damage, 1969,⁴

Have agreed as follows:

Article 1

The Contracting Parties to this Protocol (hereinafter referred to as "the Parties") shall co-operate in taking the necessary measures in cases of grave and imminent danger to the marine environment, the coast or related interests of one or more of the Parties due to the presence of massive quantities of oil or other harmful substances resulting from accidental causes or an accumulation of small discharges which are polluting or threatening to pollute the sea within the area defined in Article 1 of the Convention for the Protection of the Mediterranean Sea against Pollution (hereinafter referred to as "the Convention").

Article 2

For the purpose of this Protocol, the term "related interests" means the interests of a coastal State directly affected or threatened and concerning, among others:

- (a) activities in coastal waters, in ports or estuaries, including fishing activities;
- (b) the historical and tourist appeal of the area in question, including water sports and recreation;
- (c) the health of the coastal population;
- (d) the preservation of living resources.

Article 3

The Parties shall endeavour to maintain and promote, either individually or through bilateral or multilateral co-operation, their contingency plans and means for combating pollution of the sea by oil and other harmful substances. These means shall include, in particular, equipment, ships, aircraft and manpower prepared for operations in cases of emergency.

Article 4

The Parties shall develop and apply, either individually or through bilateral or multilateral co-operation, monitoring activities covering the Mediterranean Sea Area in order to have as precise information as possible on the situations referred to in article 1 of this Protocol.

¹ Reproduced in ST/LEG/SER.B/18, p. 461.

² Reproduced in ST/LEG/SER.B/16, p. 439.

³ Reproduced in ST/LEG/SER.B/18, p. 457.

⁴ Reproduced in ST/LEG/SER.B/16, p. 447.

Article 5

In the case of release or loss overboard of harmful substances in packages, freight containers, portable tanks or road and rail tank wagons, the Parties shall co-operate as far as practicable in the salvage and recovery of such substances so as to reduce the danger of pollution of the marine environment.

Article 6

1. Each Party undertakes to disseminate to the other Parties information concerning:

(a) The competent national organization or authorities responsible for combating pollution of the sea by oil and other harmful substances;

(b) The competent national authorities responsible for receiving reports of pollution of the sea by oil and other harmful substances and for dealing with matters concerning measures of assistance between Parties;

(c) New ways in which pollution of the sea by oil and other harmful substances may be avoided, new measures of combating pollution and the development of related research programmes.

2. Parties which have agreed to exchange information directly between themselves shall nevertheless communicate such information to the regional center. The latter shall communicate this information to the other Parties and, on a basis of reciprocity, to coastal States of the Mediterranean Sea Area which are not Parties to this Protocol.

Article 7

The Parties undertake to co-ordinate the utilization of the means of communication at their disposal in order to ensure, with the necessary speed and reliability, the reception, transmission and dissemination of all reports and urgent information which relate to the occurrences and situations referred to in article 1. The regional centre shall have the necessary means of communication to enable it to participate in this co-ordinated effort and, in particular, to fulfil the functions assigned to it by paragraph 2 of article 10.

Article 8

1. Each Party shall issue instructions to the masters of ships flying its flag and to the pilots of aircraft registered in its territory requiring them to report by the most rapid and adequate channels in the circumstances, and in accordance with Annex I to this Protocol, either to a Party or to the regional centre:

(a) All accidents causing or likely to cause pollution of the sea by oil or other harmful substances;

(b) The presence, characteristics and extent of spillages of oil or other harmful substances observed at sea which are likely to present a serious and imminent threat to the marine environment or to the coast or related interests of one or more of the Parties.

2. The information collected in accordance with paragraph 1 shall be communicated to the other Parties likely to be affected by the pollution:

(a) by the Party which has received the information, either directly, or preferably, through the regional centre; or

(b) by the regional centre.

In case of direct communication between Parties, the regional centre shall be informed of the measures taken by these Parties.

3. In consequence of the application of the provisions of paragraph 2, the Parties are not bound by the obligation laid down in article 9, paragraph 2, of the Convention.

Article 9

1. Any Party faced with a situation of the kind defined in article 1 of this Protocol shall:

(a) Make the necessary assessments of the nature and extent of the casualty or emergency or, as the case may be, of the type and approximate quantity of oil or other harmful substances and the direction and speed of drift of the spillage;

(b) Take every practicable measure to avoid or reduce the effects of pollution;

(c) Immediately inform all other Parties, either directly or through the regional centre, of these assessments and of any action which it has taken or which it intends to take to combat the pollution;

(d) Continue to observe the situation for as long as possible and report thereon in accordance with article 8.

