

Annex 76

African Convention on the Conservation of Nature and Natural Resources, 15 September
1968, 1001 UNTS 3

No. 14689

MULTILATERAL

African Convention on the conservation of nature and natural resources (with annexed list of protected species). Concluded at Algiers on 15 September 1968

Authentic texts: English and French.

Registered by the Administrative Secretary-General of the Organization of African Unity, acting on behalf of the Parties, on 31 March 1976.

MULTILATÉRAL

Convention africaine pour la conservation de la nature et des ressources naturelles (avec, en annexe, la liste des espèces protégées). Conclue à Alger le 15 septembre 1968

Textes authentiques : anglais et français.

Enregistrée par le Secrétaire général administratif de l'Organisation de l'unité africaine, agissant au nom des Parties, le 31 mars 1976.

AFRICAN CONVENTION¹ ON THE CONSERVATION OF NATURE AND NATURAL RESOURCES

PREAMBLE

We, the Heads of State and Government of Independent African States,
Fully conscious that soil, water, flora and faunal resources constitute a capital
of vital importance to mankind;

Confirming, as we accepted upon declaring our adherence to the Charter² of the
Organization of African Unity, that we know that it is our duty “to harness the nat-
ural and human resources of our continent for the total advancement of our peoples
in spheres of human endeavour”;

Fully conscious of the ever-growing importance of natural resources from an
economic, nutritional, scientific, educational, cultural and aesthetic point of view;

Conscious of the dangers which threaten some of these irreplaceable assets;

Accepting that the utilization of the natural resources must aim at satisfying the
needs of man according to the carrying capacity of the environment;

¹ Came into force on 16 June 1969 in respect of the following States, i.e. on the thirtieth day following the date of deposit of the fourth instrument of ratification with the Administrative Secretary-General of the Organization of African Unity, in accordance with article XXI (1):

<i>State</i>	<i>Date of deposit of the instrument</i>	<i>State</i>	<i>Date of deposit of the instrument</i>
Ivory Coast	15 January 1969	Kenya	12 May 1969
Swaziland	7 April 1969	Ghana	17 May 1969

Subsequently, the Convention came into force for the following States on the thirtieth day following the date of deposit of their instruments of ratification with the Administrative Secretary-General of the Organization of African Unity, in accordance with article XXI (2):

<i>State</i>	<i>Date of deposit of the instrument</i>
Central African Republic	16 March 1970
(With effect from 15 April 1970.)	
Egypt	12 April 1972
(With effect from 12 May 1972.)	
Madagascar	23 September 1971
(With effect from 23 October 1971.)	
Malawi	6 March 1973
(With effect from 5 April 1973.)	
Mali	2 July 1974
(With effect from 1 August 1974.)	
Niger	27 January 1970
(With effect from 26 February 1970.)	
Nigeria	7 May 1974
(With effect from 6 June 1974.)	
Senegal	24 February 1972
(With effect from 25 March 1972.)	
United Republic of Tanzania	22 November 1974
(With effect from 22 December 1974.)	
Upper Volta	29 August 1969
(With effect from 28 September 1969.)	
Zambia	1 May 1972
(With effect from 31 May 1972.)	

² United Nations, *Treaty Series*, vol. 479, p. 39.

Desirous of undertaking individual and joint action for the conservation, utilization and development of these assets by establishing and maintaining their rational utilization for the present and future welfare of mankind;

Convinced that one of the most appropriate means of achieving this end is to bring into force a convention;

Have agreed as follows:

Article I

The Contracting States hereby establish an African Convention on the Conservation of nature and natural resources.

Article II. FUNDAMENTAL PRINCIPLE

The Contracting States shall undertake to adopt the measures necessary to ensure conservation, utilization and development of soil, water, flora and faunal resources in accordance with scientific principles and with due regard to the best interests of the people.

Article III. DEFINITIONS

For purposes of the present Convention, the meaning of the following expressions shall be as defined below:

1. "Natural Resources" means renewable resources, that is soil, water, flora and fauna.
2. "Specimen" means an individual example of a species of wild animal or wild plant or part of a wild plant.
3. "Trophy" means any dead animal specimen or part thereof whether included in a manufactured or processed object or otherwise dealt with, unless it has lost its original identity; also nests eggs and eggshells.
4. "Conservation area" means any protected natural resource area, whether it be a strict natural reserve, a national park or a special reserve;
 - a) "strict nature reserve" means an area:
 - 1) under State control and the boundaries of which may not be altered nor any portion alienated except by the competent legislative authority,
 - 2) throughout which any form of hunting or fishing, any undertaking connected with forestry, agriculture or mining, any grazing, any excavation or prospecting, drilling, levelling of the ground or construction, any work tending to alter the configuration of the soil or the character of the vegetation, any water pollution and, generally, any act likely to harm or disturb the fauna or flora, including introduction of zoological or botanical species, whether indigenous or imported, wild or domesticated, are strictly forbidden,
 - 3) where it shall be forbidden to reside, enter, traverse or camp, and where it shall be forbidden to fly over at low altitude, without a special written permit from the competent authority, and in which scientific investigations (including removal of animals and plants in order to maintain an ecosystem) may only be undertaken by permission of the competent authority;
 - b) "national park" means an area:
 - 1) under State control and the boundaries of which may not be altered or any portion alienated except by the competent legislative authority,

- 2) exclusively set aside for the propagation, protection, conservation and management of vegetation and wild animals as well as for the protection of sites, land-scapes or geological formations of particular scientific or aesthetic value, for the benefit and enjoyment of the general public, and
- 3) in which the killing, hunting and capture of animals and the destruction or collection of plants are prohibited except for scientific and management purposes and on the condition that such measures are taken under the direction or control of the competent authority,
- 4) covering any aquatic environment to which all of the provisions of section (b) (1-3) above are applicable.

The activities prohibited in strict nature reserve under the provisions of section (a) (2) of paragraph (4) of this article are equally prohibited in national parks except in so far as they are necessary to enable the park authorities to implement the provisions of section (2) of this paragraph, by applying, for example, appropriate management practices, and to enable the public to visit these parks; however, sport fishing may be practiced with the authorization and under the control of the competent authority.

c) "special reserve" means other protected areas such as:

- 1) "game reserve" which shall denote an area
 - a) set aside for the conservation, management and propagation of wild animal life and the protection and management of its habitat,
 - b) within which the hunting, killing or capture of fauna shall be prohibited except by or under the direction or control of the reserve authorities,
 - c) where settlement and other human activities shall be controlled or prohibited;
- 2) "partial reserve" or "sanctuary" which shall denote an area
 - a) set aside to protect characteristic wildlife and especially bird communities, or to protect particularly threatened animal or plant species and especially those listed in the Annex to this Convention, together with the biotopes essential for their survival,
 - b) in which all other interests and activities shall be subordinated to this end;
- 3) "soil", "water" or "forest" reserve shall denote areas set aside to protect such resources.

Article IV. Soil

The Contracting States shall take effective measures for conservation and improvement of the soil and shall in particular combat erosion and misuse of the soil. To this end:

- a) they shall establish land-use plans based on scientific investigations (ecological, pedological, economic, and sociological) and, in particular, classification of land-use capability;
- b) they shall, when implementing agricultural practices and agrarian reforms,
 - 1) improve soil-conservation and introduce improved farming methods, which ensure long-term productivity of the land,
 - 2) control erosion caused by various forms of land-use which may lead to loss of vegetation cover.

Article V. WATER

1. The Contracting States shall establish policies for conservation, utilization and development of underground and surface water, and shall endeavour to guarantee for their populations a sufficient and continuous supply of suitable water, taking appropriate measures with due regard to

- 1) the study of water cycles and the investigation of each catchment area,
- 2) the co-ordination and planning of water resources development projects,
- 3) the administration and control of all water utilization, and
- 4) prevention and control of water pollution.

2. Where surface or underground water resources are shared by two or more of the Contracting States, the latter shall act in consultation, and if the need arises, set up inter-State Commissions to study and resolve problems arising from the joint use of these resources, and for the joint development and conservation thereof.

Article VI. FLORA

1. The Contracting States shall take all necessary measures for the protection of flora and to ensure its best utilization and development. To this end the Contracting States shall:

- a) adopt scientifically-based conservation, utilization and management plans of forests and rangeland, taking into account the social and economic needs of the States concerned, the importance of the vegetation cover for the maintenance of the water balance of an area, the productivity of soils and the habitat requirements of the fauna;
- b) observe section (a) above by paying particular attention to controlling bush fires, forest exploitation, land clearing for cultivation, and over-grazing by domestic and wild animals;
- c) set aside areas for forest reserves and carry out afforestation programmes where necessary;
- d) limitation of forest grazing to season and intensities that will not prevent forest regeneration; and
- e) establish botanical gardens to perpetuate plant species of particular interest.

2. The Contracting States also shall undertake the conservation of plant species or communities, which are threatened and/or of special scientific or aesthetic value by ensuring that they are included in conservation areas.

Article VII. FAUNAL RESOURCES

1. The Contracting States shall ensure conservation, wise use and development of faunal resources and their environment, within the framework of land-use planning and of economic and social development. Management shall be carried out in accordance with plans based on scientific principles, and to that end the Contracting States shall:

- a) manage wildlife populations inside designated areas according to the objectives of such areas and also manage exploitable wildlife populations outside such areas for an optimum sustained yield, compatible with and complementary to other land uses; and
- b) manage aquatic environments, whether in fresh, brackish or coastal water, with a view to minimize deleterious effects of any water and land use practice which might adversely affect aquatic habitats.

2. The Contracting States shall adopt adequate legislation on hunting, capture and fishing, under which:

- a) the issue of permits is properly regulated;
- b) unauthorized methods are prohibited;
- c) the following methods of hunting, capture and fishing are prohibited:
 - 1) any methods liable to cause a mass destruction of wild animals,
 - 2) the use of drugs, poisons, poisoned weapons or poisoned baits,
 - 3) the use of explosives,
 - 4) the following methods of hunting and capture are particularly prohibited:
 1. the use of mechanically propelled vehicles,
 2. the use of fire,
 3. the use of fire arms capable of firing more than one round at each pull of the trigger,
 4. hunting or capture at night,
 5. the use of missiles containing detonators;
- d) the following methods of hunting or capture are as far as possible prohibited:
 - 1) the use of nets and stockades,
 - 2) the use of concealed traps, pits, snares, set-gun traps, deadfalls, and hunting from a blind or hide;
- e) with a view to as rational use as possible of game meat the abandonment by hunters of carcasses of animals, which represent a food resource, is prohibited.

Capture of animals with the aid of drugs or mechanically-propelled vehicles, or hunting or capture by night if carried out by, or under the control of, the competent authority shall nevertheless be exempted from the prohibitions under (c) above.

Article VIII. PROTECTED SPECIES

1. The Contracting States recognize that it is important and urgent to accord a special protection to those animal and plant species that are threatened with extinction, or which may become so, and to the habitat necessary to their survival. Where such a species is represented only in the territory of one Contracting State, that State has a particular responsibility for its protection. These species which are, or may be listed, according to the degree of protection that shall be given to them are placed in Class A or B of the annex to this Convention, and shall be protected by Contracting States as follows:

- 1) species in Class A shall be totally protected throughout the entire territory of the Contracting States; the hunting, killing, capture or collection of specimens shall be permitted only on the authorization in each case of the highest competent authority and only if required in the national interest or for scientific purposes; and
- 2) species in Class B shall be totally protected, but may be hunted, killed, captured or collected under special authorization granted by the competent authority.

2. The competent authority of each Contracting State shall examine the necessity of applying the provisions of this article to species not listed in the annex, in order to conserve the indigenous flora and fauna of their respective countries. Such additional species shall be placed in Class A or B by the State concerned, according to its specific requirements.

Article IX. TRAFFIC IN SPECIMENS AND TROPHIES

1. In the case of animal species to which Article VIII does not apply the Contracting States shall:

- a) regulate trade in and transport of specimens and trophies;
- b) control the application of these regulations in such a way as to prevent trade in specimens and trophies which have been illegally captured or killed or obtained.

2. In the case of plant and animal species to which Article VIII, paragraph (1), applies, the Contracting States shall:

- a) take all measures similar to those in paragraph (1);
- b) make the export of such specimens and trophies subject to an authorization:
 - 1) additional to that required for their capture, killing or collection by Article VIII
 - 2) which indicates their destination,
 - 3) which shall not be given unless the specimens or trophies have been obtained legally,
 - 4) which shall be examined prior to exportation;
 - 5) which shall be on a standard form, as may be arranged under Article XVI;
- c) make the import and transit of such specimens and trophies subject to the presentation of the authorization required under section (b) above, with due provision for the confiscation of specimens and trophies exported illegally, without prejudice to the application of other penalties.

Article X. CONSERVATION AREAS

1. The Contracting States shall maintain and extend where appropriate, within their territory and where applicable in their territorial waters, the conservation areas existing at the time of entry into force of the present Convention and, preferably within the framework of land-use planning programmes, assess the necessity of establishing additional conservation areas in order to:

- 1) protect those ecosystems which are most representative of and particularly those which are in any respect peculiar to their territories;
- 2) ensure conservation of all species and more particularly of those listed or may be listed in the annex to this Convention;

2. The Contracting States shall establish where necessary, around the borders of conservation areas, zones within which the competent authorities shall control activities detrimental to the protected natural resources.

Article XI. CUSTOMARY RIGHTS

The Contracting States shall take all necessary legislative measures to reconcile customary rights with the provisions of this Convention.

Article XII. RESEARCH

The Contracting States shall encourage and promote research in conservation, utilization and management of natural resources and shall pay particular attention to ecological and sociological factors.

Article XIII. CONSERVATION EDUCATION

1. a) The Contracting States shall ensure that their peoples appreciate their close dependence on natural resources and that they understand the need, and rules for, the rational utilization of these resources.

b) For this purpose they shall ensure that the principles indicated in paragraph (1):

- 1) are included in educational programmes at all levels,
- 2) form the object of information campaigns capable of acquainting the public with, and winning it over to, the idea of conservation.

2. In order to put into effect paragraph (1) above, the Contracting States shall make maximum use of the educational value of conservation areas.

Article XIV. DEVELOPMENT PLANS

1. The Contracting States shall ensure that conservation and management of natural resources are treated as an integral part of national and/or regional development plans.

2. In the formulation of all development plans, full consideration shall be given to ecological, as well as to economic and social factors.

3. Where any development plan is likely to affect the natural resources of another State, the latter shall be consulted.

Article XV. ORGANIZATION OF NATIONAL CONSERVATION SERVICES

Each Contracting State shall establish, if it has not already done so, a single agency empowered to deal with all matters covered by this Convention, but, where this is not possible a co-ordinating machinery shall be established for this purpose.

Article XVI. INTER-STATE CO-OPERATION

1. The Contracting States shall co-operate:

- a) whenever such co-operation is necessary to give effect to the provisions of this Convention, and
- b) whenever any national measure is likely to affect the natural resources of any other State.

2. The Contracting States shall supply the Organization of African Unity with:

- a) the text of laws, decrees, regulations and instructions in force in their territories, which are intended to ensure the implementation of this Convention,
- b) reports on the results achieved in applying the provisions of this Convention, and
- c) all the information necessary for the complete documentation of matters dealt with by this Convention if requested.

3. If so requested by Contracting States, the Organization of African Unity shall organize any meeting which may be necessary to dispose of any matters covered by this Convention. Requests for such meetings must be made by at least three of the Contracting States and be approved by two thirds of the States which it is proposed should participate in such meetings.

4. Any expenditure arising from this Convention, which devolves upon the Organization of African Unity shall be included in its regular budget, unless shared by the Contracting States or otherwise defrayed.

Article XVII. PROVISION FOR EXCEPTIONS

1. The provisions of this Convention shall not affect the responsibilities of Contracting States concerning:

- 1) the paramount interest of the State,

- 2) “force majeure”,
- 3) defence of human life.

2. The provisions of this Convention shall not prevent Contracting States:

- 1) in time of famine,
- 2) for the protection of public health,
- 3) in defence of property,

to enact measures contrary to the provisions of the Convention, provided their application is precisely defined in respect of aim, time and place.

Article XVIII. SETTLEMENT OF DISPUTES

Any dispute between the Contracting States relating to the interpretation or application of this Convention, which cannot be settled by negotiation, shall at the request of any party be submitted to the Commission of Mediation, Conciliation and Arbitration of the Organization of African Unity.

Article XIX. SIGNATURE AND RATIFICATION

1. This Convention shall be open for signature immediately after being approved by the Assembly of Heads of State and Government of the Organization of African Unity.

2. This Convention shall be ratified by each of the Contracting States. The instruments of ratification shall be deposited with the Administrative Secretary-General of the Organization of African Unity.

Article XX. RESERVATIONS

1. At the time of signature, ratification or accession, any State may declare its acceptance of this Convention in part only, provided that such reservation may not apply to the provisions of Articles II-XI.

2. Reservations made in conformity with the preceding paragraph shall be deposited together with the instruments of ratification or accession.

3. Any Contracting State which has formulated a reservation in conformity with the preceding paragraph may at any time withdraw it by notifying the Administrative Secretary-General of the Organization of African Unity.

Article XXI. ENTRY INTO FORCE

1. This Convention shall come into force on the thirtieth day following the date of deposit of the fourth instrument of ratification or accession with the Administrative Secretary-General of the Organization of African Unity, who shall inform participating States accordingly.

2. In the case of a State ratifying or acceding to the Convention after the depositing of the fourth instrument of ratification or accession, the Convention shall come into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

3. The London Convention of 1933¹ or any other Convention on the conservation of flora and fauna in their natural state shall cease to have effect in States in which this Convention has come into force.

¹ League of Nations, *Treaty Series*, vol. CLXXII, p. 241.

Article XXII. ACCESSION

1. After the date of approval specified in Article XIX, paragraph (1), this Convention shall be open to accession by any independent and sovereign African State.

2. The instruments of accession shall be deposited with the Administrative Secretary-General of the Organization of African Unity.

Article XXIII. DENUNCIATION

1. Any Contracting State may denounce this Convention by notification in writing addressed to the Administrative Secretary-General of the Organization of African Unity.

2. Such denunciation shall take effect, for such a State, one year after the date of receipt of its notification by the Administrative Secretary-General of the Organization of African Unity.

3. No denunciation shall, however, be made before the expiry of a period of five years from the date at which for the State concerned this Convention comes into force.

Article XXIV. REVISION

1. After the expiry of a period of five years from the date of entry into force of this Convention, any Contracting State may at any time make a request for the revision of part or the whole of this Convention by notification in writing addressed to the Administrative Secretary-General of the Organization of African Unity.

2. In the event of such a request the appropriate organ of the Organization of African Unity shall deal with the matter in accordance with the provision of sections 3 and 4 of Article XVI of this Convention.

3. (i) At the request of one or more Contracting States and notwithstanding the provisions of paragraphs (1) and (2) of this Article, the annex to this Convention may be revised or added to by the appropriate organ of the Organization of African Unity.

(ii) Such revision or addition shall come into force three months after the approval by the appropriate organ of the Organization of African Unity.

Article XXV. FINAL PROVISIONS

The original of this Convention of which both the English and the French texts are authentic, shall be deposited with the Administrative Secretary-General of the Organization of African Unity.

IN WITNESS WHEREOF We, the Heads of State and Government of Independent African States, assembled at Algiers, Algeria, on 15th September 1968 have signed this Convention.

Algeria:

[Illegible]

Cameroun:

[Illegible]

Botswana:

[Illegible]

Central African Republic:

[Illegible]

Burundi:

[Illegible]

Tchad:

[Illegible]

Congo (Brazzaville):

[*Illegible*]

République démocratique du Congo:

[*Illegible*]

Dahomey:

[*Illegible*]

Ethiopia:

[*Illegible*]

Gabon:

[*Illegible*]

Gambia:

[*Illegible*]

Ghana:

[*Illegible*]

Guinea:

[*Illegible*]

Ivory Coast:

[*Illegible*]

Kenya:

[*Illegible*]

Lesotho:

[*Illegible*]

Liberia:

[*Illegible*]

Libya:

[*Illegible*]

Madagascar:

[*Illegible*]

Malawi:

[*Illegible*]

Mali:

[*Illegible*]

Mauritania:

[*Illegible*]

Mauritius:

[*Illegible*]

Morocco:

[*Illegible*]

Niger:

[*Illegible*]

Nigeria:

[*Illegible*]

Rwanda:

[*Illegible*]

Senegal:

[*Illegible*]

Sierra Leone:

[*Illegible*]

Somalia:

[*Illegible*]

Sudan:

[*Illegible*]

Swaziland:

[*Illegible*]

Togo:

[*Illegible*]

Tunisia:

[*Illegible*]

Uganda:

[*Illegible*]

United Arab Republic:

[*Illegible*]

United Republic of Tanzania:

[*Illegible*]

Upper Volta:

[*Illegible*]

Zambia:

[*Illegible*]

LIST OF PROTECTED SPECIES

C L A S S A

*Mammalia**Primates**Lemuroidea**Macaca sylvana**Theropithecus gelada**Cercocebus galeritus galeritus**Cercopithecus diana**Colobus badius kirkii**Colobus badius rufomitratu**Colobus badius gordonorum**Colobus verus**Pan troglodytes**Pan paniscus**Gorilla gorilla**Rodentia**Epixerus spp.**Carnivora**Canis simensis**Osbornictis piscivora**Fossa fossa**Eupleres spp.**Felis nigripes**Felis aurata**Acinonyx jubatus**Pinnipedia**Monachus monachus**Sirenia**Dugong dugon**Mammals**Primates*

All Malagasy lemuroids

Barbary ape

Gelada baboon

Tana River mangabey

Diana monkey

Zanzibar red colobus

Tana River red colobus

Uhehe red colobus

Green colobus

Chimpanzee

Pygmy chimpanzee

Gorilla

Rodentia

African palm squirrels

Carnivora

Simenian jackal

Water civet

Malagasy civet

Falauou

Black-footed cat

African golden cat

Cheetah

Pennipedia

Mediterranean monk seal

*Sirenia**Dugong*

<i>Trichechus senegalensis</i>	West African manatee
<i>Perissodactyla</i>	<i>Perissodactyla</i>
<i>Equus asinus</i>	Wild ass
<i>Equus zebra zebra</i>	Cape mountain zebra
<i>Ceratotherium simum</i>	Square-lipped rhinoceros
<i>Artiodactyla</i>	<i>Artiodactyla</i>
<i>Choeropsis liberiensis</i>	Pygmy hippopotamus
<i>Cervus elaphus barbarus</i>	Barbary stag
<i>Okapia johnstoni</i>	Okapi
<i>Taurotragus derbianus derbianus</i>	Western giant eland
<i>Cephalophus jentinki</i>	Jentink's duiker
<i>Hippotragus niger varians</i>	Giant sable antelope
<i>Alcelaphus buselaphus tora</i>	Tora Hartebeest
<i>Alcelaphus buselaphus swaynei</i>	Swayne's hartebeest
<i>Nesotragus moschatus moschatus</i>	Zanzibar suni
<i>Dorcatragus megalotis</i>	Beira antelope
<i>Gazella dorcas neglecta</i>	Algerian dorcas gazelle
<i>Gazella dorcas massaesyla</i>	Moroccan dorcas gazelle
<i>Gazella gazella cuvieri</i>	Cuvier's gazelle
<i>Gazella leptocerus leptocerus</i>	Slender-horned gazelle
<i>Gazella pelzelni</i>	Pelseln's gazelle
<i>Gazella spekei</i>	Speke's gazelle
<i>Gazella dama mhorh</i>	Mhorh gazelle
<i>Gazella dama lazoni</i>	Rio de Oro dama gazelle
<i>Gapra walie</i>	Walia ibex
<i>Aves</i>	<i>Birds</i>
<i>Pelecanidae</i>	All pelicans
<i>Ciconiidae, Scopidae et Ardeidae</i>	All storks, hammerkops, ibises, spoonbills, herons, egrets and bitterns
<i>Phoenicopteridae</i>	All Flamingos
<i>Sagittarius serpentarius</i>	Secretary bird
<i>Aegyptius, Gyps, Pseudogyps, Torgos</i>	All vultures ¹
<i>Trigonoceps, Neophron et Necrosyrtes</i>	Lammergeyer
<i>Gypaëtus barbatus</i>	Crowned hawk-eagle
<i>Stephanoaëtus coronatus</i>	Teita falcon
<i>Falco fasciinucha</i>	White-headed guineafowl
<i>Agelastes meleagrides</i>	Congo peacock
<i>Afropavo congensis</i>	All cranes
<i>Gruidae</i>	All ground bornbills
<i>Bucorvus spp.</i>	White-necked rockfowl
<i>Picarthartes oreas</i>	Grey-necked rockfowl
<i>Picarthartes gymnocephalus</i>	Warsangli linnet
<i>Warsanglia johannis</i>	
<i>Reptilia</i>	<i>Reptiles</i>
<i>Cheloniidae, Dermochelyidae</i>	All marine turtles
<i>Testudo gigantea</i>	Giant tortoise
<i>Testudo yniphora</i>	Angulated tortoise
<i>Testudo radiata</i>	Testudo radiata
<i>Macroscincus coctei</i>	Cape Verde skink

¹ The term "All vultures" has been placed erroneously opposite the first line of the Latin term "*Aegyptius, Gyps, Pseudogyps, Torgos Trigonoceps, Neophron et Necrosyrtes*", thus displacing each translation up to and including that corresponding to "*Warsanglia johannis*" by one line.

<i>Gecko uroplates</i>	Leaf-tailed gecko
<i>Casarea dussumieri</i>	Plate Island boa
<i>Bolieria multicaarinata</i>	Ronde Island boa
<i>Acrantophis madagascariensi</i>	Acrantophis madagascariensi
<i>Acrantophis dumerili</i>	Acrantophis dumerili
<i>Amphibia</i>	<i>Amphibians</i>
<i>Bufo superciliaris</i>	Cameroon toad
<i>Nectophrynoides occidentalis</i>	Viviparous toad
<i>Pisces</i>	<i>Fishes</i>
<i>Caecobarbus, Caecomastacembelus</i>	Blind fishes
<i>Eilichthys, Typhleotris</i>	Blind fishes
<i>Phreatichthys, Uegitglanis</i>	Blind fishes
<i>Plantae</i>	<i>Plants</i>
<i>Welwitschia bainesii</i>	Welwitschia
<i>Encephalartos laurentanus</i>	Encephalartos
<i>Encephalartos septentrionalis</i>	Encephalartos
C L A S S B	
<i>Mammalia</i>	<i>Mammals</i>
<i>Insectivora</i>	<i>Insectivora</i>
	All other shrews of the family
	Potamogalidae
<i>Primates</i>	<i>Primates</i>
<i>Lorisidae</i>	All prosimians of the family Lorisidae
<i>Primates</i>	
	All monkeys except common baboons
<i>Pholidota</i>	<i>Pholidota</i>
<i>Manis gigantea</i>	Giant pangolin
<i>Manis temmincki</i>	Cape pangolin
<i>Manis tricuspis</i>	Tree pangolin
<i>Manis longicaudata</i>	Long-tailed tree pangolin
<i>Carnivora</i>	<i>Carnivora</i>
<i>Lutrinae</i>	All otters of the sub family Lutrinae
<i>Proteles cristatus</i>	Aardwolf
<i>Hyaena brunnea</i>	Brown hyaena
<i>Hyaena hyaena barbara</i>	Barbary hyaena
<i>Felis caracal</i>	Caracal lynx
<i>Felis serval</i>	Serval
<i>Felis leo</i>	Lion
<i>Panthera pardus</i>	Leopard
<i>Tenrecidae</i>	Madagascar Tenrecs (all species) Fossa
<i>Cryptoprocta ferox</i>	Foassa
<i>Galidiinae</i>	All Malagasy mongooses of the sub family
	Galidiinae
<i>Tubulidentata</i>	<i>Tubulidentata</i>
<i>Orycteropus afer</i>	Aardvark
<i>Proboscidea</i>	<i>Proboscidea</i>
<i>Loxodonta africana</i>	Elephant
<i>Perissodactyla</i>	<i>Perissodactyla</i>
<i>Equus zebra bartmannae</i>	Hartmann's mountain zebra
<i>Equus burchelli</i>	Burchell's zebra

<i>Equus grevyi</i>	Grevy's zebra
<i>Diceros bicornis</i>	Black rhinoceros
<i>Hylochoerus meinertzhageni</i>	<i>Artiodactyla</i> ¹
<i>Hippopotamus amphibius</i>	Giant forest hog
<i>Hyemoschus aquaticus</i>	Hippopotamus
<i>Giraffa camelopardalis</i>	Water chevrotain
<i>Tragelaphus angasi</i>	Giraffe
<i>Tragelaphus buxtoni</i>	Nyala
<i>Tragelaphus spekei</i>	Mountain nyala
<i>Tragelaphus imberbis</i>	Situtunga
<i>Tragelaphus strepsiceros</i>	Lesser kudu
<i>Taurotragus oryx</i>	Greater kudu
<i>Taurotragus derbianus</i>	Eland
<i>Boocercus eurycerus</i>	Giant eland
<i>Syncerus caffer</i>	Bongo
<i>Cephalophus adorsi</i>	Buffalo
<i>Cephalophus ogilbyi</i>	Zanzibar duiker
<i>Cephalophus silvicultor</i>	Ogilby's duiker
<i>Cephalophus spadix</i>	Yellow-baked duiker
<i>Cephalophus zebra</i>	Abbott's duiker
<i>Kobus ellipsiprymnus</i>	Banded duiker
<i>Kobus defassa</i>	Waterbuck
<i>Kobus leche</i>	Defassa waterbuck
<i>Kobus megaceros</i>	Lechwe
<i>Adenota kob</i>	Nile lechwe
	Kob
<i>Redunca arundinum</i>	Reedbuck
<i>Redunca fulvorufula</i>	Mountain reedbuck
<i>Redunca equinus</i>	Bohor reedbuck
<i>Hippotragus equinus</i>	Roan antelope
<i>Hippotragus niger</i>	Sable antelope
<i>Oryx gazella</i>	Oryx
<i>Oryx tao</i>	Scimitar-horned oryx
<i>Adax nasomaculatus</i>	Addax
<i>Damaliscus lunatus</i>	Tsessebe (Sassaby)
<i>Damaliscus korrigum</i>	Topi
<i>Damaliscus dorcas dorcas</i>	Bontebok
<i>Damaliscus dorcas phillipsi</i>	Blesbok
<i>Damaliscus hunteri</i>	Hunter's hartebeest
<i>Alcelaphus buselaphus</i>	Hartebeest
<i>Alcelaphus lichtensteini</i>	Lichtenstein's hartebeest
<i>Connochaetes gnou</i>	Black wildebeest
<i>Connochaetes taurinus</i>	Wildebeest
<i>Oreotragus oreotragus</i>	Klipspringer
<i>Ourebia spp.</i>	Oribis (All species)
<i>Neotragus pygmaeus</i>	Royal antelope
<i>Neotragus batesi</i>	Dwarf antelope
<i>Madoqua kirki</i>	Damara dikdik
<i>Aepyceros melampus</i>	Impala
<i>Ammodorcas clarkei</i>	Dibatag

¹ The title "*Artiodactyla*" has been placed erroneously opposite the Latin term "*hylochoerus meinertzhageni*", thus displacing each translation up to and including that corresponding to "*Adenota Kob*" by one line; "*Artiodactyla*" should also appear as the title for the Latin term list.