2. Where action is taken to combat pollution originating from a ship, all possible measures shall be taken to safeguard the persons present on board and, to the extent possible, the ship itself. Any Party which takes such action shall inform the Inter-Governmental Maritime Consultative Organization.

Article 10

1. Any Party requiring assistance for combating pollution by oil or other harmful substances polluting or threatening to pollute its coasts may call for assistance from other Parties, either directly or through the regional centre referred to in article 6, starting with the Parties which appear likely to be affected by the pollution. This assistance may comprise, in particular, expert advice and the supply to or placing at the disposal of the Party concerned of products, equipment and nautical facilities. Parties so requested shall use their best endeavours to render this assistance.

2. Where the Parties engaged in an operation to combat pollution cannot agree on the organization of the operation, the regional centre may, with their approval, co-ordinate the activity of the facilities put into operation by these Parties.

Article 11

The application of the relevant provisions of articles 6, 7, 8, 9 and 10 of this Protocol relating to the regional centre shall be extended, as appropriate, to sub-regional centres in the event of their establishment, taking into account their objectives and functions and their relationship with said regional centre.

Article 12

1. Ordinary meetings of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties to the Convention, held pursuant to article 14 of the Convention. The Parties to this Protocol may also hold extraordinary meetings as provided in article 14 of the Convention.

2. It shall be the function of the meetings of the Parties to this Protocol, in particular:

(a) To keep under review the implementation of this Protocol, and to consider the efficacy of the measures adopted and the need for any other measures, in particular in the form of Annexes;

(b) To review and amend as required any Annex to this Protocol;

(c) To discharge such other functions as may be appropriate for implementation of this Protocol.

Article 13

1. The provisions of the Convention relating to any Protocol shall apply with respect to the present Protocol.

2. The rules of procedure and the financial rules adopted pursuant to article 18 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.

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

DONE at Barcelona on 16 February 1976 in a single copy in the Arabic, English, French and Spanish languages, the four texts being equally authoritative.

ANNEX I

Contents of the report to be made pursuant to article 8 to this Protocol

1. Each report shall, as far as possible, contain, in general:

(a) The identification of the source of pollution (identity of the ship, where appropriate);

(b) The geographic position, time and date of the occurrence of the incident or of the observation;

(c) The wind and sea conditions prevailing in the area;

(d) Where the pollution originates from a ship, relevant details respecting the conditions of the ship.

2. Each report shall contain, whenever possible, in particular:

(a) A clear indication or description of the harmful substances involved, including the correct technical names of such substances (trade names should not be used in place of the correct technical names);

(b) A statement or estimate of the quantities, concentrations and likely conditions of harmful substances discharged or likely to be discharged into the sea;

(c) Where relevant, a description of the packaging and identifying marks; and

(d) The name of the consignor, consignee or manufacturer.

3. Each report shall clearly indicate, whenever possible, whether the harmful substance discharged or likely to be discharged is oil or a noxious liquid, solid or gaseous substance and whether such substance was or is carried in bulk or contained in packaged form, freight containers, portable tanks, or road and rail tank wagons.

4. Each report shall be supplemented as necessary by any relevant information requested by a recipient of the report or deemed appropriate by the person sending the report.

5. Any of the persons referred to in article 8, paragraph 1, of this Protocol shall:

(a) Supplement as far as possible the initial report, as necessary, with information concerning further developments; and

(b) Comply as fully as possible with requests from affected States for additional information.

(c) **PROTOCOL FOR THE PREVENTION OF POLLUTION OF THE MEDITERRANEAN SEA BY DUMPING FROM SHIPS AND AIRCRAFT, DONE AT BARCELONA ON 16 FEBRUARY 1976¹**

The Contracting Parties to the present Protocol,

Being Parties to the Convention for the Protection of the Mediterranean Sea against Pollution,

Recognizing the danger posed to the marine environment by pollution caused by the dumping of wastes or other matter from ships and aircraft,

Considering that the coastal States of the Mediterranean Sea have a common interest in protecting the marine environment from this danger,

Bearing in mind the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, adopted in London in 1972,²

¹ Entered into force on 12 February 1978. Spanish text provided by the Permanent Representative of Spain to the United Nations in a note verbale of 17 June 1977. The text reproduced is the authentic English version (UNEP/GC/61/Add.3).