Litodraunius walleri

Gazella dorcas

Gazella rufifrons

Gazella tilonura

Gazella dama

Gazella soemmerringi

Capra ibex nubiana

Ammotragus lervia

Aves

Struthio camelus

Falconiformes et strigiformes

Otididae

Reptilia

Crocodylia

Gerenuk

Dorcas gazelle

Korin gazelle

Houglin's gazelle

Dama gazelle

Doemmering's gazelle

Nubian ibex

Barbary sheep (Aoudad)

Birds

Ostrich

All birds of prey and all owls not in
[Class A]

All bustards

Reptiles

All crocodiles

Annex 77

International Convention on Civil Liability for Oil Pollution Damage, 29 November 1969,
973 UNTS 3

No. 14097

MULTILATERAL

International Convention on Civil Liability for Oil Pollution Damage (with annex and official Russian and Spanish translations). Concluded at Brussels on 29 November 1969

Authentic texts: English and French.

Registered by the Inter-Governmental Maritime Consultative Organization on 27 June 1975.

MULTILATÉRAL

Convention internationale sur la responsabilité civile pour les dommages dus à la pollution par les hydrocarbures (avec annexe et traductions officielles russe et espagnole). Conclue à Bruxelles le 29 novembre 1969

Textes authentiques : anglais et français.

Enregistrée par l'Organisation intergouvernementale consultative de la navigation maritime le 27 juin 1975.

INTERNATIONAL CONVENTION¹ ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE

The States Parties to the present Convention,

Conscious of the dangers of pollution posed by the worldwide 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.
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.

¹ Came into force on 19 June 1975, in respect of the following States, i.e., on the ninetieth day that followed the date by which Governments of eight States, including five States each with not less than 1,000,000 gross tons of tanker tonnage (denoted hereafter by *), had signed it definitively or deposited their instrument of ratification, acceptance, approval or accession with the Secretary-General of the Inter-Governmental Maritime Consultative Organization, in accordance with article XV (1). Definitive signatures, ratifications, acceptances, approvals or accessions were effected as follows:

<i>State</i>	<i>Date of definitive signature(s) or of deposit of instrument of ratification, acceptance (A), approval (AA) or accession (a)</i>	
Algeria	14 June	1974 a
Denmark*	2 April	1975 a
Dominican Republic	2 April	1975
Fiji	15 August	1972 a
France*	17 March	1975
Ivory Coast	21 June	1973
Lebanon	9 April	1974 a
Liberia*	25 September	1972 a
Morocco	11 April	1974 a
Norway*	21 March	1975 a
Senegal	27 March	1972 a
Sweden*	17 March	1975
Syrian Arab Republic**	6 February	1975 a
United Kingdom of Great Britain and Northern Ireland*	17 March	1975

Subsequently, the following State deposited its instrument of ratification with the Secretary-General of the Inter-Governmental Maritime Consultative Organization on the date indicated:

<i>State</i>	<i>Date of deposit of instrument of ratification</i>
Federal Republic of Germany	20 May 1975
(With effect from 18 August 1975, in accordance with the intention expressed by the Government of the Federal Republic of Germany on the basis of its interpretation of article XV. With a declaration that the Convention shall also apply to Berlin (West) with effect from the date of its entry into force in respect of the Federal Republic of Germany.)	

**See p. 36 of this volume for the text of the declarations made upon ratification.

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 sixty-five-and-a-half 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 official 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 judgment 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 judgment was obtained by fraud; or

(b) where the defendant was not given reasonable notice and a fair opportunity to present his case.

2. A judgment recognized under paragraph 1 of this Article shall be enforceable in each Contract 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. 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 XIV. 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 Contracting States, or after the completion of all measures required for the entry into force of the amendment with respect to those Contracting States, shall be deemed to apply to the Convention as modified by the amendment.

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 State of the appropriate instrument.

Article XVI. 1. The present Convention may be denounced by any Contracting State 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 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.

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 Contracting State 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 XVIII. 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 Contracting States for revising or amending the present Convention at the request of not less than one-third of the Contracting States.

Article XIX. 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 XVII 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 XX. 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 XXI. 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.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed the present Convention.

DONE at Brussels this twenty-ninth day of November 1969.

For the Government of the Kingdom of Afghanistan:
Pour le Gouvernement du Royaume d'Afghanistan :

For the Government of the People's Republic of Albania:
Pour le Gouvernement de la République populaire d'Albanie :

For the Government of the Democratic and Popular Republic of Algeria:
Pour le Gouvernement de la République algérienne démocratique et populaire :

For the Government of the Argentine Republic:
Pour le Gouvernement de la République Argentine :

For the Government of the Commonwealth of Australia:¹
Pour le Gouvernement du Commonwealth d'Australie² :

For the Government of the Republic of Austria:
Pour le Gouvernement de la République d'Autriche :

For the Government of Barbados:
Pour le Gouvernement de la Barbade :

For the Government of the Kingdom of Belgium:
Pour le Gouvernement du Royaume de Belgique :
Sous réserve de ratification³
A. LILAR⁴

For the Government of the Republic of Bolivia:
Pour le Gouvernement de la République de Bolivie :

For the Government of the Republic of Botswana:
Pour le Gouvernement de la République du Botswana :

¹ Signature ("Alexander Downer") affixed on 17 December 1970 subject to ratification. (Information supplied by the Inter-Governmental Maritime Consultative Organization.)

² Signature («Alexander Downer») apposée le 17 décembre 1970 sous réserve de ratification. (Renseignement fourni par l'Organisation intergouvernementale consultative de la navigation maritime.)

³ Subject to ratification.

⁴ Names of signatories appearing between brackets were not legible and have been supplied by the Inter-Governmental Maritime Consultative Organization — Les noms des signataires donnés entre crochets étaient illisibles et ont été fournis par l'Organisation intergouvernementale consultative de la navigation maritime.

For the Government of the Federative Republic of Brazil:
Pour le Gouvernement de la République fédérative du Brésil :
Subject to ratification¹
FERNANDO ERNESTO CARNEIRO RIBEIRO

For the Government of the People's Republic of Bulgaria:
Pour le Gouvernement de la République populaire de Bulgarie :

For the Government of the Union of Burma:
Pour le Gouvernement de l'Union birmane :

For the Government of the Republic of Burundi:
Pour le Gouvernement de la République du Burundi :

For the Government of the Byelorussian Soviet Socialist Republic:
Pour le Gouvernement de la République socialiste soviétique de Biélorussie :

For the Government of the Kingdom of Cambodia:
Pour le Gouvernement du Royaume du Cambodge :

For the Government of the Federal Republic of Cameroon:
Pour le Gouvernement de la République fédérale du Cameroun :
Sous réserve de ratification²
[C. LANGUE-TSOBGNÿ]

For the Government of Canada:
Pour le Gouvernement du Canada :

For the Government of the Central African Republic:
Pour le Gouvernement de la République centrafricaine :

For the Government of Ceylon:
Pour le Gouvernement de Ceylan :

¹ Sous réserve de ratification.

² Subject to ratification.

For the Government of the Republic of Chad:
Pour le Gouvernement de la République du Tchad :

For the Government of the Republic of Chile:
Pour le Gouvernement de la République du Chili :

For the Government of the Republic of China:
Pour le Gouvernement de la République de Chine :
Sous réserve de ratification¹
[Illegible — Illisible]

For the Government of the Republic of Colombia:
Pour le Gouvernement de la République de Colombie :

For the Government of the Republic of the Congo:
Pour le Gouvernement de la République du Congo :

For the Government of the Democratic Republic of the Congo:
Pour le Gouvernement de la République démocratique du Congo :

For the Government of the Republic of Costa Rica:
Pour le Gouvernement de la République du Costa Rica :

For the Government of the Republic of Cuba:
Pour le Gouvernement de la République de Cuba :

For the Government of the Republic of Cyprus:
Pour le Gouvernement de la République de Chypre :

For the Government of the Czechoslovak Socialist Republic:
Pour le Gouvernement de la République socialiste tchécoslovaque :

For the Government of the Republic of Dahomey:
Pour le Gouvernement de la République du Dahomey :

¹ Subject to ratification.

For the Government of the Kingdom of Denmark:
Pour le Gouvernement du Royaume du Danemark :

For the Government of the Dominican Republic:¹
Pour le Gouvernement de la République Dominicaine ²:

For the Government of the Republic of Ecuador:
Pour le Gouvernement de la République de l'Equateur :

For the Government of the Republic of El Salvador:
Pour le Gouvernement de la République d'El Salvador :

For the Government of the Republic of Equatorial Guinea:
Pour le Gouvernement de la République de la Guinée équatoriale :

For the Government of the Empire of Ethiopia:
Pour le Gouvernement de l'Empire d'Ethiopie :

For the Government of the Federal Republic of Germany:
Pour le Gouvernement de la République fédérale d'Allemagne :
Subject to ratification³
[R. VON UNGERN-STERBERG]
[R. FRANTA]

For the Government of the Republic of Finland:⁴
Pour le Gouvernement de la République de Finlande ⁵:

For the Government of the French Republic:
Pour le Gouvernement de la République française :
Sous réserve d'approbation ou de ratification ultérieure⁶
[GUY DE LACHARRIÈRE]

¹ Signature ("Porfirio Herrera-Báez") affixed on 22 October 1970 subject to ratification. (Information supplied by the Inter-Governmental Maritime Consultative Organization.)

² Signature («Porfirio Herrera-Báez») apposée le 22 octobre 1970 sous réserve de ratification. (Renseignement fourni par l'Organisation intergouvernementale consultative de la navigation maritime.)

³ Sous réserve de ratification.

⁴ Signature ("Göran Stenius") affixed on 30 December 1970 subject to ratification. (Information supplied by the Inter-Governmental Maritime Consultative Organization.)

⁵ Signature («Göran Stenius») apposée le 30 décembre 1970 sous réserve de ratification. (Renseignement fourni par l'Organisation intergouvernementale consultative de la navigation maritime.)

⁶ Subject to approval or further ratification.

For the Government of the Gabonese Republic:
Pour le Gouvernement de la République gabonaise :

For the Government of the Gambia:
Pour le Gouvernement de la Gambie :

For the Government of the Republic of Ghana:
Pour le Gouvernement de la République du Ghana :
Subject to ratification¹
[Y. K. QUARTEY]

For the Government of the Kingdom of Greece:
Pour le Gouvernement du Royaume de Grèce :

For the Government of the Republic of Guatemala:
Pour le Gouvernement de la République du Guatemala :
Sujeto a aprobación, aceptación y ratificación²
[C. PAREDES]

For the Government of the Republic of Guinea:
Pour le Gouvernement de la République de Guinée :

For the Government of Guyana:
Pour le Gouvernement de la Guyane :

For the Government of the Republic of Haiti:
Pour le Gouvernement de la République d'Haïti :

For the Government of the Holy See:
Pour le Gouvernement du Saint-Siège :

For the Government of the Republic of Honduras:
Pour le Gouvernement de la République du Honduras :

¹ Sous réserve de ratification.

² Subject to approval, acceptance and ratification — Sous réserve d'approbation, acceptation et ratification.

For the Government of the Hungarian People's Republic:
Pour le Gouvernement de la République populaire hongroise :

For the Government of the Republic of Iceland:
Pour le Gouvernement de la République d'Islande :
Subject to ratification¹
[NIELS P. SIGURÖSSON]

For the Government of the Republic of India:
Pour le Gouvernement de la République de l'Inde :

For the Government of the Republic of Indonesia:
Pour le Gouvernement de la République d'Indonésie :
Subject to ratification¹
[MOCHTAR K. A.]

For the Government of the Empire of Iran:
Pour le Gouvernement de l'Empire d'Iran :

For the Government of the Republic of Iraq:
Pour le Gouvernement de la République d'Irak :

For the Government of Ireland:
Pour le Gouvernement de l'Irlande :

For the Government of the State of Israel:
Pour le Gouvernement de l'Etat d'Israël :

For the Government of the Italian Republic:
Pour le Gouvernement de la République italienne :
[CARLO ALBERTO STRANEO]
Sous réserve de ratification²

¹ Sous réserve de ratification.

¹ Subject to ratification.

For the Government of the Republic of the Ivory Coast:
Pour le Gouvernement de la République de Côte d'Ivoire :
[S. COULIBALY]
Sous réserve de ratification¹

For the Government of Jamaica:
Pour le Gouvernement de la Jamaïque :

For the Government of Japan:
Pour le Gouvernement du Japon :

For the Government of the Hashemite Kingdom of Jordan:
Pour le Gouvernement du Royaume hachémite de Jordanie :

For the Government of the Republic of Kenya:
Pour le Gouvernement de la République du Kenya :

For the Government of the Republic of Korea:
Pour le Gouvernement de la République de Corée :

For the Government of the State of Kuwait:
Pour le Gouvernement de l'Etat du Koweït :

For the Government of the Kingdom of Laos:
Pour le Gouvernement du Royaume du Laos :

For the Government of the Lebanese Republic:
Pour le Gouvernement de la République libanaise :

For the Government of the Kingdom of Lesotho:
Pour le Gouvernement du Royaume du Lesotho :

For the Government of the Republic of Liberia:
Pour le Gouvernement de la République du Libéria :

¹ Subject to ratification.

For the Government of the Libyan Arab Republic:
Pour le Gouvernement de la République arabe libyenne :

For the Government of the Principality of Liechtenstein:
Pour le Gouvernement de la Principauté de Liechtenstein :

For the Government of the Grand Duchy of Luxembourg:
Pour le Gouvernement du Grand-Duché de Luxembourg :

For the Government of the Malagasy Republic:
Pour le Gouvernement de la République malgache :
[R. RAMBAHINIARISON]
Sous réserve de ratification¹

For the Government of the Republic of Malawi:
Pour le Gouvernement de la République du Malawi :

For the Government of Malaysia:
Pour le Gouvernement de la Malaisie :

For the Government of the Republic of Maldives:
Pour le Gouvernement de la République des Maldives :

For the Government of the Republic of Mali:
Pour le Gouvernement de la République du Mali :

For the Government of Malta:
Pour le Gouvernement de Malte :

For the Government of the Islamic Republic of Mauritania:
Pour le Gouvernement de la République islamique de Mauritanie :

For the Government of Mauritius:
Pour le Gouvernement de Maurice :

¹ Subject to ratification.

For the Government of the United Mexican States:
Pour le Gouvernement des Etats-Unis du Mexique :

For the Government of the Principality of Monaco:
Pour le Gouvernement de la Principauté de Monaco :
Sous réserve de ratification¹
[R. VASSIÈRE]

For the Government of the Mongolian People's Republic:
Pour le Gouvernement de la République populaire mongole :

For the Government of the Kingdom of Morocco:
Pour le Gouvernement du Royaume du Maroc :

For the Government of the Kingdom of Nepal:
Pour le Gouvernement du Royaume du Népal :

For the Government of the Kingdom of the Netherlands:²
Pour le Gouvernement du Royaume des Pays-Bas³ :

For the Government of New Zealand:
Pour le Gouvernement de la Nouvelle-Zélande :

For the Government of the Republic of Nicaragua:
Pour le Gouvernement de la République du Nicaragua :

For the Government of the Republic of the Niger:
Pour le Gouvernement de la République du Niger :

For the Government of the Federal Republic of Nigeria:
Pour le Gouvernement de la République fédérale du Nigéria :

¹ Subject to ratification.

² Signature ("J. L. R. Huydecoper") affixed on 11 November 1970 subject to ratification. (Information supplied by the Inter-Governmental Maritime Consultative Organization.)

³ Signature («J. L. R. Huydecoper») apposée le 11 novembre 1970 sous réserve de ratification. (Renseignement fourni par l'Organisation intergouvernementale consultative de la navigation maritime.)

For the Government of the Kingdom of Norway:
Pour le Gouvernement du Royaume de Norvège :

For the Government of Pakistan:
Pour le Gouvernement du Pakistan :

For the Government of the Republic of Panama:¹
Pour le Gouvernement de la République du Panama² :

For the Government of the Republic of Paraguay:
Pour le Gouvernement de la République du Paraguay :

For the Government of the Republic of Peru:
Pour le Gouvernement de la République du Pérou :

For the Government of the Republic of the Philippines:
Pour le Gouvernement de la République des Philippines :

For the Government of the Polish People's Republic:
Pour le Gouvernement de la République populaire de Pologne :
Subject to ratification³
[R. PIETRASZEK]

For the Government of the Portuguese Republic:
Pour le Gouvernement de la République portugaise :
Subject to ratification³
[CARLOS DIAS DE MENESES]

For the Government of the Socialist Republic of Romania:⁴
Pour le Gouvernement de la République socialiste de Roumanie⁵ :

¹ Signature ("Dr. J. Reyes Medina, Embajador de Panamá"*) affixed on 1 December 1970 subject to ratification. (Information supplied by the Inter-Governmental Maritime Consultative Organization.)

² Signature («Dr. J. Reyes Medina, Embajador de Panamá»*) apposée le 1^{er} décembre 1970 sous réserve de ratification. (Renseignement fourni par l'Organisation intergouvernementale consultative de la navigation maritime.)

* Ambassador of Panama — Ambassadeur du Panama.

³ Sous réserve de ratification.

⁴ Signature ("V. Pungan") affixed on 30 December 1970 subject to ratification. (Information supplied by the Inter-Governmental Maritime Consultative Organization.)

⁵ Signature («V. Pungan») apposée le 30 décembre 1970 sous réserve de ratification. (Renseignement fourni par l'Organisation intergouvernementale consultative de la navigation maritime.)

For the Government of the Rwandese Republic:
Pour le Gouvernement de la République rwandaise :

For the Government of the Kingdom of Saudi Arabia:
Pour le Gouvernement du Royaume de l'Arabie Saoudite :

For the Government of the Republic of Senegal:
Pour le Gouvernement de la République du Sénégal :

For the Government of the Republic of Senegal:
Pour le Gouvernement de la République du Sénégal :

For the Government of Sierra Leone:
Pour le Gouvernement de la Sierra Leone :

For the Government of the Republic of Singapore:
Pour le Gouvernement de la République de Singapour :

For the Government of the Somali Republic:
Pour le Gouvernement de la République somalie :

For the Government of the Republic of South Africa:
Pour le Gouvernement de la République sud-africaine :

For the Government of the People's Republic of Southern Yemen:
Pour le Gouvernement de la République populaire du Yémen du Sud :

For the Government of the Spanish State:¹
Pour le Gouvernement de l'État espagnol² :

For the Government of the Democratic Republic of the Sudan:
Pour le Gouvernement de la République démocratique du Soudan :

¹ Signature ("Santa Cruz") affixed on 7 October 1970 subject to ratification. (Information supplied by the Inter-Governmental Maritime Consultative Organization.)

² Signature («Santa Cruz») apposée le 7 octobre 1970 sous réserve de ratification. (Renseignement fourni par l'Organisation intergouvernementale consultative de la navigation maritime.)

For the Government of the Kingdom of Swaziland:
Pour le Gouvernement du Royaume du Souaziland :

For the Government of the Kingdom of Sweden:¹
Pour le Gouvernement du Royaume de Suède² :

For the Government of the Swiss Confederation:
Pour le Gouvernement de la Confédération suisse :
Sous réserve de ratification³
[J. W. MÜLLER]

For the Government of the Syrian Arab Republic:
Pour le Gouvernement de la République arabe syrienne :

For the Government of the Kingdom of Thailand:
Pour le Gouvernement du Royaume de Thaïlande :

For the Government of the Togolese Republic:
Pour le Gouvernement de la République togolaise :

For the Government of Trinidad and Tobago:
Pour le Gouvernement de la Trinité-et-Tobago :

For the Government of the Republic of Tunisia:
Pour le Gouvernement de la République tunisienne :

For the Government of the Republic of Turkey:
Pour le Gouvernement de la République turque :

For the Government of the Republic of Uganda:
Pour le Gouvernement de la République de l'Ouganda :

¹ Signature ("Leif Belfrage") affixed on 7 December 1970 subject to acceptance. (Information supplied by the Inter-Governmental Maritime Consultative Organization.)

² Signature («Leif Belfrage») apposée le 7 décembre 1970 sous réserve d'acceptation. (Renseignement fourni par l'Organisation intergouvernementale consultative de la navigation maritime.)

³ Subject to ratification.

For the Government of the Ukrainian Soviet Socialist Republic:
Pour le Gouvernement de la République socialiste soviétique d'Ukraine :

For the Government of the Union of Soviet Socialist Republics:
Pour le Gouvernement de l'Union des Républiques socialistes soviétiques :

For the Government of the United Arab Republic:
Pour le Gouvernement de la République arabe unie :

For the Government of the United Kingdom of Great Britain and Northern Ireland:
Pour le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :
[K. W. MCQUEEN]
Subject to ratification¹

For the Government of the United States of America:
Pour le Gouvernement des Etats-Unis d'Amérique :
Subject to ratification¹
[ROBERT H. NEUMAN]

For the Government of the Republic of the Upper Volta:
Pour le Gouvernement de la République de Haute-Volta :

For the Government of the Eastern Republic of Uruguay:
Pour le Gouvernement de la République orientale de l'Uruguay :

For the Government of the Republic of Venezuela:
Pour le Gouvernement de la République du Venezuela :

For the Government of the Republic of Viet-Nam:
Pour le Gouvernement de la République du Viet-Nam :

For the Government of the Independent State of Western Samoa:
Pour le Gouvernement de l'Etat indépendant du Samoa-Occidental :

¹ Sous réserve de ratification.

For the Government of the Yemen Arab Republic:
Pour le Gouvernement de la République arabe du Yémen :

For the Government of the Socialist Federal Republic of Yugoslavia:
Pour le Gouvernement de la République fédérative socialiste de Yougoslavie :
Sous réserve de ratification¹
[V. BRAJKOVIĆ]

For the Government of the Republic of Zambia:
Pour le Gouvernement de la République de Zambie :

¹ Subject to ratification.

ANNEX

CERTIFICATE OF INSURANCE OR OTHER FINANCIAL SECURITY
IN RESPECT OF CIVIL LIABILITY FOR OIL POLLUTION DAMAGE

Issued in accordance with the provisions of Article VII of the International Convention
on Civil Liability for Oil Pollution Damage, 1969

<i>Name of ship</i>	<i>Distinctive number or letters</i>	<i>Port of registry</i>	<i>Name and address of owner</i>
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This is to certify that there is in force in respect of the above-named ship a policy of insurance or other financial security satisfying the requirements of Article VII of the International Convention on Civil Liability for Oil Pollution Damage, 1969.

Type of Security

Duration of Security

Name and Address of the Insurer(s) and/or Guarantor(s)

Name

Address

This certificate is valid until

Issued or certified by the Government of

(Full designation of the State)

At (Place) On (Date)

*(Signature and title of issuing
or certifying official)*

EXPLANATORY NOTES

1. If desired, the designation of the State may include a reference to the competent public authority of the country where the certificate is issued.
2. If the total amount of security has been furnished by more than one source, the amount of each of them should be indicated.
3. If security is furnished in several forms, these should be enumerated.
4. The entry "Duration of the Security" must stipulate the date on which such security takes effect.

DECLARATIONS MADE
UPON RATIFICATION

*SYRIAN ARAB
REPUBLIC*

DÉCLARATIONS FAITES
LORS DE LA RATIFICATION

*RÉPUBLIQUE ARABE
SYRIENNE*

بأن انضمام الجمهورية العربية السورية الى هذه الاتفاقية لا يحوى أى حال معنى الاعتراف
بإسرائيل ولا يؤدى الى الدخول معها في معاملات بما تنظمه احكامها .

[TRANSLATION — TRADUCTION]

This accession (to the Convention) in no way implies recognition of Israel and does not involve the establishment of any relations with Israel arising from the provisions of this Convention.

[TRADUCTION — TRANSLATION]

Cette adhésion (à la Convention) n'implique en aucun cas sa reconnaissance d'Israël et n'entraîne pas l'établissement avec lui d'aucun rapport découlant de ses dispositions.

Annex 78

International Convention on the Establishment of an International Fund for Compensation for
Oil Pollution Damage, 18 December 1971, 1110 UNTS 57

No. 17146

MULTILATERAL

International Convention on the establishment of an international fund for compensation for oil pollution damage (with official Russian and Spanish translations). Concluded at Brussels on 18 December 1971

Authentic texts: English and French.

Registered by the Inter-Governmental Maritime Consultative Organization on 31 October 1978.

MULTILATÉRAL

Convention internationale portant création d'un fonds international d'indemnisation pour les dommages dus à la pollution par les hydrocarbures (avec traductions officielles en langues russe et espagnole). Conclue à Bruxelles le 18 décembre 1971

Textes authentiques : anglais et français.

Enregistrée par l'Organisation intergouvernementale consultative de la navigation maritime le 31 octobre 1978.

INTERNATIONAL CONVENTION¹ ON THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR COMPENSATION FOR OIL POLLUTION DAMAGE (SUPPLEMENTARY TO THE INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE, 1969)²

The States Parties to the present Convention,
Being Parties to the International Convention on Civil Liability for Oil Pollution Damage, adopted at Brussels on 29 November 1969,²

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

¹ Came into force on 16 October 1978 in respect of the following States, i.e., the ninetieth day following the date on which at least eight States had deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Inter-Governmental Maritime Consultative Organization and the Secretary-General of the Organization had received information in accordance with article 39 that those persons in such States who would be liable to contribute pursuant to article 10 had received during the preceding calendar year a total quantity of at least 750 million tons of contributing oil, in accordance with article 40. Instruments of ratification or accession were deposited as follows:

<i>State</i>	<i>Date of deposit of the instrument of ratification or accession (a)</i>	<i>State</i>	<i>Date of deposit of the instrument of ratification or accession (a)</i>
Algeria	2 June 1975	United Kingdom of Great Britain and Northern Ireland	2 April 1976
Bahamas	22 July 1976 <i>a</i>	(In respect of the Bailiwick of Guernsey, the Bailiwick of Jersey, the Isle of Man, Belize, Bermuda, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands and Dependencies,** Gibraltar, Gilbert Islands, Hong Kong, Montserrat, Pitcairn Group, St. Helena and Dependencies, Seychelles, Solomon Islands, Turks and Caicos Islands, Tuvalu, United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus.)	
Denmark	2 April 1975 <i>a</i>	Yugoslavia	16 March 1978
France	11 May 1978 <i>a</i>		
Germany, Federal Republic of ..	30 December 1976		
(With a declaration of application to Berlin (West).)			
Ghana	20 April 1978		
Japan	7 July 1976		
(Signature affixed on 28 December 1972.)			
Liberia	25 September 1972 <i>a</i>		
Norway	21 March 1975		
(Signature affixed on 21 December 1972.)			
Sweden	17 March 1975		
Syrian Arab Republic*	6 February 1975 <i>a</i>		
Tunisia	4 May 1976 <i>a</i>		

Subsequently, the Convention came into force for the following State on the ninetieth day following the date of deposit of its instrument of ratification, acceptance, approval or accession with the Secretary-General of the Inter-Governmental Maritime Consultative Organization, in accordance with article 40 (3):

<i>State</i>	<i>Date of deposit of the instrument of accession (a)</i>
Indonesia	1 September 1978 <i>a</i>
(With effect from 30 November 1978.)	

* See p. 109 of this volume for the text of the declaration made upon accession.

** The Embassy of the Argentine Republic deposited the following communication dated 16 August 1976 with the Inter-Governmental Maritime Consultative Organization:

"... the mentioning of the [Islas Malvinas, Georgias del Sur and Sandwich del Sur] in the instrument of ratification . . . deposited on 2 April, 1976 . . . under the erroneous denomination of 'Falkland Islands and Dependencies' - [does] not in any way affect the rights of the Argentine Republic over those islands which are part of its territory and come under the administrative jurisdiction of the Territorio Nacional de Tierra del Fuego, Antártida e Islas del Atlántico Sur.

(Continued on page 59)

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,

Considering that the International Convention of 29 November 1969, on Civil Liability for Oil Pollution Damage, by providing a régime for compensation for pollution damage in Contracting States and for the costs of measures, wherever taken, to prevent or minimize such damage, represents a considerable progress towards the achievement of this aim,

Considering however that this régime does not afford full compensation for victims of oil pollution damage in all cases while it imposes an additional financial burden on shipowners,

Considering further that the economic consequences of oil pollution damage resulting from the escape or discharge of oil carried in bulk at sea by ships should not exclusively be borne by the shipping industry but should in part be borne by the oil cargo interests,

Convinced of the need to elaborate a compensation and indemnification system supplementary to the International Convention on Civil Liability for Oil Pollution Damage with a view to ensuring that full compensation will be available to victims of oil pollution incidents and that the shipowners are at the same time given relief in respect of the additional financial burdens imposed on them by the said Convention,

Taking note of the Resolution on the Establishment of an International Compensation Fund for Oil Pollution Damage which was adopted on 29 November 1969 by the International Legal Conference on Marine Pollution Damage,

Have agreed as follows:

GENERAL PROVISIONS

Article 1. For the purposes of this Convention:

1. "Liability Convention" means the International Convention on Civil Liability for Oil Pollution Damage, adopted at Brussels on 29 November 1969.

2. "Ship", "Person", "Owner", "Oil", "Pollution Damage", "Preventive Measures", "Incident" and "Organization", have the same meaning as in Article I of the Liability Convention, provided however that, for the purposes of these terms, "oil" shall be confined to persistent hydrocarbon mineral oils.

(Footnote 1 continued from page 58)

"The aforementioned islands were occupied by force by a foreign power. The situation has been considered by the United Nations Assembly which adopted Resolutions 2065 (XX)† and 3160 (XXVIII)††. In both resolutions, the existence of a dispute regarding the sovereignty over the archipelago was confirmed and the Argentine Republic and the occupying power were urged to negotiate with a view to finding a definitive solution to the dispute."

† United Nations, *Official Records of the General Assembly, Twentieth Session, Supplement No. 14* (A/6014), p. 57.

†† *Ibid.*, *Twenty-eighth session* (A/9417), p. 108.

The Foreign and Commonwealth Office of the United Kingdom deposited the following communication dated 21 September 1976 with the Inter-Governmental Maritime Consultative Organization:

"With reference to the statement of the Embassy of the Argentine Republic . . . Her Majesty's Government is bound to state that they have no doubt as to United Kingdom sovereignty over the Falkland Islands and the Falkland Islands dependencies."

² United Nations, *Treaty Series*, vol. 973, p. 3.

3. “Contributing Oil” means crude oil and fuel oil as defined in sub-paragraphs (a) and (b) below:

(a) “Crude Oil” means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation. It also includes crude oils from which certain distillate fractions have been removed (sometimes referred to as “topped crudes”) or to which certain distillate fractions have been added (sometimes referred to as “spiked” or “reconstituted” crudes).

(b) “Fuel Oil” means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the “American Society for Testing and Materials’ Specification for Number Four Fuel Oil (Designation D 396-69)”, or heavier.

4. “Franc” means the unit referred to in Article V, paragraph 9, of the Liability Convention.

5. “Ship’s tonnage” has the same meaning as in Article V, paragraph 10, of the Liability Convention.

6. “Ton”, in relation to oil, means a metric ton.

7. “Guarantor” means any person providing insurance or other financial security to cover an owner’s liability in pursuance of Article VII, paragraph 1, of the Liability Convention.

8. “Terminal installation” means any site for the storage of oil in bulk which is capable of receiving oil from waterborne transportation, including any facility situated off-shore and linked to such site.

9. Where an incident consists of a series of occurrences, it shall be treated as having occurred on the date of the first such occurrence.

Article 2. 1. An International Fund for compensation for pollution damage, to be named “the International Oil Pollution Compensation Fund” and hereinafter referred to as “the Fund”, is hereby established with the following aims:

(a) To provide compensation for pollution damage to the extent that the protection afforded by the Liability Convention is inadequate;

(b) To give relief to shipowners in respect of the additional financial burden imposed on them by the Liability Convention, such relief being subject to conditions designed to ensure compliance with safety at sea and other conventions;

(c) To give effect to the related purposes set out in this Convention.