² Reproduced in ST/LEG/SER.B/16, p. 464.

Have agreed as follows:

Article 1

The Contracting Parties to this Protocol (hereinafter referred to as "the Parties") shall take all appropriate measures to prevent and abate pollution of the Mediterranean Sea Area caused by dumping from ships and aircraft.

Article 2

The area to which this Protocol applies shall be the Mediterranean Sea Area as defined in article 1 of the Convention for the Protection of the Mediterranean Sea against Pollution (hereinafter referred to as "the Convention").

Article 3

For the purposes of this Protocol:

1. "Ships 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, and platforms and other man-made structures at sea and their equipment.

2. "Wastes or other matter" means material and substances of any kind, form or description.

3. "Dumping" means:

(a) Any deliberate disposal at sea of wastes or other matter from ships or aircraft;

(b) Any deliberate disposal at sea of ships or aircraft.

4. "Dumping" does not include:

(a) The disposal at sea of wastes or other matter incidental to, or derived from the normal operations of vessels, or aircraft and their equipment, other than wastes or other matter transported by or to vessels, or aircraft, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels or aircraft;

(b) Placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Protocol.

5. "Organization" means the body referred to in article 13 of the Convention.

Article 4

The dumping into the Mediterranean Sea Area of wastes or other matter listed in annex I to this Protocol is prohibited.

Article 5

The dumping into the Mediterranean Sea Area of wastes or other matter listed in annex II to this Protocol requires, in each case, a prior special permit from the competent national authorities.

Article 6

The dumping into the Mediterranean Sea Area of all other wastes or other matter requires a prior general permit from the competent national authorities.

Article 7

The permits referred to in articles 5 and 6 above shall be issued only after careful consideration of all the factors set forth in annex III to this Protocol. The Organization shall receive records of such permits.

Article 8

The provisions of articles 4, 5 and 6 shall not apply in case of *force majeure* due to stress of weather or any other cause when human life or the safety of a ship or aircraft is threatened. Such dumpings shall immediately be reported to the Organization, either through the Organization or directly to any party or parties likely to be affected, together with full details of the circumstances and of the nature and quantities of the wastes or other matter dumped.

Article 9

If a Party in a critical situation of an exceptional nature considers that wastes or other matter listed in annex I to this Protocol cannot be disposed of on land without unacceptable danger or damage, above all for the safety of human life, the Party concerned shall forthwith consult the organization. The organization, after consulting the Parties to this Protocol, shall recommend methods of storage or the most satisfactory means of destruction or disposal under the prevailing circumstances. The Party shall inform the organization of the steps adopted in pursuance of these recommendations. The Parties pledge themselves to assist one another in such situations.

Article 10

1. Each Party shall designate one or more competent authorities:

- (a) Issue the special permits provided for in article 5;
- (b) Issue the general permits provided for in article 6;
- (c) Keep records of the nature and quantities of the wastes or other matter permitted to be dumped and the location, date and method of dumping.

2. The competent authorities of each Party shall issue the permits provided for in articles 5 and 6 in respect of the wastes or other matter intended for dumping:

- (a) Loaded in its territory;
- (b) Loaded by a ship or aircraft registered in its territory or flying its flag, when the loading occurs in the territory of a State not Party to this Protocol.

Article 11

1. Each Party shall apply the measures required to implement this Protocol to all:

- (a) Ships and aircraft registered in its territory or flying its flag;
- (b) Ships and aircraft loading in its territory wastes or other matter which are to be dumped;
- (c) Ships and aircraft believed to be engaged in dumping in areas under its jurisdiction in this matter.

2. This Protocol shall not apply to any ships or aircraft owned or operated by a State Party to this Protocol and used for the time being only on government non-commercial service. However, each Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships or aircraft owned or operated by it, that such ships and aircraft act in a manner consistent, so far as is reasonable and practicable, with this Protocol.

Article 12

Each Party undertakes to issue instructions to its maritime inspection ships and aircraft and to other appropriate services to report to its authorities any incidents or conditions in the Mediterranean Sea Area which gives rise to suspicions that dumping in contravention of the provisions of this Protocol has occurred or is about to occur. That Party shall, if it considers it appropriate, report accordingly to any other Party concerned.

Article 13

Nothing in this Protocol shall affect the right of each Party to adopt other measures, in accordance with international law, to prevent pollution due to dumping.