2. The Fund shall in each Contracting State be recognized as a legal person capable under the laws of that State of assuming rights and obligations and of being a party in legal proceedings before the courts of that State. Each Contracting State shall recognize the Director of the Fund (hereinafter referred to as “the Director”) as the legal representative of the Fund.

Article 3. This Convention shall apply:

1. With regard to compensation according to Article 4, 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;

2. With regard to indemnification of shipowners and their guarantors according to Article 5, exclusively in respect of pollution damage caused on the territory, including the territorial sea, of a State party to the Liability Convention by a ship

registered in or flying the flag of a Contracting State and in respect of preventive measures taken to prevent or minimize such damage.

COMPENSATION AND INDEMNIFICATION

Article 4. 1. For the purpose of fulfilling its function under Article 2, paragraph 1(a), the Fund shall pay compensation to any person suffering pollution damage if such person has been unable to obtain full and adequate compensation for the damage under the terms of the Liability Convention,

- (a) Because no liability for the damage arises under the Liability Convention;
- (b) Because the owner liable for the damage under the Liability Convention is financially incapable of meeting his obligations in full and any financial security that may be provided under Article VII of that Convention does not cover or is insufficient to satisfy the claims for compensation for the damage; an owner being treated as financially incapable of meeting his obligations and a financial security being treated as insufficient if the person suffering the damage has been unable to obtain full satisfaction of the amount of compensation due under the Liability Convention after having taken all reasonable steps to pursue the legal remedies available to him;
- (c) Because the damage exceeds the owner's liability under the Liability Convention as limited pursuant to Article V, paragraph 1, of that Convention or under the terms of any other international Convention in force or open for signature, ratification or accession at the date of this Convention.

Expenses reasonably incurred or sacrifices reasonably made by the owner voluntarily to prevent or minimize pollution damage shall be treated as pollution damage for the purposes of this Article.

2. The Fund shall incur no obligation under the preceding paragraph if:

- (a) It proves that the pollution damage resulted from an act of war, hostilities, civil war or insurrection or was caused by oil which has escaped or been discharged from a warship or other ship owned or operated by a State and used, at the time of the incident, only on Government non-commercial service; or
- (b) The claimant cannot prove that the damage resulted from an incident involving one or more ships.

3. If the Fund 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 Fund may be exonerated wholly or partially from its obligation to pay compensation to such person provided, however, that there shall be no such exoneration with regard to such preventive measures which are compensated under paragraph 1. The Fund shall in any event be exonerated to the extent that the shipowner may have been exonerated under Article III, paragraph 3, of the Liability Convention.

4. (a) Except as otherwise provided in subparagraph (b) of this paragraph, the aggregate amount of compensation payable by the Fund under this Article shall in respect of any one incident be limited, so that the total sum of that amount and the amount of compensation actually paid under the Liability Convention for pollution damage caused in the territory of the Contracting States, including any sums in respect of which the Fund is under an obligation to indemnify the owner pursuant to Article 5, paragraph 1, of this Convention, shall not exceed 450 million francs.

(b) The aggregate amount of compensation payable by the Fund under this Article for pollution damage resulting from a natural phenomenon of an exceptional, inevitable and irresistible character shall not exceed 450 million francs.

5. Where the amount of established claims against the Fund exceeds the aggregate amount of compensation payable under paragraph 4, the amount available shall be distributed in such a manner that the proportion between any established claim and the amount of compensation actually recovered by the claimant under the Liability Convention and this Convention shall be the same for all claimants.

6. The Assembly of the Fund (hereinafter referred to as "the Assembly") may, having regard to the experience of incidents which have occurred and in particular the amount of damage resulting therefrom and to changes in the monetary values, decide that the amount of 450 million francs referred to in paragraph 4, sub-paragraphs (a) and (b), shall be changed; provided, however, that this amount shall in no case exceed 900 million francs or be lower than 450 million francs. The changed amount shall apply to incidents which occur after the date of the decision effecting the change.

7. The Fund shall, at the request of a Contracting State, use its good offices as necessary to assist that State to secure promptly such personnel, material and services as are necessary to enable the State to take measures to prevent or mitigate pollution damage arising from an incident in respect of which the Fund may be called upon to pay compensation under this Convention.

8. The Fund may, on conditions to be laid down in the Internal Regulations, provide credit facilities with a view to the taking of preventive measures against pollution damage arising from a particular incident in respect of which the Fund may be called upon to pay compensation under this Convention.

Article 5. 1. For the purpose of fulfilling its function under Article 2, paragraph 1 (b), the Fund shall indemnify the owner and his guarantor for that portion of the aggregate amount of liability under the Liability Convention which:

- (a) Is in excess of an amount equivalent to 1,500 francs for each ton of the ship's tonnage or of an amount of 125 million francs, whichever is the less, and
- (b) Is not in excess of an amount equivalent to 2,000 francs for each ton of the said tonnage or an amount of 210 million francs, whichever is the less,

provided, however, that the Fund shall incur no obligation under this paragraph where the pollution damage resulted from the wilful misconduct of the owner himself.

2. The Assembly may decide that the Fund shall, on conditions to be laid down in the Internal Regulations, assume the obligations of a guarantor in respect of ships referred to in Article 3, paragraph 2, with regard to the portion of liability referred to in paragraph 1 of this Article. However, the Fund shall assume such obligations only if the owner so requests and if he maintains adequate insurance or other financial security covering the owner's liability under the Liability Convention up to an amount equivalent to 1,500 francs for each ton of the ship's tonnage or an amount of 125 million francs, whichever is the less. If the Fund assumes such obligations, the owner shall in each Contracting State be considered to have complied with Article VII of the Liability Convention in respect of the portion of his liability mentioned above.

3. The Fund may be exonerated wholly or partially from its obligations under paragraph 1 towards the owner and his guarantor if the Fund proves that as a result of the actual fault or privity of the owner:

- (a) The ship from which the oil causing the pollution damage escaped did not comply with the requirements laid down in:
- (i) The International Convention for the Prevention of Pollution of the Sea by Oil, 1954,¹ as amended in 1962;² or
 - (ii) The International Convention for the Safety of Life at Sea, 1960;³ or
 - (iii) The International Convention on Load Lines, 1966;⁴ or
 - (iv) The International Regulations for Preventing Collisions at Sea, 1960;⁵ or
 - (v) Any amendments⁶ to the above-mentioned Conventions which have been determined as being of an important nature in accordance with Article XVI(5) of the Convention mentioned under (i), Article IX(e) of the Convention mentioned under (ii) or Article 29(3)(d) or (4)(d) of the Convention mentioned under (iii), provided, however, that such amendments had been in force for at least twelve months at the time of the incident; and
- (b) The incident or damage was caused wholly or partially by such non-compliance.

The provisions of this paragraph shall apply irrespective of whether the Contracting State in which the ship was registered or whose flag it was flying is a Party to the relevant Instrument.

4. Upon the entry into force of a new Convention designed to replace, in whole or in part, any of the Instruments specified in paragraph 3, the Assembly may decide at least six months in advance a date on which the new Convention will replace such Instrument or part thereof for the purpose of paragraph 3. However, any State Party to this Convention may declare to the Director before that date that it does not accept such replacement; in which case the decision of the Assembly shall have no effect in respect of a ship registered in, or flying the flag of, that State at the time of the incident. Such a declaration may be withdrawn at any later date and shall in any event cease to have effect when the State in question becomes a party to such new Convention.

5. A ship complying with the requirements in an amendment to an Instrument specified in paragraph 3 or with requirements in a new Convention, where the amendment or Convention is designed to replace in whole or in part such Instrument, shall be considered as complying with the requirements in the said Instrument for the purposes of paragraph 3.

6. Where the Fund, acting as a guarantor by virtue of paragraph 2, has paid compensation for pollution damage in accordance with the Liability Convention, it shall have a right of recovery from the owner if and to the extent that the Fund would have been exonerated pursuant to paragraph 3 from its obligations under paragraph 1 to indemnify the owner.

7. Expenses reasonably incurred and sacrifices reasonably made by the owner voluntarily to prevent or minimize pollution damage shall be treated as included in the owner's liability for the purposes of this Article.

Article 6. 1. Rights to compensation under Article 4 or indemnification under Article 5 shall be extinguished unless an action is brought thereunder or a notification

¹ United Nations, *Treaty Series*, vol. 327, p. 3.

² *Ibid.*, vol. 600, p. 332.

³ *Ibid.*, vol. 536, p. 27.

⁴ *Ibid.*, vol. 640, p. 133.

⁵ United Kingdom, *Parliament Papers by Command*, No. 1949 (1963).

⁶ United Nations, *Treaty Series*, vol. 600, p. 332, and vol. 1140, No. A-4714.

has been made pursuant to Article 7, paragraph 6, 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.

2. Notwithstanding paragraph 1, the right of the owner or his guarantor to seek indemnification from the Fund pursuant to Article 5, paragraph 1, shall in no case be extinguished before the expiry of a period of six months as from the date on which the owner or his guarantor acquired knowledge of the bringing of an action against him under the Liability Convention.

Article 7. 1. Subject to the subsequent provisions of this Article, any action against the Fund for compensation under Article 4 or indemnification under Article 5 of this Convention shall be brought only before a court competent under Article IX of the Liability Convention in respect of actions against the owner who is or who would, but for the provisions of Article III, paragraph 2, of that Convention, have been liable for pollution damage caused by the relevant incident.

2. Each Contracting State shall ensure that its courts possess the necessary jurisdiction to entertain such actions against the Fund as are referred to in paragraph 1.

3. Where an action for compensation for pollution damage has been brought before a court competent under Article IX of the Liability Convention against the owner of a ship or his guarantor, such court shall have exclusive jurisdictional competence over any action against the Fund for compensation or indemnification under the provisions of Article 4 or 5 of this Convention in respect of the same damage. However, where an action for compensation for pollution damage under the Liability Convention has been brought before a court in a State Party to the Liability Convention but not to this Convention, any action against the Fund under Article 4 or under Article 5, paragraph 1, of this Convention shall at the option of the claimant be brought either before a court of the State where the Fund has its headquarters or before any court of a State Party to this Convention competent under Article IX of the Liability Convention.

4. Each Contracting State shall ensure that the Fund shall have the right to intervene as a party to any legal proceedings instituted in accordance with Article IX of the Liability Convention before a competent court of that State against the owner of a ship or his guarantor.

5. Except as otherwise provided in paragraph 6, the Fund shall not be bound by any judgment or decision in proceedings to which it has not been a party or by any settlement to which it is not a party.

6. Without prejudice to the provisions of paragraph 4, where an action under the Liability Convention for compensation for pollution damage has been brought against an owner or his guarantor before a competent court in a Contracting State, each party to the proceedings shall be entitled under the national law of that State to notify the Fund of the proceedings. Where such notification has been made in accordance with the formalities required by the law of the court seized and in such time and in such a manner that the Fund has in fact been in a position effectively to intervene as a party to the proceedings, any judgment rendered by the court in such proceedings shall, after it has become final and enforceable in the State where the judgment was given, become binding upon the Fund in the sense that the facts and findings in that judgment may not be disputed by the Fund even if the Fund has not actually intervened in the proceedings.

Article 8. Subject to any decision concerning the distribution referred to in Article 4, paragraph 5, any judgment given against the Fund by a court having jurisdiction in accordance with Article 7, paragraphs 1 and 3, shall, when it has become enforceable in the State of origin and is in that State no longer subject to ordinary forms of review, be recognized and enforceable in each Contracting State on the same conditions as are prescribed in Article X of the Liability Convention.

Article 9. 1. Subject to the provisions of Article 5, the Fund shall, in respect of any amount of compensation for pollution damage paid by the Fund in accordance with Article 4, paragraph 1, of this Convention, acquire by subrogation the rights that the person so compensated may enjoy under the Liability Convention against the owner or his guarantor.

2. Nothing in this Convention shall prejudice any right of recourse or subrogation of the Fund against persons other than those referred to in the preceding paragraph. In any event the right of the Fund to subrogation against such person shall not be less favourable than that of an insurer of the person to whom compensation or indemnification has been paid.

3. Without prejudice to any other rights of subrogation or recourse against the Fund which may exist, a Contracting State or agency thereof which has paid compensation for pollution damage in accordance with provisions of national law shall acquire by subrogation the rights which the person so compensated would have enjoyed under this Convention.

CONTRIBUTIONS

Article 10. 1. Contributions to the Fund shall be made in respect of each Contracting State by any person who, in the calendar year referred to in Article 11, paragraph 1, as regards initial contributions and in Article 12, paragraphs 2 (a) or (b), as regards annual contributions, has received in total quantities exceeding 150,000 tons:

- (a) In the ports or terminal installations in the territory of that State contributing oil carried by sea to such ports or terminal installations; and
- (b) In any installations situated in the territory of that Contracting State contributing oil which has been carried by sea and discharged in a port or terminal installation of a non-Contracting State, provided that contributing oil shall only be taken into account by virtue of this sub-paragraph on first receipt in a Contracting State after its discharge in that non-Contracting State.

2. (a) For the purposes of paragraph 1, where the quantity of contributing oil received in the territory of a Contracting State by any person in a calendar year when aggregated with the quantity of contributing oil received in the same Contracting State in that year by any associated person or persons exceeds 150,000 tons, such person shall pay contributions in respect of the actual quantity received by him notwithstanding that that quantity did not exceed 150,000 tons.

(b) "Associated person" means any subsidiary or commonly controlled entity. The question whether a person comes within this definition shall be determined by the national law of the State concerned.

Article 11. 1. In respect of each Contracting State initial contributions shall be made of an amount which shall for each person referred to in Article 10 be calculated on the basis of a fixed sum for each ton of contributing oil received by him dur-

ing the calendar year preceding that in which this Convention entered into force for that State.

2. The sum referred to in paragraph 1 shall be determined by the Assembly within two months after the entry into force of this Convention. In performing this function the Assembly shall, to the extent possible, fix the sum in such a way that the total amount of initial contributions would, if contributions were to be made in respect of 90 per cent of the quantities of contributing oil carried by sea in the world, equal 75 million francs.

3. The initial contributions shall in respect of each Contracting State be paid within three months following the date at which the Convention entered into force for that State.

Article 12. 1. With a view to assessing for each person referred to in Article 10 the amount of annual contributions due, if any, and taking account of the necessity to maintain sufficient liquid funds, the Assembly shall for each calendar year make an estimate in the form of a budget of:

(i) Expenditure

- (a) Costs and expenses of the administration of the Fund in the relevant year and any deficit from operations in preceding years;
- (b) Payments to be made by the Fund in the relevant year for the satisfaction of claims against the Fund due under Article 4 or 5, including repayment on loans previously taken by the Fund for the satisfaction of such claims, to the extent that the aggregate amount of such claims in respect of any one incident does not exceed 15 million francs;
- (c) Payments to be made by the Fund in the relevant year for the satisfaction of claims against the Fund due under Article 4 or 5, including repayments on loans previously taken by the Fund for the satisfaction of such claims, to the extent that the aggregate amount of such claims in respect of any one incident is in excess of 15 million francs;

(ii) Income

- (a) Surplus funds from operations in preceding years, including any interest;
- (b) Initial contributions to be paid in the course of the year;
- (c) Annual contributions, if required to balance the budget;
- (d) Any other income.

2. For each person referred to in Article 10 the amount of his annual contribution shall be determined by the Assembly and shall be calculated in respect of each Contracting State:

- (a) In so far as the contribution is for the satisfaction of payments referred to in paragraph 1(i) (a) and (b) on the basis of a fixed sum for each ton of contributing oil received in the relevant State by such persons during the preceding calendar year; and
- (b) In so far as the contribution is for the satisfaction of payments referred to in paragraph 1(i) (c) of this Article on the basis of a fixed sum for each ton of contributing oil received by such person during the calendar year preceding that in which the incident in question occurred, provided that State was a party to this Convention at the date of the incident.

3. The sums referred to in paragraph 2 above shall be arrived at by dividing the relevant total amount of contributions required by the total amount of contributing oil received in all Contracting States in the relevant year.

4. The Assembly shall decide the portion of the annual contribution which shall be immediately paid in cash and decide on the date of payment. The remaining part of each annual contribution shall be paid upon notification by the Director.

5. The Director may, in cases and in accordance with conditions to be laid down in the Internal Regulations of the Fund, require a contributor to provide financial security for the sums due from him.

6. Any demand for payments made under paragraph 4 shall be called rateably from all individual contributors.

Article 13. 1. The amount of any contribution due under Article 12 and which is in arrears shall bear interest at a rate which shall be determined by the Assembly for each calendar year provided that different rates may be fixed for different circumstances.

2. Each Contracting State shall ensure that any obligation to contribute to the Fund arising under this Convention in respect of oil received within the territory of that State is fulfilled and shall take any appropriate measures under its law, including the imposing of such sanctions as it may deem necessary, with a view to the effective execution of any such obligation; provided, however, that such measures shall only be directed against those persons who are under an obligation to contribute to the Fund.

3. Where a person who is liable in accordance with the provisions of Articles 10 and 11 to make contributions to the Fund does not fulfil his obligations in respect of any such contribution or any part thereof and is in arrears for a period exceeding three months, the Director shall take all appropriate action against such person on behalf of the Fund with a view to the recovery of the amount due. However, where the defaulting contributor is manifestly insolvent or the circumstances otherwise so warrant, the Assembly may, upon recommendation of the Director, decide that no action shall be taken or continued against the contributor.

Article 14. 1. Each Contracting State may at the time when it deposits its instrument of ratification or accession or at any time thereafter declare that it assumes itself obligations that are incumbent under this Convention on any person who is liable to contribute to the Fund in accordance with Article 10, paragraph 1, in respect of oil received within the territory of that State. Such declaration shall be made in writing and shall specify which obligations are assumed.

2. Where a declaration under paragraph 1 is made prior to the entry into force of this Convention in accordance with Article 40, it shall be deposited with the Secretary-General of the Organization who shall after the entry into force of the Convention communicate the declaration to the Director.

3. A declaration under paragraph 1 which is made after the entry into force of this Convention shall be deposited with the Director.

4. A declaration made in accordance with this Article may be withdrawn by the relevant State giving notice thereof in writing to the Director. Such notification shall take effect three months after the Director's receipt thereof.

5. Any State which is bound by a declaration made under this Article shall, in any proceedings brought against it before a competent court in respect of any obliga-

tion specified in the declaration, waive any immunity that it would otherwise be entitled to invoke.

Article 15. 1. Each Contracting State shall ensure that any person who receives contributing oil within its territory in such quantities that he is liable to contribute to the Fund appears on a list to be established and kept up to date by the Director in accordance with the subsequent provisions of this Article.

2. For the purposes set out in paragraph 1, each Contracting State shall communicate, at a time and in the manner to be prescribed in the Internal Regulations, to the Director the name and address of any person who in respect of that State is liable to contribute to the Fund pursuant to Article 10, as well as data on the relevant quantities of contributing oil received by any such person during the preceding calendar year.

3. For the purposes of ascertaining who are, at any given time, the persons liable to contribute to the Fund in accordance with Article 10, paragraph 1, and of establishing, where applicable, the quantities of oil to be taken into account for any such person when determining the amount of his contribution, the list shall be *prima facie* evidence of the facts stated therein.

ORGANIZATION AND ADMINISTRATION

Article 16. The Fund shall have an Assembly, a Secretariat headed by a Director and, in accordance with the provisions of Article 21, an Executive Committee.

ASSEMBLY

Article 17. The Assembly shall consist of all Contracting States to this Convention.

Article 18. The functions of the Assembly shall, subject to the provisions of Article 26, be:

1. To elect at each regular session its Chairman and two Vice-Chairmen who shall hold office until the next regular session;
2. To determine its own rules of procedure, subject to the provisions of this Convention;
3. To adopt Internal Regulations necessary for the proper functioning of the Fund;
4. To appoint the Director and make provisions for the appointment of such other personnel as may be necessary and determine the terms and conditions of service of the Director and other personnel;
5. To adopt the annual budget and fix the annual contributions;
6. To appoint auditors and approve the accounts of the Fund;
7. To approve settlements of claims against the Fund, to take decisions in respect of the distribution among claimants of the available amount of compensation in accordance with Article 4, paragraph 5, and to determine the terms and conditions according to which provisional payments in respect of claims shall be made with a view to ensuring that victims of pollution damage are compensated as promptly as possible;
8. To elect the members of the Assembly to be represented on the Executive Committee, as provided in Articles 21, 22 and 23;

9. To establish any temporary or permanent subsidiary body it may consider to be necessary;
10. To determine which non-Contracting States and which inter-governmental and international non-governmental organizations shall be admitted to take part, without voting rights, in meetings of the Assembly, the Executive Committee, and subsidiary bodies;
11. To give instructions concerning the administration of the Fund to the Director, the Executive Committee and subsidiary bodies;
12. To review and approve the reports and activities of the Executive Committee;
13. To supervise the proper execution of the Convention and of its own decisions;
14. To perform such other functions as are allocated to it under the Convention or are otherwise necessary for the proper operation of the Fund.

Article 19. 1. Regular sessions of the Assembly shall take place once every calendar year upon convocation by the Director; provided, however, that if the Assembly allocates to the Executive Committee the functions specified in Article 18, paragraph 5, regular sessions of the Assembly shall be held once every two years.

2. Extraordinary sessions of the Assembly shall be convened by the Director at the request of the Executive Committee or of at least one third of the members of the Assembly and may be convened on the Director's own initiative after consultation with the Chairman of the Assembly. The Director shall give members at least thirty days' notice of such sessions.

Article 20. A majority of the members of the Assembly shall constitute a quorum for its meetings.

EXECUTIVE COMMITTEE

Article 21. The Executive Committee shall be established at the first regular session of the Assembly after the date on which the number of Contracting States reaches fifteen.

Article 22. 1. The Executive Committee shall consist of one third of the members of the Assembly but of not less than seven or more than fifteen members. Where the number of members of the Assembly is not divisible by three, the one third referred to shall be calculated on the next higher number which is divisible by three.

2. When electing the members of the Executive Committee the Assembly shall:
- (a) Secure an equitable geographical distribution of the seats on the Committee on the basis of an adequate representation of Contracting States particularly exposed to the risks of oil pollution and of Contracting States having large tanker fleets; and
 - (b) Elect one half of the members of the Committee, or in case the total number of members to be elected is uneven, such number of the members as is equivalent to one half of the total number less one, among those Contracting States in the territory of which the largest quantities of oil to be taken into account under Article 10 were received during the preceding calendar year, provided that the number of States eligible under this sub-paragraph shall be limited as shown in the table below:

<i>Total number of Members on the Committee</i>	<i>Number of States eligible under sub-paragraph (b)</i>	<i>Number of States to be elected under sub-paragraph (b)</i>
7	5	3
8	6	4
9	6	4
10	8	5
11	8	5
12	9	6
13	9	6
14	11	7
15	11	7

3. A member of the Assembly which was eligible but was not elected under sub-paragraph (b) shall not be eligible to be elected for any remaining seat on the Executive Committee.

Article 23. 1. Members of the Executive Committee shall hold office until the end of the next regular session of the Assembly.

2. Except to the extent that may be necessary for complying with the requirements of Article 22, no State Member of the Assembly may serve on the Executive Committee for more than two consecutive terms.

Article 24. The Executive Committee shall meet at least once every calendar year at thirty days' notice upon convocation by the Director, either on his own initiative or at the request of its Chairman or of at least one third of its members. It shall meet at such places as may be convenient.

Article 25. At least two thirds of the members of the Executive Committee shall constitute a quorum for its meetings.

Article 26. 1. The functions of the Executive Committee shall be:

- (a) To elect its Chairman and adopt its own rules of procedure, except as otherwise provided in this Convention;
- (b) To assume and exercise in place of the Assembly the following functions:
 - (i) Making provision for the appointment of such personnel, other than the Director, as may be necessary and determining the terms and conditions of service of such personnel;
 - (ii) Approving settlements of claims against the Fund and taking all other steps envisaged in relation to such claims in Article 18, paragraph 7;
 - (iii) Giving instructions to the Director concerning the administration of the Fund and supervising the proper execution by him of the Convention, of the decisions of the Assembly and of the Committee's own decisions; and
- (c) To perform such other functions as are allocated to it by the Assembly.

2. The Executive Committee shall each year prepare and publish a report of the activities of the Fund during the previous calendar year.

Article 27. Members of the Assembly who are not members of the Executive Committee shall have the right to attend its meetings as observers.

SECRETARIAT

Article 28. 1. The Secretariat shall comprise the Director and such staff as the administration of the Fund may require.

2. The Director shall be the legal representative of the Fund.

Article 29. 1. The Director shall be the chief administrative officer of the Fund and shall, subject to the instructions given to him by the Assembly and by the Executive Committee, perform those functions which are assigned to him by this Convention, the Internal Regulations, the Assembly and the Executive Committee.

2. The Director shall in particular:

- (a) Appoint the personnel required for the administration of the Fund;
- (b) Take all appropriate measures with a view to the proper administration of the Fund's assets;
- (c) Collect the contributions due under this Convention while observing in particular the provisions of Article 13, paragraph 3;
- (d) To the extent necessary to deal with claims against the Fund and carry out the other functions of the Fund, employ the services of legal, financial and other experts;
- (e) Take all appropriate measures for dealing with claims against the Fund within the limits and on conditions to be laid down in the Internal Regulations, including the final settlement of claims without the prior approval of the Assembly or the Executive Committee where these Regulations so provide;
- (f) Prepare and submit to the Assembly or to the Executive Committee, as the case may be, the financial statements and budget estimates for each calendar year;
- (g) Assist the Executive Committee in the preparation of the report referred to in Article 26, paragraph 2;
- (h) Prepare, collect and circulate the papers, documents, agenda, minutes and information that may be required for the work of the Assembly, the Executive Committee and subsidiary bodies.

Article 30. In the performance of their duties the Director and the staff and experts appointed by him shall not seek or receive instructions from any Government or from any authority external to the Fund. They shall refrain from any action which might reflect on their position as international officials. Each Contracting State on its part undertakes to respect the exclusively international character of the responsibilities of the Director and the staff and experts appointed by him, and not to seek to influence them in the discharge of their duties.

FINANCES

Article 31. 1. Each Contracting State shall bear the salary, travel and other expenses of its own delegation to the Assembly and of its representatives on the Executive Committee and on subsidiary bodies.

2. Any other expenses incurred in the operation of the Fund shall be borne by the Fund.

VOTING

Article 32. The following provisions shall apply to voting in the Assembly and the Executive Committee:

- (a) Each member shall have one vote;
- (b) Except as otherwise provided in Article 33, decisions of the Assembly and the Executive Committee shall be by a majority vote of the members present and voting;
- (c) Decisions where a three-fourths or a two-thirds majority is required shall be by a three-fourths or two-thirds majority vote, as the case may be, of those present;
- (d) For the purpose of this Article the phrase “members present” means “members present at the meeting at the time of the vote”, and the phrase “members present and voting” means “members present and casting an affirmative or negative vote”. Members who abstain from voting shall be considered as not voting.

Article 33. 1. The following decisions of the Assembly shall require a three-fourths majority:

- (a) An increase in accordance with Article 4, paragraph 6, in the maximum amount of compensation payable by the Fund;
- (b) A determination, under Article 5, paragraph 4, relating to the replacement of the Instruments referred to in that paragraph;
- (c) The allocation to the Executive Committee of the functions specified in Article 18, paragraph 5.

2. The following decisions of the Assembly shall require a two-thirds majority:

- (a) A decision under Article 13, paragraph 3, not to take or continue action against a contributor;
- (b) The appointment of the Director under Article 18, paragraph 4;
- (c) The establishment of subsidiary bodies, under Article 18, paragraph 9.

Article 34. 1. The Fund, its assets, income, including contributions, and other property shall enjoy in all Contracting States exemption from all direct taxation.

2. When the Fund makes substantial purchases of movable or immovable property, or has important work carried out which is necessary for the exercise of its official activities and the cost of which includes indirect taxes or sales taxes, the Governments of Member States shall take, whenever possible, appropriate measures for the remission or refund of the amount of such duties and taxes.

3. No exemption shall be accorded in the case of duties, taxes or dues which merely constitute payment for public utility services.

4. The Fund shall enjoy exemption from all customs duties, taxes and other related taxes on articles imported or exported by it or on its behalf for its official use. Articles thus imported shall not be transferred either for consideration or gratis on the territory of the country into which they have been imported except on conditions agreed by the government of that country.

5. Persons contributing to the Fund and victims and owners of ships receiving compensation from the Fund shall be subject to the fiscal legislation of the State where they are taxable, no special exemption or other benefit being conferred on them in this respect.

6. Information relating to individual contributors supplied for the purpose of this Convention shall not be divulged outside the Fund except in so far as it may be strictly necessary to enable the Fund to carry out its functions including the bringing and defending of legal proceedings.

7. Independently of existing or future regulations concerning currency or transfers, Contracting States shall authorize the transfer and payment of any contribution to the Fund and of any compensation paid by the Fund without any restriction.

TRANSITIONAL PROVISIONS

Article 35. 1. The Fund shall incur no obligation whatsoever under Article 4 or 5 in respect of incidents occurring within a period of one hundred and twenty days after the entry into force of this Convention.

2. Claims for compensation under Article 4 and claims for indemnification under Article 5, arising from incidents occurring later than one hundred and twenty days but not later than two hundred and forty days after the entry into force of this Convention may not be brought against the Fund prior to the elapse of the two hundred and fortieth day after the entry into force of this Convention.

Article 36. The Secretary-General of the Organization shall convene the first session of the Assembly. This session shall take place as soon as possible after entry into force of this Convention and, in any case, not more than thirty days after such entry into force.

FINAL CLAUSES

Article 37. 1. This Convention shall be open for signature by the States which have signed or which accede to the Liability Convention, and by any State represented at the Conference on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971. The Convention shall remain open for signature until 31 December 1972.

2. Subject to paragraph 4, this Convention shall be ratified, accepted or approved by the States which have signed it.

3. Subject to paragraph 4, this Convention is open for accession by States which did not sign it.

4. This Convention may be ratified, accepted, approved or acceded to, only by States which have ratified, accepted, approved or acceded to the Liability Convention.

Article 38. 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 this Convention with respect to all existing Contracting States 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 39. Before this Convention comes into force a State shall, when depositing an instrument referred to in Article 38, paragraph 1, and annually thereafter at a date to be determined by the Secretary-General of the Organization, communicate to

him the name and address of any person who in respect of that State would be liable to contribute to the Fund pursuant to Article 10 as well as data on the relevant quantities of contributing oil received by any such person in the territory of that State during the preceding calendar year.

Article 40. 1. This Convention shall enter into force on the ninetieth day following the date on which the following requirements are fulfilled:

- (a) At least eight States have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization, and
- (b) The Secretary-General of the Organization has received information in accordance with Article 39 that those persons in such States who would be liable to contribute pursuant to Article 10 have received during the preceding calendar year a total quantity of at least 750 million tons of contributing oil.

2. However, this Convention shall not enter into force before the Liability Convention has entered into force.

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

Article 41. 1. This Convention may be denounced by any Contracting State 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.

4. Denunciation of the Liability Convention shall be deemed to be a denunciation of this Convention. Such denunciation shall take effect on the same date as the denunciation of the Liability Convention takes effect according to paragraph 3 of Article XVI of that Convention.

5. Notwithstanding a denunciation by a Contracting State pursuant to this Article, any provisions of this Convention relating to the obligations to make contributions under Article 10 with respect to an incident referred to in Article 12, paragraph 2(b), and occurring before the denunciation takes effect shall continue to apply.

Article 42. 1. Any Contracting State may, within ninety days after the deposit of an instrument of denunciation the result of which it considers will significantly increase the level of contributions for remaining Contracting States, request the Director to convene an extraordinary session of the Assembly. The Director shall convene the Assembly to meet not later than sixty days after receipt of the request.

2. The Director may convene, on his own initiative, an extraordinary session of the Assembly to meet within sixty days after the deposit of any instrument of denunciation, if he considers that such denunciation will result in a significant increase in the level of contributions for the remaining Contracting States.

3. If the Assembly at an extraordinary session convened in accordance with paragraph 1 or 2 decides that the denunciation will result in a significant increase in the level of contributions for the remaining Contracting States, any such State may, not later than one hundred and twenty days before the date on which that denunciation takes effect, denounce this Convention with effect from the same date.

Article 43. 1. This Convention shall cease to be in force on the date when the number of Contracting States falls below three.

2. Contracting States which are bound by this Convention on the date before the day it ceases to be in force shall enable the Fund to exercise its functions as described under Article 44 and shall, for that purpose only, remain bound by this Convention.

Article 44. 1. If this Convention ceases to be in force, the Fund shall nevertheless

- (a) Meet its obligations in respect of any incident occurring before the Convention ceased to be in force;
- (b) Be entitled to exercise its rights to contributions to the extent that these contributions are necessary to meet the obligations under sub-paragraph (a), including expenses for the administration of the Fund necessary for this purpose.

2. The Assembly shall take all appropriate measures to complete the winding up of the Fund, including the distribution in an equitable manner of any remaining assets among those persons who have contributed to the Fund.

3. For the purposes of this Article the Fund shall remain a legal person.

Article 45. 1. A Conference for the purpose of revising or amending this Convention may be convened by the Organization.

2. The Organization shall convene a Conference of the Contracting States for the purpose of revising or amending this Convention at the request of not less than one-third of all Contracting States.

Article 46. 1. This 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 this Convention of:
 - (i) Each new signature or deposit of instrument and the date thereof;
 - (ii) The date of entry into force of the Convention;
 - (iii) Any denunciation of the Convention and the date on which it takes effect;
- (b) Transmit certified true copies of this Convention to all Signatory States and to all States which accede to the Convention.

Article 47. As soon as this Convention enters into force, a certified true copy thereof 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 48. This Convention is established in a single original in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared by the Secretariat of the Organization and deposited with the signed original.

IN WITNESS WHEREOF the undersigned plenipotentiaries being duly authorized for that purpose have signed the present Convention.

DONE at Brussels this eighteenth day of December one thousand nine hundred and seventy-one.

For the Government of the Arab Republic of Egypt
Pour le Gouvernement de la République arabe d'Égypte

For the Government of the Kingdom of Afghanistan
Pour le Gouvernement du Royaume d'Afghanistan

For the Government of the People's Republic of Albania
Pour le Gouvernement de la République populaire d'Albanie

For the Government of the Democratic and Popular Republic of Algeria
Pour le Gouvernement de la République algérienne démocratique et populaire

Sous réserve de ratification¹
[M. AIT CHAALAL]²

For the Government of the Argentine Republic
Pour le Gouvernement de la République Argentine

For the Government of the Commonwealth of Australia
Pour le Gouvernement du Commonwealth d'Australie

For the Government of the Republic of Austria
Pour le Gouvernement de la République d'Autriche

For the Government of Bahrain
Pour le Gouvernement de Bahreïn

For the Government of Barbados
Pour le Gouvernement de la Barbade

For the Government of the Kingdom of Belgium
Pour le Gouvernement du Royaume de Belgique

[A. LILAR]

¹ Subject to ratification.

² Names of signatories appearing between brackets were not legible and have been supplied by the Inter-Governmental Maritime Consultative Organization — Les noms des signataires donnés entre crochets étaient illisibles et ont été fournis par l'Organisation intergouvernementale consultative de la navigation maritime.

For the Government of Bhutan
Pour le Gouvernement du Bhoutan

For the Government of the Republic of Bolivia
Pour le Gouvernement de la République de Bolivie

For the Government of the Republic of Botswana
Pour le Gouvernement de la République du Botswana

For the Government of the Federative Republic of Brazil
Pour le Gouvernement de la République fédérative du Brésil
[G. E. DO NASCIMENTO E SILVA]

For the Government of the People's Republic of Bulgaria
Pour le Gouvernement de la République populaire de Bulgarie

For the Government of the Union of Burma
Pour le Gouvernement de l'Union birmane

For the Government of the Republic of Burundi
Pour le Gouvernement de la République du Burundi

For the Government of the Byelorussian Soviet Socialist Republic
Pour le Gouvernement de la République socialiste soviétique de Biélorussie

For the Government of the Federal Republic of Cameroon
Pour le Gouvernement de la République fédérale du Cameroun

For the Government of Canada
Pour le Gouvernement du Canada

For the Government of the Central African Republic
Pour le Gouvernement de la République centrafricaine

For the Government of Ceylon
Pour le Gouvernement de Ceylan

For the Government of the Republic of Chad
Pour le Gouvernement de la République du Tchad

For the Government of the Republic of Chile
Pour le Gouvernement de la République du Chili

For the Government of the People's Republic of China
Pour le Gouvernement de la République populaire de Chine

For the Government of the Republic of China
Pour le Gouvernement de la République de Chine

For the Government of the Republic of Colombia
Pour le Gouvernement de la République de Colombie

For the Government of the People's Republic of the Congo
Pour le Gouvernement de la République populaire du Congo

For the Government of the Republic of Costa Rica
Pour le Gouvernement de la République du Costa Rica

For the Government of the Republic of Cuba
Pour le Gouvernement de la République de Cuba

For the Government of the Republic of Cyprus
Pour le Gouvernement de la République de Chypre

For the Government of the Czechoslovak Socialist Republic
Pour le Gouvernement de la République socialiste tchécoslovaque

For the Government of the Republic of Dahomey
Pour le Gouvernement de la République du Dahomey

For the Government of the Kingdom of Denmark
Pour le Gouvernement du Royaume du Danemark

For the Government of the Dominican Republic
Pour le Gouvernement de la République Dominicaine

For the Government of the Republic of Ecuador
Pour le Gouvernement de la République de l'Équateur

For the Government of the Republic of El Salvador
Pour le Gouvernement de la République d'El Salvador

For the Government of the Republic of Equatorial Guinea
Pour le Gouvernement de la République de la Guinée équatoriale

For the Government of the Empire of Ethiopia
Pour le Gouvernement de l'Empire d'Éthiopie

For the Government of the Federal Republic of Germany
Pour le Gouvernement de la République fédérale d'Allemagne

Subject to ratification¹
[RUPPRECHT VON KELLER]
[RUDOLF FRANTA]

For the Government of the Republic of Finland²
Pour le Gouvernement de la République de Finlande³

For the Government of Fiji
Pour le Gouvernement des Fidji

For the Government of the French Republic
Pour le Gouvernement de la République française

For the Government of the Gabonese Republic
Pour le Gouvernement de la République gabonaise

¹ Sous réserve de ratification.

² Signature affixed by Otso Wartiovaara on 28 November 1972, subject to ratification.

³ Signature apposée par Otso Wartiovaara le 28 novembre 1972, sous réserve de ratification.

For the Government of the Republic of the Gambia
Pour le Gouvernement de la République de Gambie

For the Government of the Republic of Ghana
Pour le Gouvernement de la République du Ghana

Subject to ratification¹
[Y. K. QUARTEY]

For the Government of the Kingdom of Greece
Pour le Gouvernement du Royaume de Grèce

For the Government of the Republic of Guatemala
Pour le Gouvernement de la République du Guatemala

For the Government of the Republic of Guinea
Pour le Gouvernement de la République de Guinée

For the Government of the Republic of Guyana
Pour le Gouvernement de la République de Guyane

For the Government of the Republic of Haiti
Pour le Gouvernement de la République d'Haïti

For the Government of the Holy See
Pour le Gouvernement du Saint-Siège

For the Government of the Republic of Honduras
Pour le Gouvernement de la République du Honduras

For the Government of the Hungarian People's Republic
Pour le Gouvernement de la République populaire hongroise

For the Government of the Republic of Iceland
Pour le Gouvernement de la République d'Islande

¹ Sous réserve de ratification.

For the Government of the Republic of India
Pour le Gouvernement de la République de l'Inde

For the Government of the Republic of Indonesia
Pour le Gouvernement de la République d'Indonésie

For the Government of the Empire of Iran
Pour le Gouvernement de l'Empire d'Iran

For the Government of the Republic of Iraq
Pour le Gouvernement de la République d'Irak

For the Government of Ireland¹
Pour le Gouvernement de l'Irlande²

For the Government of the State of Israel
Pour le Gouvernement de l'Etat d'Israël

For the Government of the Italian Republic
Pour le Gouvernement de la République italienne

For the Government of the Republic of the Ivory Coast
Pour le Gouvernement de la République de Côte d'Ivoire

For the Government of Jamaica
Pour le Gouvernement de la Jamaïque

For the Government of Japan³
Pour le Gouvernement du Japon⁴

For the Government of the Hashemite Kingdom of Jordan
Pour le Gouvernement du Royaume hachémite de Jordanie

¹ Signature affixed by Donal O'Sullivan on 21 December 1972, subject to ratification.

² Signature apposée par Donal O'Sullivan le 21 décembre 1972, sous réserve de ratification.

³ Signature affixed by Haruki Mori on 28 December 1972, subject to ratification.

⁴ Signature apposée par Haruki Mori le 28 décembre 1972, sous réserve de ratification.

For the Government of the Republic of Kenya
Pour le Gouvernement de la République du Kenya

For the Government of the Khmer Republic
Pour le Gouvernement de la République khmère

For the Government of the Republic of Korea
Pour le Gouvernement de la République de Corée

For the Government of the State of Kuwait
Pour le Gouvernement de l'Etat du Koweït

For the Government of the Kingdom of Laos
Pour le Gouvernement du Royaume du Laos

For the Government of the Lebanese Republic
Pour le Gouvernement de la République libanaise

For the Government of the Kingdom of Lesotho
Pour le Gouvernement du Royaume du Lesotho

For the Government of the Republic of Liberia
Pour le Gouvernement de la République du Libéria

For the Government of the Libyan Arab Republic
Pour le Gouvernement de la République arabe libyenne

For the Government of the Principality of Liechtenstein
Pour le Gouvernement de la Principauté de Liechtenstein

For the Government of the Grand Duchy of Luxembourg
Pour le Gouvernement du Grand-Duché de Luxembourg

For the Government of the Malagasy Republic
Pour le Gouvernement de la République malgache

For the Government of the Republic of Malawi
Pour le Gouvernement de la République du Malawi

For the Government of Malaysia
Pour le Gouvernement de la Malaisie

For the Government of the Republic of Maldives
Pour le Gouvernement de la République des Maldives

For the Government of the Republic of Mali
Pour le Gouvernement de la République du Mali

For the Government of Malta
Pour le Gouvernement de Malte

For the Government of the Islamic Republic of Mauritania
Pour le Gouvernement de la République islamique de Mauritanie

For the Government of Mauritius
Pour le Gouvernement de Maurice

For the Government of the United Mexican States
Pour le Gouvernement des Etats-Unis du Mexique

For the Government of the Principality of Monaco
Pour le Gouvernement de la Principauté de Monaco

For the Government of the Mongolian People's Republic
Pour le Gouvernement de la République populaire mongole

For the Government of the Kingdom of Morocco
Pour le Gouvernement du Royaume du Maroc

For the Government of the Republic of Nauru
Pour le Gouvernement de la République de Nauru

For the Government of the Kingdom of Nepal
Pour le Gouvernement du Royaume du Népal

For the Government of the Kingdom of the Netherlands¹
Pour le Gouvernement du Royaume des Pays-Bas²

For the Government of New Zealand
Pour le Gouvernement de la Nouvelle-Zélande

For the Government of the Republic of Nicaragua
Pour le Gouvernement de la République du Nicaragua

For the Government of the Republic of the Niger
Pour le Gouvernement de la République du Nigér

For the Government of the Federal Republic of Nigeria
Pour le Gouvernement de la République fédérale du Nigéria

For the Government of the Kingdom of Norway³
Pour le Gouvernement du Royaume de Norvège⁴

For the Government of Oman
Pour le Gouvernement d'Oman

For the Government of Pakistan
Pour le Gouvernement du Pakistan

For the Government of the Republic of Panama
Pour le Gouvernement de la République du Panama

For the Government of the Republic of Paraguay
Pour le Gouvernement de la République du Paraguay

¹ Signature affixed by J. L. R. Huydecoper on 22 December 1972.

² Signature apposée par J. L. R. Huydecoper le 22 décembre 1972.

³ Signature affixed by Paul Koht on 21 December 1972.

⁴ Signature apposée par Paul Koht le 21 décembre 1972.

For the Government of the Republic of Peru
Pour le Gouvernement de la République du Pérou

For the Government of the Republic of the Philippines
Pour le Gouvernement de la République des Philippines

For the Government of the Polish People's Republic
Pour le Gouvernement de la République populaire de Pologne

Subject to ratification¹
[R. PIETRASZEK]

For the Government of the Portuguese Republic
Pour le Gouvernement de la République portugaise

Sous réserve de ratification²
[CARLOS MANUEL SEQUEIRA BRAGA PIMENTEL]

For the Government of Qatar
Pour le Gouvernement du Qatar

For the Government of the Socialist Republic of Romania
Pour le Gouvernement de la République socialiste de Roumanie

For the Government of the Rwandese Republic
Pour le Gouvernement de la République rwandaise

For the Government of the Republic of San Marino
Pour le Gouvernement de la République de Saint-Marin

For the Government of the Kingdom of Saudi Arabia
Pour le Gouvernement du Royaume de l'Arabie Saoudite

For the Government of the Republic of Senegal
Pour le Gouvernement de la République du Sénégal

¹ Sous réserve de ratification.

² Subject to ratification.

For the Government of the Republic of Sierra Leone
Pour le Gouvernement de la République de Sierra Leone

For the Government of the Republic of Singapore
Pour le Gouvernement de la République de Singapour

For the Government of the Somali Democratic Republic
Pour le Gouvernement de la République démocratique somalie

For the Government of the Republic of South Africa
Pour le Gouvernement de la République sud-africaine

For the Government of the People's Democratic Republic of Yemen
Pour le Gouvernement de la République démocratique populaire du Yémen

For the Government of the Spanish State
Pour le Gouvernement de l'Etat espagnol

For the Government of the Democratic Republic of the Sudan
Pour le Gouvernement de la République démocratique du Soudan

For the Government of the Kingdom of Swaziland
Pour le Gouvernement du Royaume du Souaziland

For the Government of the Kingdom of Sweden
Pour le Gouvernement du Royaume de Suède

[ULF K. NORDENSON]
Subject to ratification¹

For the Government of the Swiss Confederation
Pour le Gouvernement de la Confédération suisse

Sous réserve de ratification²
[W. MÜLLER]

¹ Sous réserve de ratification.

² Subject to ratification.

For the Government of the Syrian Arab Republic
Pour le Gouvernement de la République arabe syrienne

For the Government of the United Republic of Tanzania
Pour le Gouvernement de la République-Unie de Tanzanie

For the Government of the Kingdom of Thailand
Pour le Gouvernement du Royaume de Thaïlande

For the Government of the Togolese Republic
Pour le Gouvernement de la République togolaise

For the Government of Trinidad and Tobago
Pour le Gouvernement de la Trinité-et-Tobago

For the Government of the Republic of Tunisia
Pour le Gouvernement de la République tunisienne

For the Government of the Republic of Turkey
Pour le Gouvernement de la République turque

For the Government of the Republic of Uganda
Pour le Gouvernement de la République de l'Ouganda

For the Government of the Ukrainian Soviet Socialist Republic
Pour le Gouvernement de la République socialiste soviétique d'Ukraine

For the Government of the Union of Soviet Socialist Republics
Pour le Gouvernement de l'Union des Républiques socialistes soviétiques

For the Government of the United Kingdom of Great Britain and Northern Ireland
Pour le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord

[G. R. W. BRIGSTOCKE]
Subject to ratification¹

¹ Sous réserve de ratification.

For the Government of the United States of America
Pour le Gouvernement des Etats-Unis d'Amérique

Subject to ratification¹
[ALDEN LOWELL DOUD]
[EUGENE A. MASSEY]

For the Government of the Republic of the Upper Volta
Pour le Gouvernement de la République de Haute-Volta

For the Government of the Eastern Republic of Uruguay
Pour le Gouvernement de la République orientale de l'Uruguay

For the Government of the Republic of Venezuela
Pour le Gouvernement de la République du Venezuela

For the Government of the Republic of Viet-Nam
Pour le Gouvernement de la République du Viet-Nam

For the Government of the Independent State of Western Samoa
Pour le Gouvernement de l'Etat indépendant du Samoa-Occidental

For the Government of the Yemen Arab Republic
Pour le Gouvernement de la République arabe du Yémen

For the Government of the Socialist Federal Republic of Yugoslavia
Pour le Gouvernement de la République fédérative socialiste de Yougoslavie

[VLADISLAV BRAJKOVIĆ]
Sous réserve de ratification²

For the Government of the Republic of Zaïre
Pour le Gouvernement de la République du Zaïre

For the Government of the Republic of Zambia
Pour le Gouvernement de la République de Zambie

¹ Sous réserve de ratification.

² Subject to ratification.

DECLARATION MADE
UPON ACCESSIONDÉCLARATION FAITE
LORS DE L'ADHÉSION

SYRIAN ARAB REPUBLIC

RÉPUBLIQUE ARABE SYRIENNE

[ARABIC TEXT — TEXTE ARABE]

“ انضمام الجمهورية العربية السورية الى هذه الاتفاقية وقيام
حكومتها لها لا يحوى بأى حال معنى الاعتراف بإسرائيل ولا يؤدى الى
الدخول معها في معاملات ما تنظمه احكامها . ”

[TRANSLATION]¹[TRADUCTION]¹

The accession of the Syrian Arab Republic to this Convention in no way implies recognition of Israel and does not involve the establishment of any relations with Israel arising from the provisions of this Convention.

L'adhésion de la République arabe syrienne à cette Convention n'implique en aucun cas la reconnaissance d'Israël et n'entraîne l'établissement avec lui d'aucun rapport découlant de ses dispositions.

¹ Translation supplied by the Inter-Governmental Maritime Consultative Organization.

¹ Traduction fournie par l'Organisation intergouvernementale consultative de la navigation maritime.

Annex 79

Convention on the International Liability for Damage Caused by Space Objects, 29 March
1972, 961 UNTS 187

No. 13810

MULTILATERAL

Convention on the international liability for damage caused by space objects. Opened for signature at London, Moscow and Washington on 29 March 1972

Authentic texts: English, Russian, French, Spanish and Chinese.

Registered by the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America on 20 March 1975.

MULTILATÉRAL

Convention sur la responsabilité internationale pour les dommages causés par les objets spatiaux. Ouverte à la signature à Londres, Moscou et Washington le 29 mars 1972

Textes authentiques : anglais, russe, français, espagnol et chinois.

Enregistrée par l'Union des Républiques socialistes soviétiques, le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et les États-Unis d'Amérique le 20 mars 1975.

CONVENTION¹ ON INTERNATIONAL LIABILITY FOR DAMAGE CAUSED BY SPACE OBJECTS

The States Parties to this Convention,

Recognising the common interest of all mankind in furthering the exploration and use of outer space for peaceful purposes,

¹ Came into force on 1 September 1972, the date of deposit of the fifth instrument of ratification* with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland or the United States of America, in accordance with article XXIV (3). The instruments were deposited as indicated hereafter:

State	Date of deposit of instrument of ratification at London (L), Moscow (M) or Washington (W)
Bulgaria	16 May 1972 (L) 14 June 1972 (W) 14 May 1973 (M)
Mali	9 June 1972 (W)

State	Date of deposit of instrument of ratification at London (L), Moscow (M) or Washington (W)
Ireland**	29 June 1972 (L, W)
Ecuador	17 August 1972 (W)
German Democratic Republic	30 August 1972 (M)
Niger	1 September 1972 (W)

Subsequently, the Convention entered into force in respect of the following States as indicated hereafter, i.e., on the date of the deposit of their instruments of ratification or accession with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, or the United States of America, in accordance with article XXIV(4):

State	Date of deposit of instrument of ratification or accession (a) at London (L), Moscow (M) or Washington (W)
Australia	20 January 1975 a (M)
Botswana	11 March 1974 (W)
Brazil	9 March 1973 (L,M,W)
Byelorussian Soviet Socialist Republic	27 December 1973 (M)
Cyprus	15 May 1973 (L) 23 May 1973 (M,W)
Dominican Republic	23 February 1973 (W)
Fiji	4 April 1973 a (W) 4 May 1973 a (L) 14 May 1973 a (M)
Hungary	27 December 1972 (L,M,W)
Iran	13 February 1974 (W) 21 February 1974 (L) 22 February 1974 (M)
Iraq**	4 October 1972 a (M)
Kuwait**	30 October 1972 (L) 15 November 1972 (W) 23 November 1972 (M)
Laos	20 March 1973 (M) 22 March 1973 (W) 25 April 1973 (L)
Mexico	8 April 1974 (L,M,W)
Mongolia	5 September 1972 (W) 14 September 1972 (L) 20 October 1972 (M)
New Zealand**	30 October 1974 (M,W)
Pakistan	4 April 1973 (W) 10 April 1973 (L) 29 May 1973 (M)
Panama	5 June 1974 (W)
Poland	25 January 1973 (L,M,W)
Qatar	11 January 1974 a (L)
Republic of China	9 February 1973 (W)

State	Date of deposit of instrument of ratification or accession (a) at London (L), Moscow (M) or Washington (W)
Sri Lanka	9 April 1973 a (M,W) 3 May 1973 a (L)
Switzerland	22 January 1974 (L,M,W)
Tunisia	18 May 1973 (W) 30 May 1973 (M) 6 June 1973 (L)
Ukrainian Soviet Socialist Republic	16 October 1973 (M)
Union of Soviet Socialist Republics	9 October 1973 (L,M,W)
United Kingdom of Great Britain and Northern Ireland	9 October 1973 (L,M,W)
(In respect of the United Kingdom of Great Britain and Northern Ireland, the Associated States (Antigua, Dominica, Grenada, St. Kitts-Nevis-Anguilla, St. Lucia and St. Vincent) and Territories under the territorial sovereignty of the United Kingdom, as well as the State of Brunei and the British Solomon Islands Protectorate.)	
United States of America	9 October 1973 (L,M,W) 20 August 1973 a (W)
Zambia	21 August 1973 a (M) 28 August 1973 a (L)

* By notes dated 22 December 1976 the Secretariat, in the fulfilment of its functions under article 5(2) of the General Assembly Regulations to give effect to Article 102 of the Charter, drew the attention of

(Continued on page 189)

Recalling the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies,¹

Taking into consideration that, notwithstanding the precautionary measures to be taken by States and international intergovernmental organisations involved in the launching of space objects, damage may on occasion be caused by such objects,

Recognizing the need to elaborate effective international rules and procedures concerning liability for damage caused by space objects and to ensure, in particular, the prompt payment under the terms of this Convention of a full and equitable measure of compensation to victims of such damage,

Believing that the establishment of such rules and procedures will contribute to the strengthening of international co-operation in the field of the exploration and use of outer space for peaceful purposes,

Have agreed on the following:

Article I. For the purposes of this Convention:

(a) The term “damage” means loss of life, personal injury or other impairment of health; or loss of or damage to property of States or of persons, natural or juridical, or property of international intergovernmental organisations;

(b) The term “launching” includes attempted launching;

(c) The term “launching State” means:

(i) a state which launches or procures the launching of a space object;

(ii) a State from whose territory or facility a space object is launched;

(d) The term “space object” includes component parts of a space object as well as its launch vehicle and parts thereof.

Article II. A launching State shall be absolutely liable to pay compensation for damage caused by its space object on the surface of the earth or to aircraft in flight.

(Foot-note 1 continued from page 188)

the three depositaries to the fact that six instruments of ratification appeared to have been deposited in London, Moscow or Washington as at 30 August 1972 and that, having regard to article XXIV (3) of the Convention, it seemed that the latter should be considered as having entered into force on 30 August 1972—rather than 1 September 1972, the date indicated in the joint request for registration. In this connexion the Secretariat received the following clarifications from the depositaries:

—United Kingdom of Great Britain and Northern Ireland (communication received on 17 March 1977):

“... The United Kingdom, United States and the Soviet Union informed the Secretary-General that the Convention had entered into force on 1 September 1972. Our communication was in furtherance of our responsibilities as a Depositary Government to inform States and other institutions when the number of ratifications required for the entry into force of the Treaty had been received. The United Kingdom remains of the view that the Outer Space Liability Convention entered into force on 1 September 1972.”

—United States of America (communication received on 17 March 1977): Same communication, in essence, as the one received from the United Kingdom.

—Union of Soviet Socialist Republics (communication received on 30 November 1976): (*Translation*) ... The instruments of ratification of the Convention ... were deposited in Moscow by Bulgaria on 14 May 1973 and by the German Democratic Republic on 30 August 1972.

* See p. 260 of this volume for the texts of the reservations and declarations made upon ratification and accession.

¹ United Nations, *Treaty Series*, vol. 610, p. 205.

Article III. In the event of damage being caused elsewhere than on the surface of the earth to a space object of one launching State or to persons or property on board such a space object by a space object of another launching State, the latter shall be liable only if the damage is due to its fault or the fault of persons for whom it is responsible.

Article IV. 1. In the event of damage being caused elsewhere than on the surface of the earth to a space object of one launching State or to persons or property on board such a space object by a space object of another launching State, and of damage thereby being caused to a third State or to its natural or juridical persons, the first two States shall be jointly and severally liable to the third State, to the extent indicated by the following:

- (a) If the damage has been caused to the third State on the surface of the earth or to aircraft in flight, their liability to the third State shall be absolute;
- (b) If the damage has been caused to a space object of the third State or to persons or property on board that space object elsewhere than on the surface of the earth, their liability to the third State shall be based on the fault of either of the first two States or on the fault of persons for whom either is responsible.

2. In all cases of joint and several liability referred to in paragraph 1 of this Article, the burden of compensation for the damage shall be apportioned between the first two States in accordance with the extent to which they were at fault; if the extent of the fault of each of these States cannot be established, the burden of compensation shall be apportioned equally between them. Such apportionment shall be without prejudice to the right of the third State to seek the entire compensation due under this Convention from any or all of the launching States which are jointly and severally liable.

Article V. 1. Whenever two or more States jointly launch a space object, they shall be jointly and severally liable for any damage caused.

2. A launching State which has paid compensation for damage shall have the right to present a claim for indemnification to other participants in the joint launching. The participants in a joint launching may conclude agreements regarding the apportioning among themselves of the financial obligation in respect of which they are jointly and severally liable. Such agreements shall be without prejudice to the right of a State sustaining damage to seek the entire compensation due under this Convention from any or all of the launching States which are jointly and severally liable.

3. A State from whose territory or facility a space object is launched shall be regarded as a participant in a joint launching.

Article VI. 1. Subject to the provisions of paragraph 2 of this Article, exoneration from absolute liability shall be granted to the extent that a launching State establishes that the damage has resulted either wholly or partially from gross negligence or from an act or omission done with intent to cause damage on the part of a claimant State or of natural or juridical persons it represents.

2. No exoneration whatever shall be granted in cases where the damage has resulted from activities conducted by a launching State which are not in conformity with international law including, in particular, the Charter of the United Nations and the Treaty on Principles Governing the Activities of States in

the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

Article VII. The provisions of this Convention shall not apply to damage caused by a space object of a launching State to:

- (a) nationals of that launching State;
- (b) foreign nationals during such time as they are participating in the operation of that space object from the time of its launching or at any stage thereafter until its descent, or during such time as they are in the immediate vicinity of a planned launching or recovery area as the result of an invitation by that launching State.

Article VIII. 1. A State which suffers damage, or whose natural or juridical persons suffer damage, may present to a launching State a claim for compensation for such damage.

2. If the State of nationality has not presented a claim, another State may, in respect of damage sustained in its territory by any natural or juridical person, present a claim to a launching State.

3. If neither the State of nationality nor the State in whose territory the damage was sustained has presented a claim or notified its intention of presenting a claim, another State may, in respect of damage sustained by its permanent residents, present a claim to a launching State.

Article IX. A claim for compensation for damage shall be presented to a launching State through diplomatic channels. If a State does not maintain diplomatic relations with the launching State concerned, it may request another State to present its claim to that launching State or otherwise represent its interests under this Convention. It may also present its claim through the Secretary-General of the United Nations, provided the claimant State and the launching State are both Members of the United Nations.

Article X. 1. A claim for compensation for damage may be presented to a launching State not later than one year following the date of the occurrence of the damage or the identification of the launching State which is liable.

2. If, however, a State does not know of the occurrence of the damage or has not been able to identify the launching State which is liable, it may present a claim within one year following the date on which it learned of the aforementioned facts; however, this period shall in no event exceed one year following the date on which the State could reasonably be expected to have learned of the facts through the exercise of due diligence.

3. The time-limits specified in paragraphs 1 and 2 of this Article shall apply even if the full extent of the damage may not be known. In this event, however, the claimant State shall be entitled to revise the claim and submit additional documentation after the expiration of such time-limits until one year after the full extent of the damage is known.

Article XI. 1. Presentation of a claim to a launching State for compensation for damage under this Convention shall not require the prior exhaustion of any local remedies which may be available to a claimant State or to natural or juridical persons it represents.

2. Nothing in this Convention shall prevent a State, or natural or juridical persons it might represent, from pursuing a claim in the courts or administrative tribunals or agencies of a launching State. A State shall not, however, be entitled to present a claim under this Convention in respect of the same damage for which a claim is being pursued in the courts or administrative tribunals or agencies of a launching State or under another international agreement which is binding on the States concerned.

Article XII. The compensation which the launching State shall be liable to pay for damage under this Convention shall be determined in accordance with international law and the principles of justice and equity, in order to provide such reparation in respect of the damage as will restore the person, natural or juridical, State or international organisation on whose behalf the claim is presented to the condition which would have existed if the damage had not occurred.

Article XIII. Unless the claimant State and the State from which compensation is due under this Convention agree on another form of compensation, the compensation shall be paid in the currency of the claimant State or, if that State so requests, in the currency of the State from which compensation is due.

Article XIV. If no settlement of a claim is arrived at through diplomatic negotiations as provided for in Article IX, within one year from the date on which the claimant State notifies the launching State that it has submitted the documentation of its claim, the parties concerned shall establish a Claims Commission at the request of either party.

Article XV. 1. The Claims Commission shall be composed of three members: one appointed by the claimant State, one appointed by the launching State and the third member, the Chairman, to be chosen by both parties jointly. Each party shall make its appointment within two months of the request for the establishment of the Claims Commission.

2. If no agreement is reached on the choice of the Chairman within four months of the request for the establishment of the Commission, either party may request the Secretary-General of the United Nations to appoint the Chairman within a further period of two months.

Article XVI. 1. If one of the parties does not make its appointment within the stipulated period, the Chairman shall, at the request of the other party, constitute a single-member Claims Commission.

2. Any vacancy which may arise in the Commission for whatever reason shall be filled by the same procedure adopted for the original appointment.

3. The Commission shall determine its own procedure.

4. The Commission shall determine the place or places where it shall sit and all other administrative matters.

5. Except in the case of decisions and awards by a single-member Commission, all decision and awards of the Commission shall be by majority vote.

Article XVII. No increase in the membership of the Claims Commission shall take place by reason of two or more claimant States or launching States being joined in any one proceeding before the Commission. The claimant States

so joined shall collectively appoint one member of the Commission in the same manner and subject to the same conditions as would be the case for a single claimant State. When two or more launching States are so joined, they shall collectively appoint one member of the Commission in the same way. If the claimant States or the launching States do not make the appointment within the stipulated period, the Chairman shall constitute a single-member Commission.