Article 14

1. Ordinary meetings of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties to the Convention held pursuant to article 14 of the Convention. The Parties to this Protocol may also hold extraordinary meetings in conformity with article 14 of the Convention.

2. It shall be the function of the meetings of the Parties to this Protocol:

- (a) To keep under review the implementation of this Protocol, and to consider the efficacy of the measures adopted and the need for any other measures, in particular in the form of annexes;
- (b) To study and consider the records of the permits issued in accordance with articles 5, 6 and 7, and of the dumping which has taken place;
- (c) To review and amend as required any annex to this Protocol;
- (d) To discharge such other functions as may be appropriate for the implementation of this Protocol.

3. The adoption of amendments to the annexes to this Protocol pursuant to article 17 of the Convention shall require a three-fourths majority of the Parties.

Article 15

1. The provisions of the Convention relating to any Protocol shall apply with respect to the present Protocol.

2. The rules of procedure and the financial rules adopted pursuant to article 18 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.

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

DONE at Barcelona on 16 February 1976 in a single copy in the Arabic, English, French and Spanish languages, the four texts being equally authoritative.

ANNEX I

A. The following substances and materials are listed for the purpose of article 4 of the Protocol.

1. Organohalogen compounds and compounds which may form 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, provided that they do not make edible marine organisms unpalatable.

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, provided that they do not make edible marine organisms unpalatable.

3. Mercury and mercury compounds.

4. Cadmium and cadmium compounds.

5. Persistent plastic and other persistent synthetic materials which may materially interfere with fishing or navigation, reduce amenities, or interfere with other legitimate uses of the sea.

6. Crude oil and hydrocarbons which may be derived from petroleum, and any mixtures containing any of these, taken on board for the purpose of dumping.

7. High- and medium- and low-level radio-active wastes or other high- and medium- and low-level radio-active matter to be defined by the International Atomic Energy Agency.

8. Acid and alkaline compounds of such composition and in such quantity that they may seriously impair the quality of sea water. The composition and quantity to be taken into consideration shall be determined by the Parties in accordance with the procedure laid down in article 14, paragraph 3, of this Protocol.

9. Materials in whatever form (e.g. solids, liquids, semi-liquids, gases, or in a living state) produced for biological and chemical warfare, other than those rapidly rendered harmless by physical, chemical or biological processes in the sea provided that they do not:

- (i) Make edible marine organisms unpalatable; or
- (ii) Endanger human or animal health.

B. This annex does not apply to wastes or other materials, such as sewage sludge and dredge spoils, containing the substances referred to in paragraphs 1-6 above as trace contaminants. The dumping of such wastes shall be subject to the provisions of annexes II and III as appropriate.

ANNEX II

The following wastes and other matter the dumping of which requires special care are listed for the purposes of article 5.

1. (i) Arsenic, lead, copper, zinc, beryllium, chromium, nickel, vanadium, selenium, antimony and their compounds;
- (ii) Cyanides and fluorides;
- (iii) Pesticides and their by-products not covered in annex I;
- (iv) Synthetic organic chemicals, other than those referred to in annex I, likely to produce harmful effects on marine organisms or to make edible marine organisms unpalatable.
2. (i) Acid and alkaline compounds the composition and quantity of which have not yet been determined in accordance with the procedure referred to in annex I, paragraph A. 8;
- (ii) Acid and alkaline compounds not covered by annex I, excluding compounds to be dumped in quantities below thresholds which shall be determined by the Parties in accordance with the procedure laid down in article 14, paragraph 3, of this Protocol.
3. Containers, scrap metal and other bulky wastes liable to sink to the sea bottom which may present a serious obstacle to fishing or navigation.
4. Substances which, though of a non-toxic nature may become harmful owing to the quantities in which they are dumped, or which are liable to reduce amenities seriously or to endanger human life or marine organisms or to interfere with navigation.
5. Radio-active waste or other radio-active matter which will not be included in annex I. In the issue of permits for the dumping of this matter, the 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

The factors to be considered in establishing criteria governing the issue of permits for the dumping of matter at sea taking into account article 7 include:

A. Characteristics and composition of the matter

1. Total amount and average compositions 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, shell-fish 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, particularly the speed of the ship.
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. When issuing a permit for dumping, the Contracting Parties shall endeavour to determine whether an adequate scientific basis exists for assessing the consequences of such dumping in the area concerned, in accordance with the foregoing provisions and 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 sea dumping.