Article XVIII. The Claims Commission shall decide the merits of the claim for compensation and determine the amount of compensation payable, if any.

Article XIX. 1. The Claims Commission shall act in accordance with the provisions of Article XII.

2. The decision of the Commission shall be final and binding if the parties have so agreed; otherwise the Commission shall render a final and recommendatory award, which the parties shall consider in good faith. The Commission shall state the reasons for its decision or award.

3. The Commission shall give its decision or award as promptly as possible and no later than one year from the date of its establishment, unless an extension of this period is found necessary by the Commission.

4. The Commission shall make its decision or award public. It shall deliver a certified copy of its decision or award to each of the parties and to the Secretary-General of the United Nations.

Article XX. The expenses in regard to the Claims Commission shall be borne equally by the parties, unless otherwise decided by the Commission.

Article XXI. If the damage caused by a space object presents a large-scale danger to human life or seriously interferes with the living conditions of the population or the functioning of vital centres, the States Parties, and in particular the launching State, shall examine the possibility of rendering appropriate and rapid assistance to the State which has suffered the damage, when it so requests. However, nothing in this Article shall affect the rights or obligations of the States Parties under this Convention.

Article XXII. 1. In this Convention, with the exception of Articles XXIV to XXVII, references to States shall be deemed to apply to any international intergovernmental organisation which conducts space activities if the organisation declares its acceptance of the rights and obligations provided for in this Convention and if a majority of the States members of the organisation are State Parties to this Convention and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

2. States members of any such organisation which are States Parties to this Convention shall take all appropriate steps to ensure that the organisation makes a declaration in accordance with the preceding paragraph.

3. If an international intergovernmental organisation is liable for damage by virtue of the provisions of this Convention, that organisation and those of its members which are States Parties to this Convention shall be jointly and severally liable; provided, however, that:

(a) any claim for compensation in respect of such damage shall be first presented to the organisation;

(b) only where the organisation has not paid, within a period of six months, any sum agreed or determined to be due as compensation for such damage, may the claimant State invoke the liability of the members which are States Parties to this Convention for the payment of that sum.

4. Any claim, pursuant to the provisions of this Convention, for compensation in respect of damage caused to an organisation which has made a declaration in accordance with paragraph 1 of this Article shall be presented by a State member of the organisation which is a State Party to this Convention.

Article XXIII. 1. The provisions of this Convention shall not affect other international agreements in force in so far as relations between the States Parties to such agreements are concerned.

2. No provision of this Convention shall prevent States from concluding international agreements reaffirming, supplementing or extending its provisions.

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

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

3. This Convention shall enter into force on the deposit of the fifth instrument of ratification.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, 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 all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Convention, the date of its entry into force and other notices.

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

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

Article XXVI. Ten years after the entry into force of this Convention, the question of the review of this Convention shall be included in the provisional agenda of the United Nations General Assembly in order to consider, in the light of past application of the Convention, whether it requires revision. However, at any time after the Convention has been in force for five years, and at the request of one third of the States Parties to the Convention, and with the concurrence of the majority of the States Parties, a conference of the States Parties shall be convened to review this Convention.

Article XXVII. Any State Party to this Convention may give notice of its withdrawal from the Convention one year after its entry into force by written notification to the Depositary Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

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

IN WITNESS WHEREOF the undersigned, duly authorised thereto, have signed this Convention.

DONE in triplicate, at the cities of London, Moscow and Washington, this twenty-ninth day of March, one thousand nine hundred and seventy-two.

В УДОСТОВЕРЕНИЕ ЧЕГО нижеподписавшиеся, должным образом на то уполномоченные, подписали настоящую Конвенцию.

СОВЕРШЕНО в трех экземплярах в городах Лондоне, Вашингтоне и Москве, марта месяца, двадцать девятого дня, тысяча девятьсот семьдесят второго года.

EN FOI DE QUOI les soussignés, dûment habilités à cet effet, ont signé la présente Convention.

FAIT en trois exemplaires, à Londres, Moscou et Washington, le vingt-neuf mars mil neuf cent soixante-douze.

EN TESTIMONIO DE LO CUAL, los infrascritos, debidamente autorizados al efecto, firman este Convenio.

HECHO en tres ejemplares en las ciudades de Londres, Moscú y Wáshington, el día veintinueve de marzo de mil novecientos setenta y dos.

爲此，下列代表，各乘正式授予之權，謹簽字於本公約，以昭信守。

本公約共繕三份，於公曆一千九百七十二年三月二十九日訂於倫敦、莫斯科及華盛頓。

List of signatures affixed on the original of the Convention deposited with the Government of the Union of Soviet Socialist Republics

Liste des signatures apposées sur l'original de la Convention déposée auprès du Gouvernement de l'Union des Républiques socialistes soviétiques

За Союз Советских Социалистических Республик:
For the Union of Soviet Socialist Republics:
Pour l'Union des Républiques socialistes soviétiques :
Por la Unión de Repúblicas Socialistas Soviéticas:

[A. GROMYKO]¹

За Соединенное Королевство Великобритании и Северной Ирландии:
For the United Kingdom of Great Britain and Northern Ireland:
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :
Por el Reino Unido de Gran Bretaña e Irlanda del Norte:

[JOHN KILLICK]

За Соединенные Штаты Америки:
For the United States of America:
Pour les Etats-Unis d'Amérique :
Por los Estados Unidos de América:

[JACOB D. BEAM]

За Народную Республику Болгарию:
For the People's Republic of Bulgaria:
Pour la République populaire de Bulgarie :
Por la República Popular de Bulgaria:

[MILKO TARABANOV]

За Польскую Народную Республику:
For the Polish People's Republic:
Pour la République populaire de Pologne :
Por la República Popular Polaca:

[STANISLAW TREPCZYŃSKI]

¹ Names of signatories appearing between brackets were not legible and have been supplied by the Government of the Union of Soviet Socialist Republics — Les noms des signataires donnés entre crochets étaient illisibles et ont été fournis par le Gouvernement de l'Union des Républiques socialistes soviétiques.

За Мексиканские Соединенные Штаты:
For the United Mexican States:
Pour les Etats-Unis du Mexique :
Por los Estados Unidos Mexicanos:

[CARLOS ZAPATA VELA]

За Финляндскую Республику:
For the Republic of Finland:
Pour la République de Finlande :
Por la República de Finlandia:

[KLAUS TÖRNUDD]

За Чехословацкую Социалистическую Республику:
For the Czechoslovak Socialist Republic:
Pour la République socialiste tchécoslovaque :
Por la República Socialista Checoslovaca:

[JAN HAVELKA]

За Германскую Демократическую Республику:
For the German Democratic Republic:
Pour la République démocratique allemande :
Por la República Democrática Alemana:

[HORST BITTNER]

За Иран:
For Iran:
Pour l'Iran :
Por el Irán:

[MOHAMMED REZA AMIR TEYMOUR]

За Социалистическую Республику Румынию:
For the Socialist Republic of Romania:
Pour la République socialiste de Roumanie :
Por la República Socialista de Rumania:

[GH. BADRUS]

За Итальянскую Республику:
For the Italian Republic:
Pour la République italienne :
Por la República Italiana:

[FEDERICO SENSI]

За Венгерскую Народную Республику:
For the Hungarian People's Republic:
Pour la République populaire hongroise :
Por la República Popular Húngara:

[RAPAI GYULA]

За Монгольскую Народную Республику:
For the Mongolian People's Republic:
Pour la République populaire mongole :
Por la República Popular Mongola:

[N. LUVSANCHULTEMD]

За Королевство Непал:
For the Kingdom of Nepal:
Pour le Royaume du Népal :
Por el Reino de Nepal:

[JAGDISH SHUMSHER J. B. RANA]

За Королевство Норвегию:
For the Kingdom of Norway:
Pour le Royaume de Norvège :
Por el Reino de Noruega:

[TORMOD PETTER SVENNEVIG]

За Аргентинскую Республику
For the Argentine Republic:
Pour la République Argentine :
Por la República Argentina:

[JOSÉ MANUEL ASTIGUETA]

За Руандийскую Республику:
For the Rwandese Republic:
Pour la République rwandaise :
Por la República Rwandesa:

[THOMAS NTAWIHA]

За Швейцарскую Конфедерацию:
For the Swiss Confederation:
Pour la Confédération suisse :
Por la Confederación Suiza:

[JEAN DE STOUTZ]

За Республику Исландию:
For the Republic of Iceland:
Pour la République d'Islande :
Por la República de Islandia:

[SIGURÐR HAFSTAÐ]

За Украинскую Советскую Социалистическую Республику:
For the Ukrainian Soviet Socialist Republic:
Pour la République socialiste soviétique d'Ukraine :
Por la República Socialista Soviética de Ucrania:

[G. SHEVEL]

За Белорусскую Советскую Социалистическую Республику:
For the Byelorussian Soviet Socialist Republic:
Pour la République socialiste soviétique de Biélorussie :
Por la República Socialista Soviética de Bielorrusia:

[A. GURINOVICH]

За Республику Гана:
For the Republic of Ghana:
Pour la République du Ghana :
Por la República de Ghana:

[OWUSU ANSAH JOSEPH]

За Королевство Лаос:
For the Kingdom of Laos:
Pour le Royaume du Laos :
Por el Reino de Laos:

[LA NORINDR]

31 марта 1972 года¹

За Тунисскую Республику:
For the Republic of Tunisia:
Pour la République tunisienne :
Por la República de Túnez:

[M'HAMED ESSAAFI]

3 апреля 1972 г.²

За Республику Заир:
For the Republic of Zaire:
Pour la République du Zaïre :
Por la República del Zaïre:

[BAVASSA VA MADOUKA]

4 апреля 1972 г.³

За Республику Мали:
For the Republic of Mali:
Pour la République du Mali :
Por la República de Malí:

[TIDIANI GUISSÉ]

4 апреля 1972 г.³

За Королевство Марокко:
For the Kingdom of Morocco:
Pour le Royaume du Maroc :
Por el Reino de Marruecos:

[ABDELLAH CHORFI]

5 апреля 1972 г.⁴

¹ 31 March 1972 — 31 mars 1972.

² 3 April 1972 — 3 avril 1972.

³ 4 April 1972 — 4 avril 1972.

⁴ 5 April 1972 — 5 avril 1972.

За Королевство Бельгию:
For the Kingdom of Belgium:
Pour le Royaume de Belgique :
Por el Reino de Bélgica:

[J. DESCHAMPS]
29 марта 1972 г.¹

За Королевство Данию:
For the Kingdom of Denmark:
Pour le Royaume du Danemark :
Por el Reino de Dinamarca:

[ANKER SVART]
19 апреля 1972 г.²

За Ливанскую Республику:
For the Lebanese Republic:
Pour la République libanaise :
Por la República Libanesa:

[NAÏM AMIOUNI]
21 апреля 1972 г.³

За Республику Кипр:
For the Republic of Cyprus:
Pour la République de Chypre :
Por la República de Chipre:

[DEMOS HADJIMILTIS]
5 мая 1972 г.⁴

За Великое Герцогство Люксембург:
For the Grand Duchy of Luxembourg:
Pour le Grand-Duché de Luxembourg :
Por el Gran Ducado de Luxemburgo:

[ADRIEN E. MEISCH]
10 мая 1972 г.⁵

¹ 29 March 1972 — 29 mars 1972.

² 19 April 1972 — 19 avril 1972.

³ 21 April 1972 — 21 avril 1972.

⁴ 5 May 1972 — 5 mai 1972.

⁵ 10 May 1972 — 10 mai 1972.

За Арабскую Республику Египет:
For the Arab Republic of Egypt:
Pour la République arabe d'Égypte :
Por la República Árabe de Egipto:

[YAHIA ABDOUL KADER]

19 мая 1972 г.¹

За Австрийскую Республику:
For the Republic of Austria:
Pour la République d'Autriche :
Por la República de Austria:

[HEINRICH HAYMERLE]

30 мая 1972 г.²

За Республику Гамбию:
For the Republic of the Gambia:
Pour la République de la Gambie :
Por la República de la Gambia:

[MOMODOU SADJA CHAM]

2 июня 1972 г.³

За Иорданское Хашимитское Королевство:
For the Hashemite Kingdom of Jordan:
Pour le Royaume hachémite de Jordanie :
Por el Reino Hachemite de Jordania:

[HASSAN IBRAHIM]

6 июня 1972 г.⁴

За Государство Кувейт:
For the State of Kuwait:
Pour l'Etat du Koweït :
Por el Estado de Kuwait:

[AHMAD GHEITH ABDALLAH]

9 июня 1972 года⁵

¹ 19 May 1972 — 19 mai 1972.

² 30 May 1972 — 30 mai 1972.

³ 2 June 1972 — 2 juin 1972.

⁴ 6 June 1972 — 6 juin 1972.

⁵ 9 June 1972 — 9 juin 1972.

За Новую Зеландию:
For New Zealand:
Pour la Nouvelle-Zélande :
Por Nueva Zelandia:

[JOHN KILLICK]

22 июня 1972 г. ¹

За Исламскую Республику Пакистан:
For the Islamic Republic of Pakistan:
Pour la République islamique du Pakistan :
Por la República Islámica del Pakistán:

[S. K. DEHLAVI]

7 июля 1972 года²

За Федеративную Республику Бразилии:
For the Federal Republic of Brazil:
Pour la République fédérative du Brésil :
Por la República Federativa del Brasil:

[ILMAR PENNA MARINHO]

13 июля 1972 г. ³

За Сьерра Леоне:
For Sierra Leone:
Pour la Sierra Leone :
Por Sierra Leona:

[Dr. EDWARD WILMOT]

14 июля 1972 г. ⁴

За Республику Сингапур:
For the Republic of Singapore:
Pour la République de Singapour :
Por la República de Singapur:

[P. S. RAMAN]

19 июля 1972 г. ⁵

¹ 22 June 1972 — 22 juin 1972.

² 7 July 1972 — 7 juillet 1972.

³ 13 July 1972 — 13 juillet 1972.

⁴ 14 July 1972 — 14 juillet 1972.

⁵ 19 July 1972 — 19 juillet 1972.

List of signatures affixed on the original of the Convention deposited with the Government of the United Kingdom of Great Britain and Northern Ireland

Liste des signatures apposées sur l'original de la Convention déposée auprès du Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:

За Соединенное Королевство Великобритании и Северной Ирландии:

POUR LE ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD:

FOR EL REINO UNIDO DE GRAN BRETAÑA E IRLANDA DEL NORTE:

大不列顛及北愛爾蘭聯合王國:

ALEC DOUGLAS-HOME

FOR THE UNION OF SOVIET SOCIALIST REPUBLICS:

За Союз Советских Социалистических Республик:

POUR L'UNION DES RÉPUBLIQUES SOCIALISTES SOVIÉTIQUES:

FOR LA UNIÓN DE REPÚBLICAS SOCIALISTAS SOVIÉTICAS:

蘇維埃社會主義共和國聯邦:

М. Смирновский¹

FOR THE UNITED STATES OF AMERICA:

За Соединенные Штаты Америки:

POUR LES ETATS-UNIS D'AMÉRIQUE:

FOR LOS ESTADOS UNIDOS DE AMÉRICA:

美利堅合眾國:

WALTER ANNENBERG

¹ M. Smirnovsky.

FOR ALGERIA:

За Алжир:

POUR L'ALGÉRIE:

FOR ARGELIA:

阿爾及利亞:

[L. BRAHIMI]¹
20th April 1972

FOR ARGENTINA:

За Аргентину:

POUR L'ARGENTINE:

FOR LA ARGENTINA:

阿根廷:

GUSTAVO MARTÍNEZ-ZUVIRÍA
5th April 1972

FOR AUSTRIA:

За Австрию:

POUR L'AUTRICHE:

FOR AUSTRIA:

奧地利:

WILFRIED PLATZER
30th May 1972

FOR BELGIUM:

За Бельгию:

POUR LA BELGIQUE:

FOR BÉLGICA:

比利時:

SYLVAIN FREY

¹ Names of signatories appearing between brackets were not legible and have been supplied by the Government of the United Kingdom of Great Britain and Northern Ireland — Les noms des signataires donnés entre crochets étaient illisibles et ont été fournis par le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord.

FOR BRAZIL:
За Бразилию:
POUR LE BRÉSIL:
POR EL BRASIL:
巴西:

SÉRGIO CORRÊA DA COSTA
13th July, 1972

FOR BULGARIA:
За България:
POUR LA BULGARIE:
POR BULGARIA:
保加利亞:

AL. YANKOV

FOR CYPRUS:
За Кипр:
POUR CHYPRE:
POR CHIPRE:
賽普勒斯:

C. A. ASHIOTIS
28th April, 1972

FOR CZECHOSLOVAKIA:
За Чехословакию:
POUR LA TCHÉCOSLOVAQUIE:
POR CHECOSLOVAQUIA:
捷克斯拉夫:

Dr. M. ŽEMLA

FOR DENMARK:
За Данию:
POUR LE DANEMARK:
POR DINAMARCA:
丹麥:

E. KRISTIANSEN
19 April 1972

FOR EGYPT:
За Египет:
POUR L'EGYPTE:
POR EGIPTO:
埃及:

KAMAL RIFAAT
6-6-1972

FOR FINLAND:
За Финляндию:
POUR LA FINLANDE:
POR FINLANDIA:
芬蘭:

OTSO WARTIOVAARA

FOR THE GAMBIA:
За Гамбию:
POUR LA GAMBIE:
POR GAMBIA:
岡比亞:

B. O. SEMEGA-JANNEN
8th August, 1972

FOR HUNGARY:
За Венгрию:
POUR LA HONGRIE:
POR HUNGRÍA:
匈牙利:

HÁZI VENCEL

FOR ICELAND:
За Исландию:
POUR L'ISLANDE:
POR ISLANDIA:
冰島:

NIELS P. SIGURDSSON

FOR IRAN:
За Иран:
POUR L'IRAN:
POR EL IRÁN:
伊朗:

A. K. AFSHAR

FOR IRELAND:
За Ирландию:
POUR L'IRLANDE:
POR IRLANDA:
愛爾蘭:

DONAL O'SULLIVAN

FOR ITALY:
За Италию:
POUR L'ITALIE:
POR ITALIA:
義大利:

MANZINI
14-4-72

FOR THE REPUBLIC OF KOREA:
За Корейскую Республику:
POUR LA RÉPUBLIQUE DE CORÉE:
POR LA REPÚBLICA DE COREA:
大韓民國:

KYUNG NOK CHOI¹

¹ See p. 259 of this volume for the texts of the declarations made upon signature — Voir p. 259 du présent volume pour les textes des déclarations faites lors de la signature.

FOR KUWAIT:
За Кувейт:
POUR LE KOWEÏT:
POR KUWAIT:
科威特:

[AHMAD ABDUL WAHHAB AL-NAKIB]
20/6/1972

FOR LAOS:
За Лаос:
POUR LE LAOS:
POR LAOS:
寮國:

INPÈNG SURYADHAY

FOR LEBANON:
За Ливан:
POUR LE LIBAN:
POR EL LÍBANO:
黎巴嫩:

N. DIMECHKIÉ

FOR LUXEMBOURG:
За Люксембург:
POUR LE LUXEMBOURG:
POR LUXEMBURGO:
盧森堡:

ANDRÉ PHILIPPE
27 avril 1972

FOR MEXICO:
За Мексику:
POUR LE MEXIQUE:
POR MÉXICO:
墨西哥:

V. SÁNCHEZ GAVITO

FOR MONGOLIA:
За Монголию:
POUR LA MONGOLIE:
FOR MONGOLIA:
蒙古:

C. ДАМБАДАРЖААД¹

FOR MOROCCO:
За Марокко:
POUR LE MAROC:
FOR MARRUECOS:
摩洛哥:

[THAMI OUAZZANI]
4-4-72

FOR NEPAL:
За Непал:
POUR LE NÉPAL:
FOR NEPAL:
尼泊爾:

U. B. BASNYAT

FOR NEW ZEALAND:
За Новую Зеландию:
POUR LA NOUVELLE-ZÉLANDE:
FOR NUEVA ZELANDIA:
紐西蘭:

DENIS BLUNDELL
19 June 1972

FOR NICARAGUA:
За Никарагуа:
POUR LE NICARAGUA:
FOR NICARAGUA:
尼加拉瓜:

RICARDO PARRALES
April 11, 1972

¹ S. Dambadarzhaad.

FOR NORWAY:
За Норвегию:
POUR LA NORVÈGE:
FOR NORUEGA:
挪威:

KJELL RASMUSSEN

FOR OMAN:
За Оман:
POUR L'OMAN:
FOR OMÁN:
阿曼:

[SAYYID SHABIB BIN TAIMUR]
23rd June 1972

FOR PAKISTAN:
За Пакистан:
POUR LE PAKISTAN:
FOR EL PAKISTÁN:
巴基斯坦:

MOHAMED YOUSUF Lt. General
6th July 1972

FOR PANAMA:
За Панаму:
POUR LE PANAMA:
FOR PANAMÁ:
巴拿馬:

ALBERTO BISSOT Jr.

FOR POLAND:
За Польшу:
POUR LA POLOGNE:
FOR POLÓNIA:
波蘭:

ARTUR STAREWICZ

FOR ROMANIA:
За Румынию:
POUR LA ROUMANIE:
POR RUMANIA:
羅馬尼亞:

V. PUNGAN

FOR SINGAPORE:
За Сингапур:
POUR SINGAPOUR:
POR SINGAPUR:
新加坡:

LEE YOUNG LENG
19th July, 1972 .

FOR SWITZERLAND:
За Швейцарию:
POUR LA SUISSE:
POR SUIZA:
瑞士:

C. H. BRUGGMANN

FOR TUNISIA:
За Тунис:
POUR LA TUNISIE:
POR TÚNEZ:
突尼西亞:

I. KHELIL
6 April 72

List of signatures affixed on the original of the Convention deposited with the Government of the United States of America

Liste des signatures apposées sur l'original de la Convention déposée auprès du Gouvernement des Etats-Unis d'Amérique

FOR THE UNITED STATES OF AMERICA:
 ЗА СОЕДИНЕННЫЕ ШТАТЫ АМЕРИКИ:
 POUR LES ÉTATS-UNIS D'AMÉRIQUE:
 POR LOS ESTADOS UNIDOS DE AMÉRICA:
 美利堅合眾國:

[WILLIAM P. ROGERS]¹

FOR THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND:
 ЗА СОЕДИНЕННОЕ КОРОЛЕВСТВО ВЕЛИКОБРИТАНИИ И СЕВЕРНОЙ ИРЛАНДИИ:
 POUR LE ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD:
 POR EL REINO UNIDO DE GRAN BRETAÑA E IRLANDA DEL NORTE:
 大不列顛及北愛爾蘭聯合王國:

[CROMER]

FOR THE UNION OF SOVIET SOCIALIST REPUBLICS:
 ЗА СОЮЗ СОВЕТСКИХ СОЦИАЛИСТИЧЕСКИХ РЕСПУБЛИК:
 POUR L'UNION DES RÉPUBLIQUES SOCIALISTES SOVIÉTIQUES:
 POR LA UNIÓN DE REPÚBLICAS SOCIALISTAS SOVIÉTICAS:

蘇維埃社會主義共和國聯邦:

[A. DOBRYNIN]

FOR LAOS:
 ЗА ЛАОС:
 POUR LE LAOS:
 POR LAOS:
 寮國:

[T. KHAMMAO]

¹ Names of signatories appearing between brackets were not legible and have been supplied by the Government of the United States of America — Les noms des signataires donnés entre crochets étaient illisibles et ont été fournis par le Gouvernement des Etats-Unis d'Amérique.

FOR ICELAND:
ЗА ИСЛАНДИЮ:
POUR L'ISLANDE:
POR ISLANDIA:
冰島:

[GUDM. I. GUDMUNDSSON]

FOR MEXICO:
ЗА МЕКСИКУ:
POUR LE MEXIQUE:
POR MEXICO:
墨西哥:

[Dr. JOSÉ JUAN DE OLLOQUI]

FOR FINLAND:
ЗА ФИНЛЯНДИЮ:
POUR LA FINLANDE:
POR FINLANDIA:
芬蘭:

[OLAVI MUNKKI]

FOR ZAIRE:
ЗА ЗАЙРА:
POUR LE ZAIRE:
POR ZAIRE:

[ILEKA MBOYO]

FOR NORWAY:
ЗА НОРВЕГИЮ:
POUR LA NORVÈGE:
POR NORUEGA:
挪威:

[ARNE GUNNENG]

FOR HUNGARY:
 ЗА ВЕНГРИЈА:
 POUR LA HONGRIE:
 POR HUNGRÍA:
 匈牙利:

[Dr. SZABÓ KÁROLY]

FOR ARGENTINA:
 ЗА АРЖЕНТИНА:
 POUR L'ARGENTINE:
 POR LA ARGENTINA:
 阿根廷:

[CARLOS M. MUÑIZ]

FOR BULGARIA:
 ЗА БОЛГАРИЈА:
 POUR LA BULGARIE:
 POR BULGARIA:
 保加利亞:

[Dr. L. GUERASSIMOV]

FOR COSTA RICA:
 ЗА КОСТА-РИКА:
 POUR LE COSTA RICA:
 POR COSTA RICA:
 哥斯大黎加:

[R. A. ZÚÑIGA]

FOR DAHOMEY:
 ЗА ДАГОМЕЈО:
 POUR LE DAHOMEY:
 POR EL DAHOMEY:
 達荷美:

[WILFRID DE SOUZA]

FOR SWITZERLAND:
ЗА ШВЕЙЦАРИЮ:
POUR LA SUISSE:
POR SUIZA:
瑞士:

[F. SCHNYDER]

FOR COLOMBIA:
ЗА КОЛУМБИЮ:
POUR LA COLOMBIE:
POR COLOMBIA:
哥倫比亞:

[D. BOTERO BOSHELL]

FOR THE REPUBLIC OF CHINA:
ЗА КИТАЙСКУЮ РЕСПУБЛИКУ:
POUR LA RÉPUBLIQUE DE CHINE:
POR LA REPÚBLICA DE CHINA:
中華民國:

JAMES C. H. SHEN

FOR HONDURAS:
ЗА ГОНДУРАС:
POUR LE HONDURAS:
POR HONDURAS:
宏都拉斯:

[ROBERT GÁLVEZ B]

FOR BELGIUM:
ЗА БЕЛГИЮ:
POUR LA BELGIQUE:
POR BELGICA:
比利時:

[WALTER LORIDAN]

FOR BURUNDI:
ЗА БУРУНДИ:
POUR LE BURUNDI:
POR BURUNDI:
布隆提:

[NSANZE TÉRENCE]

FOR POLAND:
ЗА ПОЛЮИ:
POUR LA POLOGNE:
POR POLONIA:
波蘭:

[TRAMPCZYNSKI]

FOR IRELAND:
ЗА ИРЛАНДИЮ:
POUR L'IRLANDE:
POR IRLANDA:
愛爾蘭:

[SEÁN Ó HÉIDEÁIN]

FOR MONGOLIA:
ЗА МОИГОЛИЮ:
POUR LA MONGOLIE:
POR MONGOLIA:
蒙古:

[M. DUGERSUREN]
10 April 1972

FOR CZECHOSLOVAKIA:
ЗА ЧЕХОСЛОВАКИЮ:
POUR LA TCHÉCOSLOVAQUIE:
POR CHECOSLOVAQUIA:
捷克斯拉夫:

[Dr. DUŠAN SPÁČIL]

FOR NICARAGUA:
 ЗА НИКАРАГУА:
 POUR LE NICARAGUA:
 POR NICARAGUA:

尼加拉瓜:

[GUILLERMO SEVILLA-SACASA]

FOR BOTSWANA:
 ЗА БОТСВАНЫ:
 POUR LE BOTSWANA:
 POR BOTSWANA:

波扎那:

[Chief LINCHWE II]

FOR ITALY:
 ЗА ИТАЛИЮ:
 POUR L'ITALIE:
 POR ITALIA:

意大利:

[EGIDIO ORTONA]

FOR HAITI:
 ЗА ГАЙТИ:
 POUR HAÏTI:
 POR HAITÍ:

海地:

[R. CHALMERS]

FOR EL SALVADOR:
 ЗА САЛЬВАДОР:
 POUR LE SALVADOR:
 POR EL SALVADOR:

薩爾瓦多:

[J. A. RIVERA]

FOR IRAN:
ЗА ИРАН:
POUR L'IRAN:
POR IRAN:

伊朗:

[Dr. A. ASLAN AFSHAR]

FOR ROMANIA:
ЗА РУМЫНИЮ:
POUR LA ROUMANIE:
POR RUMANIA:

羅馬尼亞:

[CORNELIU BOGDAN]

FOR VENEZUELA:
ЗА ВЕНЕСУЭЛУ:
POUR LE VENEZUELA:
POR VENEZUELA:

委內瑞拉:

[LUIS UGUETO]

FOR THE KHMER REPUBLIC:
ЗА РЕСПУБЛИКУ ХМЕР:
POUR LA RÉPUBLIQUE KHMÈRE:
POR LA REPUBLICA KHMER:

柬埔寨共和國:

[SONN]

FOR SOUTH AFRICA:
ЗА ЮЖНЮ АФРИКУ:
POUR L'AFRIQUE DU SUD:
POR SUDÁFRICA:

南非:

[J. S. F. BOTHA]

FOR LEBANON:
ЗА ЛИБАН:
POUR LE LIBAN:
POR EL LIBANO:
黎巴嫩:

[N. KABBANI]

FOR RWANDA:
ЗА РВАНДУ:
POUR LE RWANDA:
POR RWANDA:
盧安達:

[FIDÈLE NKUNDABAGENZI]

FOR GUATEMALA:
ЗА ГВАТЕМАЛУ:
POUR LE GUATEMALA:
POR GUATEMALA:
瓜地馬拉:

[J. ASENSIO WUNDERLICH]

FOR TUNISIA:
ЗА ТУНИС:
POUR LA TUNISIE:
POR TÚNEZ:
突尼西亞:

[SLAHEDDINE EL GOULLI]

FOR MOROCCO:
ЗА МАРОККО:
POUR LE MAROC:
POR MARRUECOS:
摩洛哥:

[BADREDDINE SENOUSI]

FOR THE REPUBLIC OF KOREA:
 ЗА КОРЕЙСКУЮ РЕСПУБЛИКУ:
 POUR LA RÉPUBLIQUE DE CORÉE:
 POR LA REPUBLICA DE COREA:
 大韓民國:

[HO EUL WHANG]¹

FOR SPAIN:
 ЗА ИСПАНИЮ:
 POUR L'ESPAGNE:
 POR ESPAÑA:
 西班牙:

ÁNGEL SAGAZ

FOR GHANA:
 ЗА ГАНУ:
 POUR LE GHANA:
 POR GHANA:
 加納:

[EBENEZER MOSES DEBRAH]
 March 31 1972

FOR MALI:
 ЗА МАЛИ:
 POUR LE MALI:
 POR MALI:
 馬利:

[S. TRAORÉ]
 10th April 1972

FOR TOGO:
 ЗА ТОГО:
 POUR LE TOGO:
 POR EL TOGO:
 多哥:

[E. A. MAWUSSI]
 10th April 1972

¹ See p. 259 of this volume for the texts of the declarations made upon signature — Voir p. 259 du présent volume pour les textes des déclarations faites lors de la signature.

FOR PERU:
 3A ΠΕΡΥ:
 POUR LE PÉROU:
 POR PERÚ:

秘魯：

[F. BERCKEMEYER]
 10th April 1972

FOR GREECE:
 3A ΓΡΕΛΙΟ:
 POUR LA GRÈCE:
 POR GRECIA:

希臘：

Subject to ratification¹
 [B. VITSAXIS]²
 April 12th 1972

FOR SENEGAL:
 3A ΣΕΝΕΓΑΛ:
 POUR LE SÉNÉGAL:
 POR EL SENEGAL:

塞內加爾：

[A. J. COULBARY]
 April 14th 1972

FOR DENMARK:
 3A ΔΑΝΙΑ:
 POUR LE DANEMARK:
 POR DINAMARCA:

丹麥：

[Eyvind BARTELS]
 19/4-72

¹ Sous réserve de ratification.

² See p. 259 of this volume for the texts of the declarations made upon signature — Voir p. 259 du présent volume pour les textes des déclarations faites lors de la signature.

FOR ECUADOR:
 ЗА ЭКВАДОР:
 POUR L'ÉQUATEUR:
 POR EL ECUADOR:

厄瓜多

Sujeto a ratificación¹
 [ORLANDO GABELA]
 April 25th, 1972

FOR LUXEMBOURG:
 ЗА ЛЮКСЕМБУРГ:
 POUR LE LUXEMBOURG:
 POR LUXEMBURGO:

盧森堡

[JEAN WAGNER]
 April 25th 1972

FOR THE DOMINICAN REPUBLIC:
 ЗА ДОМИНИКАНСКУЮ РЕСПУБЛИКУ:
 POUR LA RÉPUBLIQUE DOMINICAINE:
 POR LA REPÚBLICA DOMINICANA:

多明尼加共和國

[S. ORTIZ]
 April 26, 1972

FOR THE CENTRAL AFRICAN REPUBLIC:
 ЗА ЦЕНТРАЛЬНОАФРИКАНСКУЮ РЕСПУБЛИКУ:
 POUR LA RÉPUBLIQUE CENTRAFRICAINE:
 POR LA REPÚBLICA CENTROAFRICANA:

中非共和國

27.4.1972
 [CHRISTOPHE MAIDOU]

¹ Subject to ratification — Sous réserve de ratification.

FOR CYPRUS:
ЗА КИПР:
POUR CHYPRE:
POR CHIPRE:

賽普勒斯

[A. NICOLAIDES]
May 12, 1972

FOR JORDAN:
ЗА ИОРДАНИЮ:
POUR LA JORDANIE:
POR JORDANIA:

約旦

[Z. MUFTI]
May 25, 1972

FOR NIGER:
ЗА НИГЕР:
POUR LE NIGER:
POR NIGER:

尼日尔:

May 24th 1972
[O. G. Youssoufou]

FOR AUSTRIA:
ЗА АВСТРИЮ:
POUR L'AUTRICHE:
POR AUSTRIA:

奥地利:

May 30th 1972
[GRUBER]

FOR TANZANIA:
ЗА ТАНЗАНИЮ:
POUR LA TANZANIE:
POR TANZANIA:

坦尚尼亞:

[SHILAM]
May 31, 1972

FOR THE GAMBIA:
 ЗА ГАМБИЮ:
 POUR LA GAMBIE:
 POR LA GAMBIA:
 冈比亚:

[ANDREW DAVID CAMARA]
 2/6/72¹

FOR KUWAIT:
 ЗА КУВЕЙТ:
 POUR LE KOWEÏT:
 POR KUWAIT:
 科威特:

[SALEM S. AL-SABAH]
 6/7/1972²

FOR NEW ZEALAND:
 ЗА НОВУЮ ЗЕЛАНДИЮ:
 POUR LA NOUVELLE-ZÉLANDE:
 POR NUEVA ZELANDA:
 紐西蘭

[FRANK CORNER]
 19 June 1972

FOR NEPAL:
 ЗА НЕПАЛ:
 POUR LE NÉPAL:
 POR NEPAL:
 尼泊尔

[KUL SHEKHAR SHARMA]
 19 June 1972

FOR BRAZIL:
 ЗА БРАЗИЛИЮ:
 POUR LE BRÉSIL:
 POR EL BRASIL:
 巴西

[JOÃO AUGUSTO DE ARAÚJO CASTRO]
 13 July 1972

¹ 2 June 1972 — 2 juin 1972.

² 7 June 1972 — 7 juin 1972.

FOR SIERRA LEONE:
ЗА СЬЕРРА-ЛЕОНЕ:
POUR LE SIERRA LEONE:
POR SIERRA LEONA:

獅子山

[J. A. C. DAVIES]
17 July 1972

FOR SINGAPORE:
ЗА СИНГАПУР:
POUR SINGAPOUR:
POR SINGAPUR:

新加坡

[E. S. MONTEIRO]
19 July 1972

FOR PAKISTAN:
ЗА ПАКИСТАН:
POUR LE PAKISTAN:
POR PAKISTAN:
巴基斯坦

[S. M. KHAN]
10th August 1972

FOR THE PHILIPPINES:
ЗА ФИЛИППИНЫ:
POUR LES PHILIPPINES:
POR LAS FILIPINAS:
菲律賓

[EDUARDO ROMUALDEZ]
Aug. 22nd/1972

DECLARATIONS MADE
UPON SIGNATURE

GREECE

At Washington:

“Greece accepts the decisions of the Committee of Reparations—provided by the Convention—as mandatory only on a reciprocal basis.”

REPUBLIC OF KOREA

At London and Washington:

“The signing by the Government of the Republic of Korea of the present Convention does not in any way mean or imply the recognition of any territory or regime which has not been recognized by the Government of the Republic of Korea.”

DÉCLARATIONS FAITES
LORS DE LA SIGNATURE

GRÈCE

[TRADUCTION — TRANSLATION]

A Washington :

La Grèce ne reconnaît comme obligatoires les décisions de la Commission de règlement des demandes prévues par la Convention que sur la base de la réciprocité.

RÉPUBLIQUE DE CORÉE

[TRADUCTION — TRANSLATION]

A Londres et à Washington :

La signature de la présente Convention par le Gouvernement de la République de Corée ne signifie ou ne laisse entendre en aucune façon qu'il reconnaît un territoire ou un régime qui n'a pas été reconnu par le Gouvernement de la République de Corée.

DECLARATIONS MADE
UPON RATIFICATION
AND ACCESSION

IRAQ

[ARABIC TEXT — TEXTE ARABE]

لما ان انضمام الجمهورية العراقية الى هذه الاتفاقية لا يحوى بان حـ سـ ل
من الاحوال معنى الاعتراف باسرائيل ولا يؤدى الى الدخول معها في اية علاقات
واقراراً بذلك اصدرنـا هذه الوثيقة ووقعنا عليها وتم ختمها بالختم الجمهورى .

[TRANSLATION¹ — TRADUCTION²]

At Moscow:

... Accession, however, by the Republic of Iraq to the Convention aforementioned shall in no way signify recognition of Israel or be conducive to entry into any relations with it ...

IRELAND

At London and Washington:

“Having regard to the terms of operative paragraph 3 of resolution 2777 (XXVI) adopted by the General Assembly of the United Nations on 29th November, 1971,³ the Government of Ireland hereby declare that Ireland will recognise as binding, in relation to any other State accepting the same obligation, the decision of a Claims Commission concerning any dispute to which Ireland may become a party under the Convention on International Liability for Damage Caused by Space Objects, which was opened for signature in

DÉCLARATIONS FAITES
LORS DE LA RATIFICATION
ET DE L'ADHÉSION

IRAQ

[TRADUCTION — TRANSLATION]

A Moscou :

... Toutefois, l'adhésion de la République d'Iraq à la Convention susmentionnée ne signifie nullement que l'Iraq reconnaît Israël ni qu'il établira des relations avec lui ...

IRLANDE

[TRADUCTION — TRANSLATION]

A Londres et à Washington :

Eu égard aux termes du paragraphe 3 du dispositif de la résolution 2777 (XXVI) adoptée par l'Assemblée générale des Nations Unies le 29 novembre 1971¹, le Gouvernement de l'Irlande déclare par la présente qu'il reconnaîtra comme obligatoire à l'égard de tout autre Etat acceptant la même obligation, la décision de la Commission de règlement des demandes concernant tout différend auquel l'Irlande pourra devenir partie en vertu de la Convention sur la responsabilité internationale pour les dommages causés par les

¹ Translation supplied by the Government of the Union of Soviet Socialist Republics.

² Traduction fournie par le Gouvernement de l'Union des Républiques socialistes soviétiques.

³ United Nations, *Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 29 (A/8429)*, p. 25.

¹ Nations Unies, *Documents officiels de l'Assemblée générale, vingt-sixième session, Supplément n° 29 (A/8429)*, p. 25.

Washington, London and Moscow on 29th March, 1972.”

objets spatiaux, qui a été ouverte à la signature à Londres, Moscou et Washington le 29 mars 1972.

KUWAIT¹

KOWEÏT¹

[TRADUCTION — TRANSLATION]

At London, Moscow and Washington:

A Londres, à Moscou et à Washington :

“In ratifying the Convention on International Liability for Damage caused by Space Objects, 1972, the Government of the State of Kuwait takes the view that its ratification of the said Convention does not in any way imply its recognition of Israel, nor does it oblige it to apply the provisions of the aforementioned Convention in respect of the said country.”

En ratifiant la Convention sur la responsabilité internationale pour les dommages causés par les objets spatiaux (1972), le Gouvernement de l'Etat du Koweït considère que sa ratification ne signifie en aucune façon qu'il reconnaisse Israël pas plus qu'elle ne l'oblige à appliquer les dispositions de la Convention susmentionnée à l'égard de ce pays.

NEW ZEALAND

NOUVELLE-ZÉLANDE

[TRADUCTION — TRANSLATION]

At Washington:

A Washington :

[The Government of New Zealand] “will accept as binding decisions of any Claims Commission established in accordance with Article XIV of the Convention.”

[Le Gouvernement de la Nouvelle-Zélande] reconnaîtra comme obligatoires les décisions de toute Commission de règlement des demandes constituée conformément à l'article XIV de la Convention.

¹ The following statement was made by the Government of the United Kingdom of Great Britain and Northern Ireland on 17 April 1972:

“The Government of the United Kingdom wish in this connexion to recall their view that if a regime is not recognized as the Government of a State, neither signature nor the deposit of any instrument by it, nor notification of any of those acts, will bring about recognition of that regime by any other State.”

¹ La déclaration suivante a été faite par le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 17 avril 1972 :

[TRADUCTION — TRANSLATION]
Le Gouvernement du Royaume-Uni souhaite à cet égard rappeler que, à son avis, si un régime n'est pas reconnu comme étant le Gouvernement d'un Etat, ni la signature, ni le dépôt de tout instrument par ledit régime, ni la notification d'un de ces actes, n'entraîneront la reconnaissance de ce régime par un autre Etat.

Annex 80

Convention for the Conservation of Antarctic Seals, 1 June 1972, 1080 UNTS 175

No. 16529

MULTILATERAL

Convention for the conservation of Antarctic seals (with annex). Concluded at London on 1 June 1972

Authentic texts: English, French, Russian and Spanish.

Registered by the United Kingdom of Great Britain and Northern Ireland on 12 April 1978.

MULTILATÉRAL

Convention pour la protection des phoques de l'Antarctique (avec annexe). Conclue à Londres le 1^{er} juin 1972

Textes authentiques : anglais, français, russe et espagnol.

Enregistrée par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 12 avril 1978.

CONVENTION¹ FOR THE CONSERVATION OF ANTARCTIC SEALS

The Contracting Parties,

Recalling the Agreed Measures for the Conservation of Antarctic Fauna and Flora, adopted under the Antarctic Treaty signed at Washington on 1 December 1959;²

Recognizing the general concern about the vulnerability of Antarctic seals to commercial exploitation and the consequent need for effective conservation measures;

Recognizing that the stocks of Antarctic seals are an important living resource in the marine environment which requires an international agreement for its effective conservation;

Recognizing that this resource should not be depleted by over-exploitation, and hence that any harvesting should be regulated so as not to exceed the levels of the optimum sustainable yield;

Recognizing that in order to improve scientific knowledge and so place exploitation on a rational basis, every effort should be made both to encourage biological and other research on Antarctic seal populations and to gain information from such research and from the statistics of future sealing operations, so that further suitable regulations may be formulated;

Noting that the Scientific Committee on Antarctic Research of the International Council of Scientific Unions (SCAR) is willing to carry out the tasks requested of it in this Convention;

¹ Came into force in respect of the States indicated hereafter on 11 March 1978, i.e., 30 days after the date of deposit with the Government of the United Kingdom of Great Britain and Northern Ireland of the seventh instrument of ratification or acceptance, in accordance with article 13 (1). Instruments of ratification or acceptance were deposited as follows:

<i>State</i>	<i>Date of deposit of the instrument of ratification or acceptance (A)</i>
South Africa	15 August 1972
Norway	10 December 1973
United Kingdom of Great Britain and Northern Ireland (including the Channel Islands and the Isle of Man.)	10 September 1974
France	19 February 1975 A
United States of America	19 January 1977
Union of Soviet Socialist Republics	8 February 1978
Belgium	9 February 1978

Subsequently, the Convention came into force for the following State on the thirtieth day after the date of deposit with the Government of the United Kingdom of Great Britain and Northern Ireland of its instrument of ratification, in accordance with article 13 (2).

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Argentina*	7 March 1978
(With effect from 6 April 1978.)	

* See p. 211 of this volume for the text of the declarations made upon ratification.

² United Nations, *Treaty Series*, vol. 402, p. 72.

Desiring to promote and achieve the objectives of protection, scientific study and rational use of Antarctic seals, and to maintain a satisfactory balance within the ecological system,

Have agreed as follows:

Article 1. SCOPE

(1) This Convention applies to the seas south of 60° South Latitude, in respect of which the Contracting Parties affirm the provisions of article IV of the Antarctic Treaty.

(2) This Convention may be applicable to any or all of the following species:

- Southern elephant seal *Mirounga leonina*;
- Leopard seal *Hydrurga leptonyx*;
- Weddell seal *Leptonychotes weddelli*;
- Crabeater seal *Lobodon carcinophagus*;
- Ross seal *Ommatophoca rossi*;
- Southern fur seals *Arctocephalus* sp.

(3) The annex to this Convention forms an integral part thereof.

Article 2. IMPLEMENTATION

(1) The Contracting Parties agree that the species of seals enumerated in article 1 shall not be killed or captured within the Convention area by their nationals or vessels under their respective flags except in accordance with the provisions of this Convention.

(2) Each Contracting Party shall adopt for its nationals and for vessels under its flag such laws, regulations and other measures, including a permit system as appropriate, as may be necessary to implement this Convention.

Article 3. ANNEXED MEASURES

(1) This Convention includes an annex specifying measures which the Contracting Parties hereby adopt. Contracting Parties may from time to time in the future adopt other measures with respect to the conservation, scientific study and rational and humane use of seal resources, prescribing, *inter alia*:

- (a) permissible catch;
- (b) protected and unprotected species;
- (c) open and closed seasons;
- (d) open and closed areas, including the designation of reserves;
- (e) the designation of special areas where there shall be no disturbance of seals;
- (f) limits relating to sex, size, or age for each species;
- (g) restrictions relating to time of day and duration, limitations of effort and methods of sealing;
- (h) types and specifications of gear and apparatus and appliances which may be used;
- (i) catch returns and other statistical and biological records;
- (j) procedures for facilitating the review and assessment of scientific information;
- (k) other regulatory measures including an effective system of inspection.

(2) The measures adopted under paragraph (1) of this article shall be based upon the best scientific and technical evidence available.

(3) The annex may from time to time be amended in accordance with the procedures provided for in article 9.

Article 4. SPECIAL PERMITS

(1) Notwithstanding the provisions of this Convention, any Contracting Party may issue permits to kill or capture seals in limited quantities and in conformity with the objectives and principles of this Convention for the following purposes:

- (a) to provide indispensable food for men or dogs;
- (b) to provide for scientific research; or
- (c) to provide specimens for museums, educational or cultural institutions.

(2) Each Contracting Party shall, as soon as possible, inform the other Contracting Parties and SCAR of the purpose and content of all permits issued under paragraph (1) of this article and subsequently of the numbers of seals killed or captured under these permits.

Article 5. EXCHANGE OF INFORMATION AND SCIENTIFIC ADVICE

(1) Each Contracting Party shall provide to the other Contracting Parties and to SCAR the information specified in the annex within the period indicated therein.

(2) Each Contracting Party shall also provide to the other Contracting Parties and to SCAR before 31 October each year information on any steps it has taken in accordance with article 2 of this Convention during the preceding period 1 July to 30 June.

(3) Contracting Parties which have no information to report under the two preceding paragraphs shall indicate this formally before 31 October each year.

(4) SCAR is invited:

- (a) to assess information received pursuant to this article; encourage exchange of scientific data and information among the Contracting Parties; recommend programmes for scientific research; recommend statistical and biological data to be collected by sealing expeditions within the Convention area; and suggest amendments to the annex; and
- (b) to report on the basis of the statistical, biological and other evidence available when the harvest of any species of seal in the Convention area is having a significantly harmful effect on the total stocks of such species or on the ecological system in any particular locality.

(5) SCAR is invited to notify the Depository which shall report to the Contracting Parties when SCAR estimates in any sealing season that the permissible catch limits for any species are likely to be exceeded and, in that case, to provide an estimate of the date upon which the permissible catch limits will be reached. Each Contracting Party shall then take appropriate measures to prevent its nationals and vessels under its flag from killing or capturing seals of that species after the estimated date until the Contracting Parties decide otherwise.

(6) SCAR may if necessary seek the technical assistance of the Food and Agriculture Organization of the United Nations in making its assessments.

(7) Notwithstanding the provisions of paragraph (1) of article 1, the Contracting Parties shall, in accordance with their internal law, report to each other and to SCAR, for consideration, statistics relating to the Antarctic seals listed in paragraph (2) of article 1 which have been killed or captured by their nationals and vessels under their respective flags in the area of floating sea ice north of 60° South Latitude.

Article 6. CONSULTATIONS BETWEEN CONTRACTING PARTIES

(1) At any time after commercial sealing has begun a Contracting Party may propose through the Depositary that a meeting of Contracting Parties be convened with a view to:

- (a) establishing by a two-thirds majority of the Contracting Parties, including the concurring votes of all States signatory to this Convention present at the meeting, an effective system of control, including inspection, over the implementation of the provisions of this Convention;
- (b) establishing a commission to perform such functions under this Convention as the Contracting Parties may deem necessary; or
- (c) considering other proposals, including:
 - (i) the provision of independent scientific advice;
 - (ii) the establishment, by a two-thirds majority, of a scientific advisory committee which may be assigned some or all of the functions requested of SCAR under this Convention, if commercial sealing reaches significant proportions;
 - (iii) the carrying out of scientific programmes with the participation of the Contracting Parties; and
 - (iv) the provision of further regulatory measures, including moratoria.

(2) If one third of the Contracting Parties indicate agreement, the Depositary shall convene such a meeting, as soon as possible.

(3) A meeting shall be held at the request of any Contracting Party, if SCAR reports that the harvest of any species of Antarctic seal in the area to which this Convention applies is having a significantly harmful effect on the total stocks or the ecological system in any particular locality.

Article 7. REVIEW OF OPERATIONS

The Contracting Parties shall meet within five years after the entry into force of this Convention and at least every five years thereafter to review the operation of the Convention.

Article 8. AMENDMENTS TO THE CONVENTION

(1) This Convention may be amended at any time. The text of any amendment proposed by a Contracting Party shall be submitted to the Depositary, which shall transmit it to all the Contracting Parties.

(2) If one third of the Contracting Parties request a meeting to discuss the proposed amendment, the Depositary shall call such a meeting.

(3) An amendment shall enter into force when the Depositary has received instruments of ratification or acceptance thereof from all the Contracting Parties.

Article 9. AMENDMENTS TO THE ANNEX

(1) Any Contracting Party may propose amendments to the annex to this Convention. The text of any such proposed amendment shall be submitted to the Depositary which shall transmit it to all Contracting Parties.

(2) Each such proposed amendment shall become effective for all Contracting Parties six months after the date appearing on the notification from the Depositary to the Contracting Parties, if within 120 days of the notification date, no objection has been received and two thirds of the Contracting Parties have notified the Depositary in writing of their approval.

(3) If an objection is received from any Contracting Party within 120 days of the notification date, the matter shall be considered by the Contracting Parties at their next meeting. If unanimity on the matter is not reached at the meeting, the Contracting Parties shall notify the Depositary within 120 days from the date of closure of the meeting of their approval or rejection of the original amendment or of any new amendment proposed by the meeting. If, by the end of this period, two thirds of the Contracting Parties have approved such amendment, it shall become effective six months from the date of the closure of the meeting for those Contracting Parties which have by then notified their approval.

(4) Any Contracting Party which has objected to a proposed amendment may at any time withdraw that objection, and the proposed amendment shall become effective with respect to such Party immediately if the amendment is already in effect, or at such time as it becomes effective under the terms of this article.

(5) The Depositary shall notify each Contracting Party immediately upon receipt of each approval or objection, of each withdrawal of objection, and of the entry into force of any amendment.

(6) Any State which becomes a Party to this Convention after an amendment to the annex has entered into force shall be bound by the annex as so amended. Any State which becomes a Party to this Convention during the period when a proposed amendment is pending may approve or object to such an amendment within the time limits applicable to other Contracting Parties.

Article 10. SIGNATURE

This Convention shall be open for signature at London from 1 June to 31 December 1972 by States participating in the Conference on the Conservation of Antarctic Seals held at London from 3 to 11 February 1972.

Article 11. RATIFICATION

This Convention is subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland, hereby designated as the Depositary.

Article 12. ACCESSION

This Convention shall be open for accession by any State which may be invited to accede to this Convention with the consent of the Contracting Parties.

Article 13. ENTRY INTO FORCE

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

(2) Thereafter this Convention shall enter into force for each ratifying, accepting or acceding State on the thirtieth day after deposit by such State of its instrument of ratification, acceptance or accession.

Article 14. WITHDRAWAL

Any Contracting Party may withdraw from this Convention on 30 June of any year by giving notice on or before 1 January of the same year to the Depositary, which upon receipt of such a notice shall at once communicate it to the other Contracting Parties. Any other Contracting Party may, in like manner, within one month of the receipt of a copy of such a notice from the Depositary, give notice of withdrawal, so that the Convention shall cease to be in force on 30 June of the same year with respect to the Contracting Party giving such notice.

Article 15. NOTIFICATIONS BY THE DEPOSITARY

The Depositary shall notify all signatory and acceding States of the following:

- (a) signatures of this Convention, the deposit of instruments of ratification, acceptance or accession and notices of withdrawal;
- (b) the date of entry into force of this Convention and of any amendments to it or its annex.

Article 16. CERTIFIED COPIES AND REGISTRATION

(1) This Convention, done in the English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit duly certified copies thereof to all signatory and acceding States.

(2) This Convention shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Convention.

DONE at London, this 1st day of June 1972.

EN FOI DE QUOI, les soussignés, dûment autorisés, ont apposé leur signature à la présente Convention.

FAIT à Londres, le 1^{er} juin 1972.

В УДОСТОВЕРЕНИЕ ЧЕГО НИЖЕПОДПИСАВШИЕСЯ, ДОЛЖНЫМ ОБРАЗОМ НА ТО УПОЛНОМОЧЕННЫЕ, ПОДПИСАЛИ НАСТОЯЩУЮ КОНВЕНЦИЮ.

СОВЕРШЕНО В ЛОНДОНЕ, 1 ДНЯ ИЮНЯ 1972 ГОДА.

EN TESTIMONIO DE LO CUAL, los que suscriben, debidamente autorizados, han firmado esta Convención.

НЕЧА в Лондоне, en el día de hoy 1^o de junio de 1972.

For Argentina:
Pour l'Argentine :
За Аргентину:
Por la Argentina:

GUSTAVO MARTÍNEZ ZUVIRIA¹
9th June 1972

For Australia:
Pour l'Australie :
За Австралию:
Por Australia:

W. B. PRITCHETT
5th October 1972

For Belgium:
Pour la Belgique :
За Бельгию:
Por Bélgica:

J. VAN DEN BOSCH
9 juin 1972

¹ For the text of the declarations made upon signature, see p. 211 of this volume — Pour le texte des déclarations faites lors de la signature, voir p. 211 du présent volume.

For Chile:
Pour le Chili :
За Чили:
Por Chile:

ALVARO BUNSTER¹
28 December 1972

For France:
Pour la France :
За Францию:
Por Francia:

J. DE BEAUMARCHAIS
19 décembre 1972

For Japan:
Pour le Japon :
За Японию:
Por el Japón:

HARUKI MORI
28 Dec. 1972

For New Zealand:
Pour la Nouvelle-Zélande :
За Новую Зеландию:
Por Nueva Zelandia:

MERWIN NORRISH
9 June 1972

For Norway:
Pour la Norvège :
За Норвегию:
Por Noruega:

PAUL KOHT
9 June 1972

¹ For the text of the declarations made upon signature, see p. 211 of this volume — Pour le texte des déclarations faites lors de la signature, voir p. 211 du présent volume.

For South Africa:
Pour l'Afrique du Sud :
За Южную Африку:
Por Sudáfrica:

P. R. KILLEN
9 June 1972

For the Union of Soviet Socialist Republics:
Pour l'Union des Républiques socialistes soviétiques :
За Союз Советских Социалистических Республик:
Por la Unión de Repúblicas Socialistas Soviéticas:

ИППОЛИТОВ¹
9.VI.72

For the United Kingdom of Great Britain and Northern Ireland:
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :
За Соединенное Королевство Великобритании и Северной Ирландии:
Por el Reino Unido de Gran Bretaña e Irlanda del Norte:

ANTHONY KERSHAW
9 June 1972

For the United States of America:
Pour les Etats-Unis d'Amérique :
За Соединенные Штаты Америки:
Por los Estados Unidos de América:

DONALD L. MCKERNAN
28 June 1972

¹ Ипполитов.

ANNEX

1. *Permissible catch*

The Contracting Parties shall in any one year, which shall run from 1 July to 30 June inclusive, restrict the total number of seals of each species killed or captured to the numbers specified below. These numbers are subject to review in the light of scientific assessments:

- (a) in the case of Crabeater seals *Lobodon carcinophagus*, 175,000;
- (b) in the case of Leopard seals *Hydrurga leptonyx*, 12,000;
- (c) in the case of Weddell seals *Leptonychotes weddelli*, 5,000.

2. *Protected species*

(a) It is forbidden to kill or capture Ross seals *Ommatophoca rossi*, Southern elephant seals *Mirounga leonina*, or fur seals of the genus *Arctocephalus*.

(b) In order to protect the adult breeding stock during the period when it is most concentrated and vulnerable, it is forbidden to kill or capture any Weddell seal *Leptonychotes weddelli* one year old or older between 1 September and 31 January inclusive.

3. *Closed Season and Sealing Season*

The period between 1 March and 31 August inclusive is a Closed Season, during which the killing or capturing of seals is forbidden. The period 1 September to the last day in February constitutes a Sealing Season.

4. *Sealing zones*

Each of the sealing zones listed in this paragraph shall be closed in numerical sequence to all sealing operations for the seal species listed in paragraph 1 of this annex for the period 1 September to the last day of February inclusive. Such closures shall begin with the same zone as is closed under paragraph 2 of annex B to annex 1 of the Report of the Fifth Antarctic Treaty Consultative Meeting at the moment the Convention enters into force. Upon the expiration of each closed period, the affected zone shall reopen:

- Zone 1: between 60° and 120° West Longitude;
- Zone 2: between 0° and 60° West Longitude, together with that part of the Weddell Sea lying westward of 60° West Longitude;
- Zone 3: between 0° and 70° East Longitude;
- Zone 4: between 70° and 130° East Longitude;
- Zone 5: between 130° East Longitude and 170° West Longitude;
- Zone 6: between 120° and 170° West Longitude.

5. *Seal reserves*

It is forbidden to kill or capture seals in the following reserves, which are seal breeding areas or the site of long-term scientific research:

- (a) the area around the South Orkney Islands between 60° 20' and 60° 56' South Latitude and 44° 05' and 46° 25' West Longitude;
- (b) the area of the southwestern Ross Sea south of 76° South Latitude and west of 170° East Longitude;
- (c) the area of Edisto Inlet south and west of a line drawn between Cape Hallett at 72° 19' South Latitude, 170° 18' East Longitude, and Helm Point, at 72° 11' South Latitude, 170° 00' East Longitude.

6. *Exchange of information*

(a) Contracting Parties shall provide before 31 October each year to other Contracting Parties and to SCAR a summary of statistical information on all seals killed or captured by their nationals and vessels under their respective flags in the Convention area, in respect of the preceding period 1 July to 30 June. This information shall include by zones and months:

- (i) the gross and net tonnage, brake horse-power, number of crew, and number of days' operation of vessels under the flag of the Contracting Party;
- (ii) the number of adult individuals and pups of each species taken.

When specially requested, this information shall be provided in respect of each ship, together with its daily position at noon each operating day and the catch on that day.

(b) When an industry has started, reports of the number of seals of each species killed or captured in each zone shall be made to SCAR in the form and at the intervals (not shorter than one week) requested by that body.

(c) Contracting Parties shall provide to SCAR biological information, in particular:

- (i) sex;
- (ii) reproductive condition;
- (iii) age.

SCAR may request additional information or material with the approval of the Contracting Parties.

(d) Contracting Parties shall provide to other Contracting Parties and to SCAR at least 30 days in advance of departure from their home ports, information on proposed sealing expeditions.

7. *Sealing methods*

(a) SCAR is invited to report on methods of sealing and to make recommendations with a view to ensuring that the killing or capturing of seals is quick, painless and efficient. Contracting Parties, as appropriate, shall adopt rules for their nationals and vessels under their respective flags engaged in the killing and capturing of seals, giving due consideration to the views of SCAR.

(b) In the light of the available scientific and technical data, Contracting Parties agree to take appropriate steps to ensure that their nationals and vessels under their respective flags refrain from killing or capturing seals in the water, except in limited quantities to provide for scientific research in conformity with the objectives and principles of this Convention. Such research shall include studies as to the effectiveness of methods of sealing from the viewpoint of the management and humane and rational utilization of the Antarctic seal resources for conservation purposes. The undertaking and the results of any such scientific research programme shall be communicated to SCAR and the Depositary which shall transmit them to the Contracting Parties.

DECLARATIONS MADE
UPON SIGNATURE*ARGENTINA*

“[Argentina] adheres to the terms of the Declaration made by the Republic of Chile in the annex to the Final Act of the Conference on the Conservation of Antarctic Seals.”

CHILE

“The Government of Chile states that the reference to article IV of the Antarctic Treaty contained in article 1 of the present Convention signifies that nothing specified therein shall affect or impair the rights of the Contracting Parties as regards their maritime jurisdictions and their declared juridical position on this matter.”

DECLARATIONS MADE
UPON RATIFICATION*ARGENTINA*

[*Confirming the declaration made upon signature —
Avec confirmation de la déclaration faite lors de la signature.*]

[SPANISH TEXT — TEXTE ESPAGNOL]

“... La República Argentina deja constancia de que la mención del Artículo IV del Tratado Antártico contenida en el Artículo 1 de la Convención para la Conservación de Focas Antárticas significa que nada de lo establecido en dicha Convención afecta o menoscaba sus derechos de soberanía y jurisdicción marítima y su posición jurídica en esta materia.”

[TRANSLATION¹ — TRADUCTION²]

The Argentine Republic wishes to state that the mention of article IV of the

DÉCLARATIONS FAITES
LORS DE LA SIGNATURE*ARGENTINE*

[TRADUCTION — TRANSLATION]

L'Argentine adhère aux termes de la Déclaration faite par la République du Chili dans l'annexe à l'Acte final de la Conférence pour la sauvegarde des phoques de l'Antarctique.

CHILI

[TRADUCTION — TRANSLATION]

La République du Chili déclare que la mention qui est faite de l'article IV du Traité de l'Antarctique à l'article premier de la présente Convention signifie qu'aucune des dispositions de ladite Convention ne porte atteinte à ses droits souverains, à sa juridiction maritime et à sa position juridique en la matière ni ne les affecte.

DÉCLARATIONS FAITES
LORS DE LA RATIFICATION*ARGENTINE*

[TRADUCTION — TRANSLATION]

La République argentine tient à déclarer que la mention qui est faite de

¹ Translation supplied by the Government of the United Kingdom.

² Traduction fournie par le Gouvernement du Royaume-Uni.

Antarctic Treaty included in article 1 of the Convention for the Conservation of Antarctic Seals means that nothing in the said Convention affects or impairs its sovereignty rights and maritime jurisdiction and its juridical position in this matter.

l'article IV du Traité de l'Antarctique à l'article premier de la Convention pour la sauvegarde des phoques de l'Antarctique signifie qu'aucune des dispositions de ladite Convention ne porte atteinte à ses droits souverains, à sa juridiction maritime et à sa position juridique en la matière ni ne les affecte.

Annex 81

Convention for the Protection of the World Cultural and Natural Heritage, 16 November
1972, 1037 UNTS 151

No. 15511

MULTILATERAL

Convention for the protection of the world cultural and natural heritage. Adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its seventeenth session, Paris, 16 November 1972

Authentic texts: English, Spanish, French, Russian and Arabic.

Registered by the United Nations Educational, Scientific and Cultural Organization on 9 March 1977.

MULTILATÉRAL

Convention pour la protection du patrimoine mondial, culturel et naturel. Adoptée par la Conférence générale de l'Organisation des Nations Unies pour l'éducation, la science et la culture à sa dix-septième session, Paris, 16 novembre 1972

Textes authentiques : anglais, espagnol, français, russe et arabe.

Enregistrée par l'Organisation des Nations Unies pour l'éducation, la science et la culture le 9 mars 1977.

CONVENTION¹ FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

The General Conference of the United Nations Educational, Scientific and Cultural Organization meeting in Paris from 17 October to 21 November 1972, at its seventeenth session,

Noting that the cultural heritage and the natural heritage are increasingly threatened with destruction not only by the traditional causes of decay, but also by changing social and economic conditions which aggravate the situation with even more formidable phenomena of damage or destruction,

Considering that deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world,

¹ Came into force on 17 December 1975 in respect of the following States which, as at 17 September 1975, had deposited their respective instruments of ratification, acceptance or accession, i.e., three months after the date of deposit of the twentieth of the said instruments with the Director-General of the United Nations Educational, Scientific and Cultural Organization, in accordance with article 33:

<i>State</i>	<i>Date of deposit of the instrument of ratification, acceptance (A) or accession (a)</i>	<i>State</i>	<i>Date of deposit of the instrument of ratification, acceptance (A) or accession (a)</i>
Algeria	24 June 1974	Jordan	5 May 1975
Australia	22 August 1974	Niger	23 December 1974 A
Bulgaria*	7 March 1974 A	Nigeria	23 October 1974
Cyprus	14 August 1975 A	Sudan	6 June 1974
Ecuador	16 June 1975 A	Switzerland	17 September 1975
Egypt	7 February 1974	Syrian Arab Republic*	13 August 1975 a
France*	27 June 1975 A	Tunisia	10 March 1975
Ghana	4 July 1975	United States of America*	7 December 1973
Iran	26 February 1975 A	Yugoslavia	26 May 1975
Iraq*	5 March 1974 A	Zaire	23 September 1974

Subsequently, the Convention came into force in respect of the following States three months after the deposit of their instruments of ratification, acceptance or accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization, in accordance with article 33:

<i>State</i>	<i>Date of deposit of instrument of ratification or acceptance (A)</i>
Morocco	28 October 1975
(With effect from 28 January 1976.)	
Senegal	13 February 1976
(With effect from 13 May 1976.)	
Poland	29 June 1976
(With effect from 29 September 1976.)	
Canada	23 July 1976 A
(With effect from 23 October 1976.)	
Pakistan	23 July 1976
(With effect from 23 October 1976.)	
Federal Republic of Germany*	23 August 1976
(With effect from 23 November 1976. With a declaration to the effect that the Convention shall also apply to Berlin (West).)	
Bolivia	4 October 1976
(With effect from 4 January 1977.)	

* For the texts of the declarations made upon ratification, acceptance, or accession, see p. 209 of this volume.

Considering that protection of this heritage at the national level often remains incomplete because of the scale of the resources which it requires and of the insufficient economic, scientific and technical resources of the country where the property to be protected is situated,

Recalling that the Constitution of the Organization provides that it will maintain, increase and diffuse knowledge, by assuring the conservation and protection of the world's heritage, and recommending to the nations concerned the necessary international conventions,

Considering that the existing international conventions, recommendations and resolutions concerning cultural and natural property demonstrate the importance, for all the peoples of the world, of safeguarding this unique and irreplaceable property, to whatever people it may belong,

Considering that parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind as a whole,

Considering that, in view of the magnitude and gravity of the new dangers threatening them, it is incumbent on the international community as a whole to participate in the protection of the cultural and natural heritage of outstanding universal value, by the granting of collective assistance which, although not taking the place of action by the State concerned, will serve as an effective complement thereto,

Considering that it is essential for this purpose to adopt new provisions in the form of a convention establishing an effective system of collective protection of the cultural and natural heritage of outstanding universal value, organized on a permanent basis and in accordance with modern scientific methods,

Having decided, at its sixteenth session, that this question should be made the subject of an international convention,

Adopts this sixteenth day of November 1972 this Convention.

I. DEFINITIONS OF THE CULTURAL AND THE NATURAL HERITAGE

Article 1. For the purposes of this Convention, the following shall be considered as "cultural heritage":

- monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;
- groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;
- sites: works of man or the combined works of nature and of man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological points of view.

Article 2. For the purposes of this Convention, the following shall be considered as "natural heritage":

- natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;

- geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;
- natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.

Article 3. It is for each State Party to this Convention to identify and delineate the different properties situated on its territory mentioned in Articles 1 and 2 above.

II. NATIONAL PROTECTION AND INTERNATIONAL PROTECTION OF THE CULTURAL AND NATURAL HERITAGE

Article 4. Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and co-operation, in particular, financial, artistic, scientific and technical, which it may be able to obtain.

Article 5. To ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory, each State Party to this Convention shall endeavour, in so far as possible, and as appropriate for each country:

- (a) to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes;
- (b) to set up within its territories, where such services do not exist, one or more services for the protection, conservation and presentation of the cultural and natural heritage with an appropriate staff and possessing the means to discharge their functions;
- (c) to develop scientific and technical studies and research and to work out such operating methods as will make the State capable of counteracting the dangers that threaten its cultural or natural heritage;
- (d) to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage; and
- (e) to foster the establishment or development of national or regional centres for training in the protection, conservation and presentation of the cultural and natural heritage and to encourage scientific research in this field.

Article 6. 1. Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property rights provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to cooperate.

2. The States Parties undertake, in accordance with the provisions of this Convention, to give their help in the identification, protection, conservation and preser-

vation of the cultural and natural heritage referred to in paragraphs 2 and 4 of Article 11 if the States on whose territory it is situated so request.

3. Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention.

Article 7. For the purpose of this Convention, international protection of the world cultural and natural heritage shall be understood to mean the establishment of a system of international co-operation and assistance designed to support States Parties to the Convention in their efforts to conserve and identify that heritage.

III. INTERGOVERNMENTAL COMMITTEE FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

Article 8. 1. An Intergovernmental Committee for the Protection of the Cultural and Natural Heritage of Outstanding Universal Value, called “the World Heritage Committee”, is hereby established within the United Nations Educational, Scientific and Cultural Organization. It shall be composed of 15 States Parties to the Convention, elected by States Parties to the Convention meeting in general assembly during the ordinary session of the General Conference of the United Nations Educational, Scientific and Cultural Organization. The number of States members of the Committee shall be increased to 21 as from the date of the ordinary session of the General Conference following the entry into force of this Convention for at least 40 States.

2. Election of members of the Committee shall ensure an equitable representation of the different regions and cultures of the world.

3. A representative of the International Centre for the Study of the Preservation and Restoration of Cultural Property (Rome Centre), a representative of the International Council of Monuments and Sites (ICOMOS) and a representative of the International Union for Conservation of Nature and Natural Resources (IUCN), to whom may be added, at the request of States Parties to the Convention meeting in general assembly during the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization, representatives of other intergovernmental or non-governmental organizations, with similar objectives, may attend the meetings of the Committee in an advisory capacity.

Article 9. 1. The term of office of States members of the World Heritage Committee shall extend from the end of the ordinary session of the General Conference during which they are elected until the end of its third subsequent ordinary session.

2. The term of office of one third of the members designated at the time of the first election shall, however, cease at the end of the first ordinary session of the General Conference following that at which they were elected; and the term of office of a further third of the members designated at the same time shall cease at the end of the second ordinary session of the General Conference following that at which they were elected. The names of these members shall be chosen by lot by the President of the General Conference of the United Nations Educational, Scientific and Cultural Organization after the first election.

3. States members of the Committee shall choose as their representatives persons qualified in the field of the cultural or natural heritage.

Article 10. 1. The World Heritage Committee shall adopt its Rules of Procedure.

2. The Committee may at any time invite public or private organizations or individuals to participate in its meetings for consultation on particular problems.

3. The Committee may create such consultative bodies as it deems necessary for the performance of its functions.

Article 11. 1. Every State Party to this Convention shall, in so far as possible, submit to the World Heritage Committee an inventory of property forming part of the cultural and natural heritage, situated in its territory and suitable for inclusion in the list provided for in paragraph 2 of this Article. This inventory, which shall not be considered exhaustive, shall include documentation about the location of the property in question and its significance.

2. On the basis of the inventories submitted by States in accordance with paragraph 1, the Committee shall establish, keep up to date and publish, under the title of *World Heritage List*, a list of properties forming part of the cultural heritage and natural heritage, as defined in Articles 1 and 2 of this Convention, which it considers as having outstanding universal value in terms of such criteria as it shall have established. An updated list shall be distributed at least every two years.

3. The inclusion of a property in the *World Heritage List* requires the consent of the State concerned. The inclusion of a property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State, shall in no way prejudice the rights of the parties to the dispute.

4. The Committee shall establish, keep up to date and publish, whenever circumstances shall so require, under the title of *List of World Heritage in Danger*, a list of the property appearing in the *World Heritage List* for the conservation of which major operations are necessary and for which assistance has been requested under this Convention. This list shall contain an estimate of the cost of such operations. The list may include only such property forming part of the cultural and natural heritage as is threatened by serious and specific dangers, such as the threat of disappearance caused by accelerated deterioration, large-scale public or private projects or rapid urban or tourist development projects; destruction caused by changes in the use or ownership of the land; major alterations due to unknown causes; abandonment for any reason whatsoever; the outbreak or the threat of an armed conflict; calamities and cataclysms; serious fires, earthquakes, landslides; volcanic eruptions; changes in water level, floods, and tidal waves. The Committee may at any time, in case of urgent need, make a new entry in the *List of World Heritage in Danger* and publicize such entry immediately.

5. The Committee shall define the criteria on the basis of which a property belonging to the cultural or natural heritage may be included in either of the lists mentioned in paragraphs 2 and 4 of this Article.

6. Before refusing a request for inclusion in one of the two lists mentioned in paragraphs 2 and 4 of this Article, the Committee shall consult the State Party in whose territory the cultural or natural property in question is situated.

7. The Committee shall, with the agreement of the States concerned, coordinate and encourage the studies and research needed for the drawing up of the lists referred to in paragraphs 2 and 4 of this Article.

Article 12. The fact that a property belonging to the cultural or natural heritage has not been included in either of the two lists mentioned in paragraphs 2 and 4

(ICOMOS) and the International Union for Conservation of Nature and Natural Resources (IUCN) in their respective areas of competence and capability, shall prepare the Committee's documentation and the agenda of its meetings and shall have the responsibility for the implementation of its decisions.

IV. FUND FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE

Article 15. 1. A Fund for the Protection of the World Cultural and Natural Heritage of Outstanding Universal Value, called "the World Heritage Fund", is hereby established.

2. The Fund shall constitute a trust fund, in conformity with the provisions of the Financial Regulations of the United Nations Educational, Scientific and Cultural Organization.

3. The resources of the Fund shall consist of:

- (a) compulsory and voluntary contributions made by the States Parties to this Convention;
- (b) contributions, gifts or bequests which may be made by:
 - (i) other States;
 - (ii) the United Nations Educational, Scientific and Cultural Organization, other organizations of the United Nations system, particularly the United Nations Development Programme or other intergovernmental organizations;
 - (iii) public or private bodies or individuals;
- (c) any interest due on the resources of the Fund;
- (d) funds raised by collections and receipts from events organized for the benefit of the Fund; and
- (e) all other resources authorized by the Fund's regulations, as drawn up by the World Heritage Committee.

4. Contributions to the Fund and other forms of assistance made available to the Committee may be used only for such purposes as the Committee shall define. The Committee may accept contributions to be used only for a certain programme or project, provided that the Committee shall have decided on the implementation of such programme or project. No political conditions may be attached to contributions made to the Fund.

Article 16. 1. Without prejudice to any supplementary voluntary contribution, the States Parties to this Convention undertake to pay regularly, every two years, to the World Heritage Fund, contributions, the amount of which, in the form of a uniform percentage applicable to all States, shall be determined by the General Assembly of States Parties to the Convention, meeting during the sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization. This decision of the General Assembly requires the majority of the States Parties present and voting, which have not made the declaration referred to in paragraph 2 of this Article. In no case shall the compulsory contribution of States Parties to the Convention exceed 1% of the contribution to the Regular Budget of the United Nations Educational, Scientific and Cultural Organization.

2. However, each State referred to in Article 31 or in Article 32 of this Convention may declare, at the time of the deposit of its instruments of ratification, acceptance or accession, that it shall not be bound by the provisions of paragraph 1 of this Article.

of Article 11 shall in no way be construed to mean that it does not have an outstanding universal value for purposes other than those resulting from inclusion in these lists.

Article 13. 1. The World Heritage Committee shall receive and study requests for international assistance formulated by States Parties to this Convention with respect to property forming part of the cultural or natural heritage, situated in their territories, and included or potentially suitable for inclusion in the lists referred to in paragraphs 2 and 4 of Article 11. The purpose of such requests may be to secure the protection, conservation, presentation or rehabilitation of such property.

2. Requests for international assistance under paragraph 1 of this Article may also be concerned with identification of cultural or natural property defined in Articles 1 and 2, when preliminary investigations have shown that further inquiries would be justified.

3. The Committee shall decide on the action to be taken with regard to these requests, determine where appropriate, the nature and extent of its assistance, and authorize the conclusion, on its behalf, of the necessary arrangements with the government concerned.

4. The Committee shall determine an order of priorities for its operations. It shall in so doing bear in mind the respective importance for the world cultural and natural heritage of the property requiring protection, the need to give international assistance to the property most representative of a natural environment or of the genius and the history of the peoples of the world, the urgency of the work to be done, the resources available to the States on whose territory the threatened property is situated and in particular the extent to which they are able to safeguard such property by their own means.

5. The Committee shall draw up, keep up to date and publicize a list of property for which international assistance has been granted.

6. The Committee shall decide on the use of the resources of the Fund established under Article 15 of this Convention. It shall seek ways of increasing these resources and shall take all useful steps to this end.

7. The Committee shall co-operate with international and national governmental and non-governmental organizations having objectives similar to those of this Convention. For the implementation of its programmes and projects, the Committee may call on such organizations, particularly the International Centre for the Study of the Preservation and Restoration of Cultural Property (the Rome Centre), the International Council of Monuments and Sites (ICOMOS) and the International Union for Conservation of Nature and Natural Resources (IUCN), as well as on public and private bodies and individuals.

8. Decisions of the Committee shall be taken by a majority of two thirds of its members present and voting. A majority of the members of the Committee shall constitute a quorum.

Article 14. 1. The World Heritage Committee shall be assisted by a Secretariat appointed by the Director-General of the United Nations Educational, Scientific and Cultural Organization.

2. The Director-General of the United Nations Educational, Scientific and Cultural Organization, utilizing to the fullest extent possible the services of the International Centre for the Study of the Preservation and the Restoration of Cultural Property (the Rome Centre), the International Council of Monuments and Sites

3. A State Party to the Convention which has made the declaration referred to in paragraph 2 of this Article may at any time withdraw the said declaration by notifying the Director-General of the United Nations Educational, Scientific and Cultural Organization. However, the withdrawal of the declaration shall not take effect in regard to the compulsory contribution due by the State until the date of the subsequent General Assembly of States Parties to the Convention.

4. In order that the Committee may be able to plan its operations effectively, the contributions of States Parties to this Convention which have made the declaration referred to in paragraph 2 of this Article shall be paid on a regular basis, at least every two years, and should not be less than the contributions which they should have paid if they had been bound by the provisions of paragraph 1 of this Article.

5. Any State Party to the Convention which is in arrears with the payment of its compulsory or voluntary contribution for the current year and the calendar year immediately preceding it shall not be eligible as a Member of the World Heritage Committee, although this provision shall not apply to the first election.

The terms of office of any such State which is already a Member of the Committee shall terminate at the time of the elections provided for in Article 8, paragraph 1 of this Convention.

Article 17. The States Parties to this Convention shall consider or encourage the establishment of national, public and private foundations or associations whose purpose is to invite donations for the protection of the cultural and natural heritage as defined in Articles 1 and 2 of this Convention.

Article 18. The States Parties to this Convention shall give their assistance to international fund-raising campaigns organized for the World Heritage Fund under the auspices of the United Nations Educational, Scientific and Cultural Organization. They shall facilitate collections made by the bodies mentioned in paragraph 3 of Article 15 for this purpose.

V. CONDITIONS AND ARRANGEMENTS FOR INTERNATIONAL ASSISTANCE

Article 19. Any State Party to this Convention may request international assistance for property forming part of the cultural or natural heritage of outstanding universal value situated within its territory. It shall submit with its request such information and documentation provided for in Article 21 as it has in its possession and as will enable the Committee to come to a decision.

Article 20. Subject to the provisions of paragraph 2 of Article 13, subparagraph (c) of Article 22 and Article 23, international assistance provided for by this Convention may be granted only to property forming part of the cultural and natural heritage which the World Heritage Committee has decided, or may decide, to enter in one of the lists mentioned in paragraphs 2 and 4 of Article 11.

Article 21. 1. The World Heritage Committee shall define the procedure by which requests to it for international assistance shall be considered and shall specify the content of the request, which should define the operation contemplated, the work that is necessary, the expected cost thereof, the degree of urgency and the reasons why the resources of the State requesting assistance do not allow it to meet all the expenses. Such requests must be supported by experts' reports whenever possible.

2. Requests based upon disasters or natural calamities should, by reasons of the urgent work which they may involve, be given immediate, priority consideration by the Committee, which should have a reserve fund at its disposal against such contingencies.

3. Before coming to a decision, the Committee shall carry out such studies and consultations as it deems necessary.

Article 22. Assistance granted by the World Heritage Committee may take the following forms:

- (a) studies concerning the artistic, scientific and technical problems raised by the protection, conservation, presentation and rehabilitation of the cultural and natural heritage, as defined in paragraphs 2 and 4 of Article 11 of this Convention;
- (b) provision of experts, technicians and skilled labour to ensure that the approved work is correctly carried out;
- (c) training of staff and specialists at all levels in the field of identification, protection, conservation, presentation and rehabilitation of the cultural and natural heritage;
- (d) supply of equipment which the State concerned does not possess or is not in a position to acquire;
- (e) low-interest or interest-free loans which might be repayable on a long-term basis;
- (f) the granting, in exceptional cases and for special reasons, of non-repayable subsidies.

Article 23. The World Heritage Committee may also provide international assistance to national or regional centres for the training of staff and specialists at all levels in the field of identification, protection, conservation, presentation and rehabilitation of the cultural and natural heritage.

Article 24. International assistance on a large scale shall be preceded by detailed scientific, economic and technical studies. These studies shall draw upon the most advanced techniques for the protection, conservation, presentation and rehabilitation of the natural and cultural heritage and shall be consistent with the objectives of this Convention. The studies shall also seek means of making rational use of the resources available in the State concerned.

Article 25. As a general rule, only part of the cost of work necessary shall be borne by the international community. The contribution of the State benefiting from international assistance shall constitute a substantial share of the resources devoted to each programme or project, unless its resources do not permit this.

Article 26. The World Heritage Committee and the recipient State shall define in the agreement they conclude the conditions in which a programme or project for which international assistance under the terms of this Convention is provided, shall be carried out. It shall be the responsibility of the State receiving such international assistance to continue to protect, conserve and present the property so safeguarded, in observance of the conditions laid down by the agreement.

VI. EDUCATIONAL PROGRAMMES

Article 27. 1. The States Parties to this Convention shall endeavour by all appropriate means, and in particular by educational and information programmes,

to strengthen appreciation and respect by their peoples of the cultural and natural heritage defined in Articles 1 and 2 of the Convention.

2. They shall undertake to keep the public broadly informed of the dangers threatening this heritage and of activities carried on in pursuance of this Convention.

Article 28. States Parties to this Convention which receive international assistance under the Convention shall take appropriate measures to make known the importance of the property for which assistance has been received and the role played by such assistance.

VII. REPORTS

Article 29. 1. The States Parties to this Convention shall, in the reports which they submit to the General Conference of the United Nations Educational, Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, together with details of the experience acquired in this field.

2. These reports shall be brought to the attention of the World Heritage Committee.

3. The Committee shall submit a report on its activities at each of the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization.

VIII. FINAL CLAUSES

Article 30. This Convention is drawn up in Arabic, English, French, Russian and Spanish, the five texts being equally authoritative.

Article 31. 1. This Convention shall be subject to ratification or acceptance by States members of the United Nations Educational, Scientific and Cultural Organization in accordance with their respective constitutional procedures.

2. The instruments of ratification or acceptance shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 32. 1. This Convention shall be open to accession by all States not members of the United Nations Educational, Scientific and Cultural Organization which are invited by the General Conference of the Organization to accede to it.

2. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 33. This Convention shall enter into force three months after the date of the deposit of the twentieth instrument of ratification, acceptance or accession, but only with respect to those States which have deposited their respective instruments of ratification, acceptance or accession on or before that date. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession.

Article 34. The following provisions shall apply to those States Parties to this Convention which have a federal or non-unitary constitutional system:

- (a) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those States Parties which are not federal States;
- (b) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of individual constituent States, countries, provinces or cantons that are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform the competent authorities of such States, countries, provinces or cantons of the said provisions, with its recommendation for their adoption.

Article 35. 1. Each State Party to this Convention may denounce the Convention.

2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

3. The denunciation shall take effect twelve months after the receipt of the instrument of denunciation. It shall not affect the financial obligations of the denouncing State until the date on which the withdrawal takes effect.

Article 36. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States members of the Organization, the States not members of the Organization which are referred to in Article 32, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, or accession provided for in Articles 31 and 32, and of the denunciations provided for in Article 35.

Article 37. 1. This Convention may be revised by the General Conference of the United Nations Educational, Scientific and Cultural Organization. Any such revision shall, however, bind only the States which shall become Parties to the revising convention.

2. If the General Conference should adopt a new convention revising this Convention in whole or in part, then, unless the new convention otherwise provides, this Convention shall cease to be open to ratification, acceptance or accession, as from the date on which the new revising convention enters into force.

Article 38. In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

DONE in Paris, this twenty-third day of November 1972, in two authentic copies bearing the signature of the President of the seventeenth session of the General Conference and the Director-General of the United Nations Educational, Scientific and Cultural Organization, which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in Articles 31 and 32 as well as to the United Nations.

The foregoing is the authentic text of the Convention duly adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization during its seventeenth session, which was held in Paris and declared closed the twenty-first day of November 1972.

Lo anterior es el texto auténtico de la Convención aprobada en buena y debida forma por la Conferencia General de la Organización de las Naciones Unidas para la Educación, la Ciencia y la Cultura, en su decimoséptima reunión, celebrada en París y terminada el día veintiuno de noviembre de 1972.

Le texte qui précède est le texte authentique de la Convention dûment adoptée par la Conférence générale de l'Organisation des Nations Unies pour l'éducation, la science et la culture à sa dix-septième session, qui s'est tenue à Paris et qui a été déclarée close le vingt et unième jour de novembre 1972.

Приведенный выше текст является подлинным текстом Конвенции, надлежащим образом принятой Генеральной конференцией Организации Объединенных Наций по вопросам образования, науки и культуры на ее семнадцатой сессии, состоящейся в Париже и закончившейся сего двадцать первого ноября 1972 года.

ان النص الوارد أعلاه هو النص الرسمي للاتفاقية التي أقرها المؤتمر العام لمنظمة الأمم المتحدة للتربية والعلم والثقافة في دورته السابعة عشرة التي انعقدت في باريس وأعلن اختتامها في الحادي والعشرين من نوفمبر/تشرين الثاني ١٩٧٢.

IN FAITH WHEREOF we have appended our signatures this twenty-third day of November 1972.

EN FE DE LO CUAL estampan sus firmas, en este día veintitrés de noviembre de 1972.

EN FOI DE QUOI ont apposé leurs signatures, ce vingt-troisième jour de novembre 1972.

В УДОСТОВЕРЕНИЕ ЧЕГО настоящую Конвенцию подписали сего двадцать третьего ноября 1972 года.

وإنهاتنا لما تقدم وقعنا بإمضاء اتنا في الثالث والعشرين من نوفمبر/تشرين الثاني ١٩٧٢.

The President of the General Conference/El Presidente de la Conferencia General
Le Président de la Conférence générale/Председатель Генеральной конференции
رئيس المؤتمر العام

TORU HAGUIWARA

The Director-General/El Director General
Le Directeur général/Генеральный директор

المدير العام

RENÉ MAHEU

DECLARATIONS MADE UPON RA-
TIFICATION, ACCEPTANCE (A)
OR ACCESSION (a)DÉCLARATIONS FAITES LORS DE
LA RATIFICATION, L'ACCEPTA-
TION (A) OU L'ADHÉSION (a)*BULGARIA (A)**BULGARIE (A)*

[BULGARIAN TEXT — TEXTE BULGARE]

«Народна република България не ще се счита обвързана от разпоредбите на параграф 1 на член 16»

[TRANSLATION]

[TRADUCTION]

The People's Republic of Bulgaria shall not be bound by the provisions of Article 16, paragraph 1.

La République populaire de Bulgarie ne sera pas liée par les dispositions du paragraphe 1 de l'article 16.

*FRANCE (A)**FRANCE (A)*

[TRANSLATION]

The Government of the Republic of France declares that it shall not be bound by the provisions of paragraph 1 of Article 16.

Le Gouvernement de la République française a déclaré «qu'il ne sera pas lié par les dispositions du paragraphe 1 de l'article 16».

*IRAQ (A)**IRAQ (A)*

[ARABIC TEXT — TEXTE ARABE]

لما بان انضمام الجمهورية العراقية الى هذه الاتفاقية لا يعني بأي حال من الاحوال الاعتراف باسرائيل أو الدخول معها بأية علاقات ماتضمنته أحكام هذه الاتفاقية .

[TRANSLATION]

[TRADUCTION]

Entry into the above Convention by the Republic of Iraq shall, however, in no way signify recognition of Israel or be conducive to entry into relations with it.

L'acceptation par la République d'Iraq de la Convention ne signifie toutefois aucunement la reconnaissance d'Israël et ne saurait aboutir à l'ouverture de relations avec Israël.

SYRIAN ARAB REPUBLIC (a)

RÉPUBLIQUE ARABE SYRIENNE (a)

[ARABIC TEXT — TEXTE ARABE]

١- ان انضمام الجمهورية العربية السورية الى الاتفاقية التي اقرها المؤتمر العام لمنظمة الامم المتحدة للثقافة والعلم والثقافة (اليونسكو) في دورته السابعة عشر بتاريخ ١٦ / ١١ / ١٩٧٢ والخاضعة بحماية التراث العالمي الثقافي والطبيعي والتصديق عليها من قبل حكومتها لا يعني باى حال من الاحوال اعترافها باسرائيل ولا يمكن ان ينتج عنه اقامة او اتصال مباشر معها مما تستلزمه احكام هذه الاتفاقية .

٢- تترجم حكومة الجمهورية العربية السورية بان الالتزام الناجم عن المادة الرابعة يشمل الاراضي العربية المحتلة وبالتالي يقضى على عائق السلطات الاسرائيلية المحتلة المحافظة على التراث الثقافي والطبيعي الموجود في الاراضي المحتلة لان الاحتلال لا يزيل السيادة وتمتعها بسلطات الاحتلال مسؤولة مسؤولة دولية اذا اعتدت بشكل من الاشكال على التراث الثقافي او الطبيعي ولولم تنضم اسرائيل الى الاتفاقية .

٣- تترجم حكومة الجمهورية العربية السورية ان الفقرة / الثالثة / من المادة السادسة تلزم بما تضمنه من الالتزامات بشكل خاص بسلطات الاحتلال لاراضي تم الاستيلاء عليها بالقوة .

٤- تترجم حكومة الجمهورية العربية السورية ان نظام التعاون الدولي الذي نصت عليه المادة السابعة تلزم الدول الاطراف في هذه الاتفاقية ببذل كل عون ممكن للدول التي احتلت اجزاء من اراضيها بالمحافظة على التراث الطبيعي والثقافي في الاراضي المحتلة بعد اعتداءات السلطات المحتلة .

[TRANSDUCTION]

"1. The accession of the Syrian Arab Republic to the Convention adopted by the General Congress of the UNESCO in its seventeenth session on 16th November 1972 and its ratification by the Syrian Arab Government do not mean in any way its recognition in Israel and cannot result in the establishment of a direct contact with it that might be stipulated by the said convention.

1. L'accession de la République arabe syrienne à la Convention adoptée par la Conférence générale de l'UNESCO à sa dix-septième session le 16 novembre 1972 et sa ratification par le Gouvernement syrien ne signifient aucunement que celui-ci reconnaît Israël et ne sauraient entraîner l'établissement avec Israël des contacts directs qui peuvent être visés par ladite Convention.

"2. The Government of the Syrian Arab Republic views that the obligation emanated in article four covers the occupied arab territories and consequently, the israeli occupation authorities are under obligation to preserve the cultural and natural heritage existing in the occupied territories in view of the fact that occupation does not eliminate sovereignty and that the occupation authorities are considered internationally responsible if it aggresses in any form on the cultural and natural heritage even if israel has not acceded to the convention.

"3. The Government of the Syrian Arab Republic views that paragraph 3 of article 6 binds in its obligations therein contained the authorities occupying territories by force.

"4. The Government of the Syrian Arab Republic views that the international cooperation system stipulated in article seven binds the members state to exert all possible aid to the state whose part of its territories is occupied for the sake of preserving the natural and cultural heritage in the occupied territories against the aggressions of the occupying authorities".

UNITED STATES OF AMERICA

"... the United States shall not be bound by the provisions of Article 16(1)" of the Convention.

*FEDERAL REPUBLIC
OF GERMANY*

"... in application of Article 16, paragraph 2 of the Convention, the Federal Republic of Germany shall not be bound by the provisions of paragraph 1 of Article 16".

2. Le Gouvernement de la République arabe syrienne estime que l'obligation énoncée à l'article 4 s'applique aux territoires arabes occupés et que par conséquent les autorités israéliennes d'occupation ont l'obligation de préserver le patrimoine culturel et naturel situé dans les territoires occupés, compte tenu du fait que l'occupation n'élimine pas la souveraineté et que les autorités d'occupation doivent être considérées comme responsables par la communauté internationale si elles endommagent de quelque façon que ce soit ledit patrimoine culturel et naturel, bien qu'Israël n'ait pas accédé à la Convention.

3. Le Gouvernement de la République arabe syrienne estime que les dispositions du paragraphe 3 de l'article 6 ont force obligatoire pour les autorités qui occupent des territoires par la force.

4. Le Gouvernement de la République arabe syrienne estime que le système de coopération internationale visé à l'article 7 impose aux Etats parties à la Convention d'offrir tout le concours possible à l'Etat dont les territoires sont en partie occupés, en vue de préserver le patrimoine naturel et culturel des territoires occupés contre les agressions des autorités d'occupation.

ÉTATS-UNIS D'AMÉRIQUE

[TRADUCTION]

... Les Etats-Unis ne seront pas liés par les dispositions du paragraphe 1 de l'article 16.

*RÉPUBLIQUE FÉDÉRALE
D'ALLEMAGNE*

[TRADUCTION]

... en application du paragraphe 2 de l'article 16 de cette Convention, la République fédérale d'Allemagne ne sera pas liée par les dispositions du paragraphe 1 de l'article 16.

Annex 82

Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other
Matter, 29 December 1972, 1046 UNTS 120

CONVENTION¹ ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER

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;

¹ Came into force on 30 August 1975 in respect of the States indicated hereafter, on behalf of which an instrument of ratification or accession had been deposited with the Governments of Mexico, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland or the United States of America, i.e., on the thirtieth day following the date of deposit of the fifteenth instrument of ratification or accession, in accordance with article XIX (1):

<i>State</i>	<i>Date of deposit of the instrument of ratification, or accession (a), at London (L) Mexico City (Me), Moscow (M), or Washington (W)</i>	
Afghanistan	2 April	1975 a (L)
Denmark*	23 October	1974 (L, M, Me, W)
(With reservation as regards the obligations of the Faeroe Islands under the Convention.)		
Dominican Republic	7 December	1973 (Me)
Guatemala	14 July	1975 (Me)
Iceland	24 May	1973 (L)
Jordan	11 November	1974 (W)
Mexico	7 April	1975 (L, M, Me, W)
New Zealand	30 April	1975 (L, M, Me, W)
(With a declaration to the effect that the ratification does not extend to the Cook Islands, Niue and the Tokelau Islands.)		
Norway	4 April	1974 (L, M, W)
	8 April	1974 (Me)
Panama	31 July	1975 a (Me)
Philippines	10 August	1973 (W)
Spain	31 July	1974 (L)
Sweden	21 February	1974 (L, M, Me, W)
United Arab Emirates	9 August	1974 a (L)
United States of America	29 April	1974 (L, Me, W)
	6 May	1974 (M)

Subsequently the Convention came into force in respect of the States indicated hereafter on the thirtieth day following the date of deposit of an instrument of ratification or accession with the Governments of Mexico, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland or the United States of America, in accordance with article XIX (2):

<i>State</i>	<i>Date of deposit of the instrument of ratification, or accession (a), at London (L**), Mexico City (Me), Moscow (M), or Washington (W)</i>	
Byelorussian Soviet Socialist Republic	29 January	1976 (M)
(With effect from 28 February 1976.)		
Canada	13 November	1975 (L, M, Me, W)
(With effect from 13 December 1975.)		

(Continued on page 139)

Recalling Resolution 2749 (XXV)¹ 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

(Footnote 1 continued from page 138)

Cuba	1 December 1975 a (L)
(With effect from 31 December 1975.)	
France*	3 February 1977 (L)
(With effect from 5 March 1977 for the instrument deposited in London.)	10 February 1977 (Me)
	4 March 1977 (M)
German Democratic Republic	20 August 1976 a (L, M, Me)
(With effect from 19 September 1976.)	
Haiti	28 August 1975 (W)
(With effect from 27 September 1975.)	
Hungary	5 February 1976 (L, M, W)
(With effect from 6 March 1976.)	
Kenya	7 January 1976 a (L)
(With effect from 6 February 1976.)	
Libyan Arab Jamahiriya	22 November 1976 a (L)
(With effect from 22 December 1976.)	
Nigeria	19 March 1976 a (L)
(With effect from 18 April 1976.)	
Tunisia	13 April 1976 a (L)
(With effect from 13 May 1976 for the instrument deposited in London.	21 April 1976 a (M)
Signature affixed in Washington on 5 March 1973.)	26 April 1976 (W)
	10 May 1976 a (Me)
	5 February 1976 (M)
Ukrainian Soviet Socialist Republic	
(With effect from 6 March 1976.)	
Union of Soviet Socialist Republics	30 December 1975 (L, M, Me, W)
(With effect from 29 January 1976.)	
United Kingdom of Great Britain and Northern Ireland	17 November 1975 (L, M, Me, W)
(In respect of the United Kingdom of Great Britain and Northern Ireland, Bailiwick of Guernsey, Bailiwick of Jersey, Isle of Man, Belize, Bermuda, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands and Dependencies, Gilbert Islands, Hong Kong, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, St. Helena and Dependencies, Seychelles, Solomon Islands, Turks and Caicos Islands, Tuvalu, and United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus. With effect from 17 December 1975, except in the case of the Bailiwick of Jersey for which the ratification took effect on 4 April 1976, i.e., on the thirtieth day following the date (5 March 1976) on which the Government of the United Kingdom notified the other depositary Governments that the measures required to implement the Convention in the Bailiwick had been taken.)	
Yugoslavia	25 June 1976 a (L, M, Me, W)
(With effect from 25 July 1976.)	
Zaire	16 September 1975 a (L)
(With effect from 16 October 1975.)	

* See page 216 of this volume for the text of the declarations and reservations made upon ratification.

** Dates of entry into force in respect of instruments deposited in London have been supplied by the Government of the United Kingdom "provided that the deposit in London was the effective deposit for the purpose of article XIX (2) of the Convention."

¹ United Nations, *Official Records, Twenty-fifth Session of the General Assembly, Supplement No. 28 (A/8028)*, p. 24.

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 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:

1. (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 "Organisation" 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)¹ 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.

¹ United Nations, *Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 28 (A/8028)*, p. 25.

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 sub-paragraph (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 Secretarial 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.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorised thereto by their respective Governments, have signed the present Convention.

DONE in quadruplicate at London, Mexico City, Moscow and Washington, this twenty-ninth day of December, 1972.

List of signatures affixed on the original of the Convention deposited with the Government of Mexico *Liste des signatures apposées sur l'original de la Convention déposé auprès du Gouvernement mexicain*

Por Bolivia:
Pour la Bolivie :
For Bolivia:
За Бoливию:

[DR. MARIO FRANCO FRANCO]¹

Por Canadá:
Pour le Canada :
For Canada:
За Канаду:

[MAURICE SCHWARZMANN]

Por Colombia:
Pour la Colombie :
For Colombia:
За Колумбию:

ad referendum
[ARTURO CAPARROSO]

Por Costa Rica:
Pour le Costa Rica :
For Costa Rica:
За Коста-Рику:

[ANTONIO WILLIS QUESADA]

¹ Names of signatories appearing between brackets were not legible and have been supplied by the Government of Mexico.
— Les noms des signataires donnés entre crochets étaient illisibles et ont été fournis par le Gouvernement mexicain.

Por Dinamarca:
Pour le Danemark :
For Denmark:
За Данию:

[MOGENS WANDEL-PETERSEN]

Por los Estados Unidos de América:
Pour les Etats-Unis d'Amérique :
For the United States of America:
За Соединенные Штаты Америки:

[ROBERT H. MCBRIDE]

Por Finlandia:
Pour la Finlande :
For Finland:
За Финляндию:

[ERICK TORNOVIST]

Por Haïti:
Pour Haïti :
For Haiti:
За Гаити:

[GEORGES SALOMÓN]

Por Honduras:
Pour le Honduras :
For Honduras:
За Гондурас:

[JULIO O. MEJÍA]

Por Italia:
Pour l'Italie :
For Italy:
За Италию:

[Dr. RAFFAELE MARRAS]¹

¹ See p. 212 of this volume for the texts of the declarations and reservations made upon signature — Voir p. 212 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

Por México:
Pour le Mexique :
For Mexico:
За Мексику:

[EMILIO O. RABASA]

Por Noruega:
Pour la Norvège :
For Norway:
За Норвегию:

[SVEN B. EBBELL]

Por Portugal:
Pour le Portugal :
For Portugal:
За Португалию:

ad referendum

[Dr. JOÃO OSWALDO MARCAL DE ALMEIDA]

Por el Reino Unido de Gran Bretaña e Irlanda del Norte:
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :
For the United Kingdom of Great Britain and Northern Ireland:
За Соединенное Королевство Великобритании и Северной Ирландии:

[JOHN EDGAR GALSWORTHY]¹

Por Suecia:
Pour la Suède :
For Sweden:
За Швецию:

[CARL SWARTZ]

Por la Unión de Repúblicas Socialistas Soviéticas:
Pour l'Union des Républiques socialistes soviétiques :
For the Union of Soviet Socialist Republics:
За Союз Советских Социалистических Республик:

[NICOLAI K. TARASOV]

¹ See p. 212 of this volume for the texts of the declarations and reservations made upon signature — Voir p. 212 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

Por el Uruguay:
Pour l'Uruguay :
For Uruguay:
За Уругвай:

[BAUTISTA OCHOTECO]

Por la República Dominicana:
Pour la République Dominicaine :
For the Dominican Republic:
За Доминиканскую Республику:

[DR. GUSTAVO GÓMEZ CEARA]

Por Guatemala:
Pour le Guatemala :
For Guatemala:
За Гватемалу:

[FEDERICO ABUNDIO MALDONADO G.]

Por la República Federal de Alemania:
Pour la République fédérale d'Allemagne :
For the Federal Republic of Germany:
За Федеративную Республику Германии:

[HANS H. MARRÉ]¹

Por los Países Bajos:
Pour les Pays-Bas :
For the Netherlands:
За Нидерланды:

[BEREN J. SLINGENBERG]

Por la Argentina:
Pour l'Argentine :
For Argentina:
За Аргентину:

[JORGE FEDERICO VON STECHER]

¹ See p. 212 of this volume for the texts of the declarations and reservations made upon signature — Voir p. 212 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

Por Nueva Zelandia:
Pour la Nouvelle-Zélande :
For New Zealand:
За Новую Зеландию:

[JOHN EDGAR GALSWORTHY]¹

Por Venezuela:
Pour le Venezuela :
For Venezuela:
За Венесуэлу:

[HUMBERTO RUMBOS]

Por el Japón:
Pour le Japon ;
For Japan:
За Японию:

[TADAO KATO]

Por Francia:
Pour la France :
For France:
За Францию:

Avec les réserves contenues dans ma note 737 du
27 août 1973.
Sous réserve de ratification²
[JEAN BELIARD]¹

Por Australia:
Pour l'Australie :
For Australia:
За Австралию:

[OWEN LENNOX DAVIS]¹

¹ See p. 212 of this volume for the texts of the declarations and reservations made upon signature — Voir p. 212 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

² With the reservations contained in my note 737 of 27 August 1973. Subject to ratification.

*List of signatures affixed on the original of the Convention deposited with the Government of the Union of Soviet Socialist Republics*¹

*Liste des signatures apposées sur l'original de la Convention déposé auprès du Gouvernement de l'Union des Républiques socialistes soviétiques*¹

За Союз Советских Социалистических Республик:
For the Union of Soviet Socialist Republics:
Por la Unión de Repúblicas Socialistas Soviéticas:
Pour l'Union des Républiques socialistes soviétiques :
[E. K. FEDOROV]²

За Мексиканские Соединенные Штаты:
For the United Mexican States:
Por los Estados Unidos Mexicanos:
Pour les Etats-Unis du Mexique :
[R. GONZÁLEZ SALAZAR]

За Соединенное Королевство Великобритании и Северной Ирландии:
For the United Kingdom of Great Britain and Northern Ireland:
Por el Reino Unido de Gran Bretaña e Irlanda del Norte:
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :
[JOHN EDWARD KILLICK]³

За Соединенные Штаты Америки:
For the United States of America:
Por los Estados Unidos de América:
Pour les Etats-Unis d'Amérique :
[JACOB D. BEAM]

¹ Unless otherwise indicated, signatures were affixed on 29 December 1972 — Sauf indications contraires, les signatures ont été apposées le 29 décembre 1972.

² Names of signatories appearing between brackets were not legible and have been supplied by the Government of the Union of Soviet Socialist Republics — Les noms des signataires donnés entre crochets étaient illisibles et ont été fournis par l'Union des Républiques socialistes soviétiques.

³ See p. 212 of this volume for the texts of the declarations and reservations made upon signature — Voir p. 212 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

За Кралевство Дани:
For the Kingdom of Denmark:
Por el Reino de Dinamarca:
Pour le Royaume du Danemark :
[K. B. ANDERSEN]

За Кралевство Непал:
For the Kingdom of Nepal:
Por el Reino de Nepal:
Pour le Royaume du Népal :
[D. B. RANA]

За Народную Республику Болгарию:
For the People's Republic of Bulgaria:
Por la República Popular de Bulgaria:
Pour la République populaire de Bulgarie :

За Финляндскую Республику:
For the Republic of Finland:
Por la República de Finlandia:
Pour la République de Finlande :
[KLAUS TÖRNUDD]

За Малайзию:
For Malaysia:
Por Malasia:
Pour la Malaisie :

За Кралевство Швеции:
For the Kingdom of Sweden:
Por el Reino de Suecia:
Pour le Royaume de Suède :
[GUNNAR JARRING]

За Украинскую Советскую Социалистическую Республику:
For the Ukrainian Soviet Socialist Republic:
Por la República Socialista Soviética de Ucrania:
Pour la République socialiste soviétique d'Ukraine :

[T. K. BOGATIR]

За Белорусскую Советскую Социалистическую Республику:
For the Byelorussian Soviet Socialist Republic:
Por la República Socialista Soviética de Bielorrusia:
Pour la République socialiste soviétique de Biélorussie :

[A. V. GARACHKIN]

За Итальянскую Республику:
For the Italian Republic:
Por la República Italiana:
Pour la République italienne :

[JULIO TAMAGNINI]¹

За Королевство Норвегии:
For the Kingdom of Norway:
Por el Reino de Noruega:
Pour le Royaume de Norvège :

[FRITHJOF H. JAKOBSEN]

За Федеративную Республику Германии:
For the Federal Republic of Germany:
Por la República Federal de Alemania:
Pour la République fédérale d'Allemagne :

[ULRICH SAHM]¹

23 января 1973 г.²

¹ See p. 212 of this volume for the texts of the declarations and reservations made upon signature — Voir p. 212 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

² 23 January 1973 — 23 janvier 1973.

За Канаду:
For Canada:
Por el Canadá:
Pour le Canada :

[ROBERT FORD]
9 февраля 1973 г.¹

За Иорданское Хашимитское Королевство:
For the Hashemite Kingdom of Jordan:
Por el Reino Hachemita de Jordania:
Pour le Royaume hachémite de Jordanie :

[HASAN İBRAHİM]
5 апреля 1973 г.²

За Королевство Нидерландов:
For the Kingdom of the Netherlands:
Por el Reino de los Países Bajos:
Pour le Royaume des Pays-Bas :

[TAMMENOMS BAKKER]
12 апреля 1973 г.³

За Сомалискую Демократическую Республику:
For the Somali Democratic Republic:
Por la República Democrática Somalí:
Pour la République démocratique somalie :

[AHMED ADEN]
16 апреля 1973 г.⁴

За Аргентинскую Республику:
For the Argentine Republic:
Por la República Argentina:
Pour la République Argentine :

[E. QUINTANA]
10 мая 1973 г.⁵

¹ 9 February 1973 — 9 février 1973.

² 5 April 1973 — 5 avril 1973.

³ 12 April 1973 — 12 avril 1973.

⁴ 16 April 1973 — 16 avril 1973.

⁵ 10 May 1973 — 10 mai 1973.

За Новую Зеландию:
For New Zealand:
Por Nueva Zelandia:
Pour la Nouvelle-Zélande :

[JOHN KILLICK]¹
30 мая 1973 г.²

За Французскую Республику:
For the French Republic:
Por la República Francesa:
Pour la République française :

[JACQUES VIMONT]¹
30 мая 1973 г.²

Sous réserve de ratification et des déclaration et réserve suivantes :

«Le Gouvernement français estime qu'en l'état actuel du Droit international et compte tenu des travaux en cours dans ce domaine aucune disposition de la présente Convention ne peut être interprétée comme conférant à un Etat côtier le droit de contrôler les immersions hors des conditions généralement admises par le Droit international.

«Il estime également que la présente Convention ne peut être interprétée comme modifiant en quoi que ce soit l'état actuel du Droit international en ce qui concerne les principes de la responsabilité.

«Dans les cas où les dispositions de la présente Convention seraient interprétées comme faisant obstacle à des activités qu'il estime nécessaires à sa défense nationale, le Gouvernement français n'appliquerait pas lesdites dispositions à ces activités.»³

¹ See p. 212 of this volume for the texts of the declarations and reservations made upon signature — Voir p. 212 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

² 30 May 1973 — 30 mai 1973.

³ [TRANSLATION — TRADUCTION]* Subject to ratification and the following declaration and reservation:

The French Government considers that, in the present state of international law and having regard to work in progress in that field, none of the provisions of this Convention may be interpreted as conferring on any coastal State the right to control dumping beyond the conditions generally permitted by international law.

It also considers that this Convention may not be interpreted as modifying in any way the present state of international law in respect of the principles governing responsibility.

In cases where the provisions of this Convention would hinder activities which it considered necessary for its national defence, the French Government would not apply such provisions to those activities.

* Translation supplied by the Government of the United Kingdom of Great Britain and Northern Ireland — Traduction fournie par le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord.

За Японию:
For Japan:
Por el Japón:
Pour le Japon :

[KINYA NIISEKI]
22 июня 1973 г.¹

За Австралию:
For Australia:
Por Australia:
Pour l'Australie :

[LAWRENS D. LAWREY]
10 октября 1973 г.²

За Венгерскую Народную Республику:
For the Hungarian People's Republic:
Por la República Popular Húngara:
Pour la République populaire hongroise :

[KISS DEZÖ]
14 декабря 1973 г.³

¹ 22 June 1973 — 22 juin 1973.

² 10 October 1973 — 10 octobre 1973.

³ 14 December 1973 — 14 décembre 1973.

List of signatures affixed on the original of the Convention deposited with the Government of the United Kingdom of Great Britain and Northern Ireland

Liste des signatures apposées sur l'original de la Convention déposé auprès du Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord

For Afghanistan:
Pour l'Afghanistan :
За Афганистан:
Por el Afganistán:

For Argentina:
Pour l'Argentine :
За Аргентину:
Por la Argentina:

GUSTAVO MARTÍNEZ ZUVIRÍA
10th May 1973

For Australia:
Pour l'Australie :
За Австралию:
Por Australia:

JOHN I. ARMSTRONG¹
10.10.73

For Austria:
Pour l'Autriche :
За Австрию:
Por Austria:

For Bahrain:
Pour Bahreïn :
За Бахрейн:
Por Bahrein:

¹ See p. 212 of this volume for the texts of the declarations and reservations made upon signature — Voir p. 212 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

For Bangladesh:
Pour le Bangladesh :
За Бангладеш:
Por Bangladesh:

For Barbados:
Pour la Barbade :
За Барбадос:
Por Barbados:

For Belgium:
Pour la Belgique :
За Бельгию:
Por Bélgica:

ROBERT ROTHSCHILD¹
25 Septembre 1973

For Bolivia:
Pour la Bolivie :
За Боливию:
Por Bolivia:

For Brazil:
Pour le Brésil :
За Бразилию:
Por el Brasil:

For Burma:
Pour la Birmanie :
За Бирму:
Por Birmania:

¹ See p. 212 of this volume for the texts of the declarations and reservations made upon signature — Voir p. 212 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

For Cameroon:
Pour le Cameroun :
За Камерун:
Por el Camerún:

For Canada:
Pour le Canada :
За Канаду:
Por el Canadá:

J. H. WARREN
9th February 1973

For Chile:
Pour le Chili :
За Чили:
Por Chile:

For Colombia:
Pour la Colombie :
За Колумбию:
Por Colombia:

For Czechoslovakia:
Pour la Tchécoslovaquie :
За Чехословакию:
Por Checoslovaquia:

For Denmark:
Pour le Danemark :
За Данию:
Por Dinamarca:

KJELD WILLUMSEN

For the Dominican Republic:
Pour la République Dominicaine :
За Доминиканскую Республику:
Por la República Dominicana:

For Egypt:
Pour l'Égypte :
За Египет:
Por Egipto:

For El Salvador:
Pour El Salvador :
За Сальвадор:
Por El Salvador:

For Ethiopia:
Pour l'Éthiopie :
За Эфиопию:
Por Etiópia:

For Fiji:
Pour Fidji :
За Фиджи:
Por Fiji:

For Finland:
Pour la Finlande :
За Финляндию:
Por Finlandia:

ESKO RAJAKOSKI

For France:
Pour la France :
За Францию:
Por Francia:

J. DE BEAUMARCHAIS¹
31 mai 1973

For Gambia:
Pour la Gambie :
За Гамбию:
Por Gambia:

For the Federal Republic of Germany:
Pour la République fédérale d'Allemagne :
За Федеративную Республику Германии:
Por la República Federal de Alemania:

KARL GÜNTHER VON HASE¹
22nd Jan. 1973

For Ghana:
Pour le Ghana :
За Гану:
Por Ghana:

For Greece:
Pour la Grèce :
За Грецию:
Por Grecia:

N. BROUMAS¹
9.11.1973²

For Guatemala:
Pour le Guatemala :
За Гватемалу:
Por Guatemala:

¹ See p. 212 of this volume for the texts of the declarations and reservations made upon signature — Voir p. 212 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

² 9 November 1973 — 9 novembre 1973.

For Guyana:
Pour la Guyane :
За Гвиану:
Por Guyana:

For Haiti:
Pour Haïti :
За Гаити:
Por Haïti:

For Honduras:
Pour le Honduras :
За Гондурас:
Por Honduras:

For Hungary:
Pour la Hongrie :
За Венгрию:
Por Hungria:

HÁZI VENCEL
14/12/73

For Iceland:
Pour l'Islande :
За Исландию:
Por Islandia:

NIELS P. SIGURDSSON

For India:
Pour l'Inde :
За Индию:
Por la India:

For Indonesia:
Pour l'Indonésie :
За Индонезию:
Por Indonesia:

For Iran:
Pour l'Iran :
За Иран:
Por el Irán:

For Ireland:
Pour l'Irlande :
За Ирландию:
Por Irlanda:

SÉAN GAYNOR
31st December, 1973

For Italy:
Pour l'Italie :
За Италию:
Por Italia:

MANZINI¹

For the Ivory Coast:
Pour la Côte d'Ivoire :
За Берег Слоновой Кости:
Por la Costa de Marfil:

For Jamaica:
Pour la Jamaïque :
За Ямайку:
Por Jamaica:

¹ See p. 212 of this volume for the texts of the declarations and reservations made upon signature — Voir p. 212 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

For Japan:
Pour le Japon :
За Японию:
Por el Japón:

HARUKI MORI
22 June, 1973

For Jordan:
Pour la Jordanie :
За Иорданию:
Por Jordania:

M. A. NOWAR
23rd August 1973

For Kenya:
Pour le Kenya :
За Кению:
Por Kenia:

For the Khmer Republic:
Pour la République khmère :
За Кхмерскую Республику:
Por la República Khmer:

S. SOTH
2 janvier 1973

For the Republic of Korea:
Pour la République de Corée :
За Корейскую Республику:
Por la República de Corea:

For Kuwait:
Pour le Koweït :
За Кувейт:
Por Kuwait:

[AHMAD ABDUL WAHHAH AL-NAKIB]
1/3/1973¹

¹ 1 March 1973 — 1^{er} mars 1973.

For Lebanon:
Pour le Liban :
За Ливан:
Por el Líbano:

N. DIMECHKIÉ
15th May 1973

For Liberia:
Pour le Libéria :
За Либерию:
Por Liberia:

REID WILES
January 1, 1973

For Luxembourg:
Pour le Luxembourg :
За Люксембург:
Por Luxemburgo:

JULIEN ALEX¹

For Malaysia:
Pour la Malaisie :
За Малайзию:
Por Malasia:

For Malta:
Pour Malte :
За Малъту:
Por Malta:

For Mexico:
Pour le Mexique :
За Мексику:
Por México:

V. SÁNCHEZ GAVITO

¹ See p. 212 of this volume for the texts of the declarations and reservations made upon signature — Voir p. 212 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

For Monaco:
Pour Monaco :
За Монако:
Por Mónaco:

I. S. IVANOVIC¹
5th October 1973

For Morocco:
Pour le Maroc :
За Марокко:
Por Marruecos:

For Nepal:
Pour le Népal :
За Непал:
Por Nepal:

U. B. BASNYAT
1st/1/73

For the Netherlands:
Pour les Pays-Bas :
За Нидерланды:
Por los Países Bajos:

W. J. G. GEVERS
12th April, 1973

For New Zealand:
Pour la Nouvelle-Zélande :
За Новую Зеландию:
Por Nueva Zelandia:

T. H. McCOMBS¹
30 May 1973

For Nicaragua:
Pour le Nicaragua :
За Никарагуа:
Por Nicaragua:

¹ See p. 212 of this volume for the texts of the declarations and reservations made upon signature — Voir p. 212 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

For Nigeria:
Pour le Nigéria :
За Нигерию:
Por Nigeria:

For Norway:
Pour la Norvège :
За Норвегию:
Por Noruega:

PAUL KOHT

For Pakistan:
Pour le Pakistan :
За Пакистан:
Por el Pakistán:

For Panama:
Pour le Panama :
За Панаму:
Por Panamá:

For Paraguay:
Pour le Paraguay :
За Парагвай:
Por el Paraguay:

For the Philippines:
Pour les Philippines :
За Филиппины:
Por Filipinas:

Subject to acceptance¹
PABLO A. ARAQUE

¹ Sous réserve d'acceptation.

For Portugal:
Pour le Portugal :
За Португалию:
Por Portugal:

FRANCISCO MOITA

For San Marino:
Pour Saint-Marin :
За Сан-Марино:
Por San Marino:

For Saudi Arabia:
Pour l'Arabie Saoudite :
За Саудовскую Аравию:
Por Arabia Saudita:

For Senegal:
Pour le Sénégal :
За Сенегал:
Por el Senegal:

For Sierra Leone:
Pour la Sierra Leone :
За Сьерра-Леоне:
Por Sierra Leona:

For Somalia:
Pour la Somalie :
За Сомали:
Por Somalia:

For South Africa:
Pour l'Afrique du Sud :
За Южную Африку:
Por Sudáfrica:

For Spain
Pour l'Espagne :
За Испанию:
Por España:

JAIME DE PINIÉS
27 April 1973

For Sri Lanka:
Pour Sri Lanka :
За Шри Ланка:
Por Sri Lanka:

For Sweden:
Pour la Suède :
За Швецию:
Por Suecia:

OLE JÖNDAHL

For Switzerland:
Pour la Suisse :
За Швейцарию:
Por Suiza:

A. WEITNAUER
June 6, 1973

For the United Republic of Tanzania:
Pour la République-Unie de Tanzanie :
За Объединенную Республику Танзании:
Por la República Unida de Tanzania:

For Thailand:
Pour la Thaïlande :
За Таиланд:
Por Tailandia:

For Togo:
Pour le Togo :
За Того:
Por el Togo:

VICTOR DAGADOU
21 novembre 1973

For Tonga:
Pour les Tonga :
За Тонга:
Por Tonga:

For Trinidad and Tobago:
Pour la Trinité-et-Tobago :
За Тринидад и Тобаго:
Por Trinidad y Tabago:

For Tunisia:
Pour la Tunisie :
За Тунис:
Por Túnez:

For Turkey:
Pour la Turquie :
За Турцию:
Por Turquía:

For Uganda:
Pour l'Ouganda :
За Уганду:
Por Uganda:

For the Union of Soviet Socialist Republics:
Pour l'Union des Républiques socialistes soviétiques :
За Союз Советских Социалистических Республик:
Por la Unión de Repúblicas Socialistas Soviéticas:
М. СМЕРНОВСКИЙ¹

For the United Kingdom of Great Britain and Northern Ireland:
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :
За Соединенное Королевство Великобритании и Северной Ирландии:
Por el Reino Unido de Gran Bretaña e Irlanda del Norte:
JULIAN AMERY²

For the United States of America:
Pour les Etats-Unis d'Amérique :
За Соединенные Штаты Америки:
Por los Estados Unidos de América:
EARL D. SOHM

For Uruguay:
Pour l'Uruguay :
За Уругвай:
Por el Uruguay:

For Venezuela:
Pour le Venezuela :
За Венесуэлу:
Por Venezuela:

¹ M. Smimovsky — M. Smimovsky.

² See p. 212 of this volume for the texts of the declarations and reservations made upon signature — Voir p. 212 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

For the Republic of Viet-Nam:
Pour la République du Viet-Nam :
За Республику Вьетнам:
Por la República de Viet-Nam:

For Yemen:
Pour le Yémen :
За Йемен:
Por el Yemen:

For Yugoslavia:
Pour la Yougoslavie :
За Югославию:
Por Yugoslavia:

For Zaire:
Pour le Zaïre :
За Заир:
Por el Zaire:

For Zambia:
Pour la Zambie :
За Замбию:
Por Zambia:

List of signatures affixed on the original of the Convention deposited with the Government of the United States of America¹

Liste des signatures apposées sur l'original de la Convention déposé auprès du Gouvernement des Etats-Unis d'Amérique¹

For Afghanistan:
Pour l'Afghanistan :
За Афганистан:
Por el Afganistán:

For Argentina:
Pour l'Argentine :
За Аргентину:
Por la Argentina:

CARLOS A. MUÑIZ
May 15/1973

For Australia:
Pour l'Australie :
За Австралию:
Por Australia:

J. PLIMSOLL²
10 October 1973

For Austria:
Pour l'Autriche :
За Австрию:
Por Austria:

For Bahrain:
Pour Bahreïn :
За Бахрейн:
Por Bahrein:

¹ Unless otherwise indicated, signatures were affixed on 29 December 1972 — Sauf indication contraire, les signatures ont été apposées le 29 décembre 1972.

² See p. 212 of this volume for the texts of the declarations and reservations made upon signature — Voir p. 212 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

For Bangladesh:
Pour le Bangladesh :
За Бангладеш:
Por Bangladesh:

For Barbados:
Pour la Barbade :
За Барбадос:
Por Barbados:

For Belgium:
Pour la Belgique :
За Бельгию:
Por Bélgica:

For Bolivia:
Pour la Bolivie :
За Боливию:
Por Bolivia:

For Brazil:
Pour le Brésil :
За Бразилию:
Por el Brasil:

For Burma:
Pour la Birmanie :
За Бирму:
Por Birmania:

For Cameroon:
Pour le Cameroun :
За Камерун:
Por el Camerún:

For Canada:
Pour le Canada :
За Канаду:
Por el Canadá:

M. CADIEUX
le 9 février 1973

For Chad:
Pour le Tchad :
За Чад:
Por Chad:

L. MASSIBE

For Chile:
Pour le Chili :
За Чили:
Por Chile:

For Colombia:
Pour la Colombie :
За Колумбию:
Por Colombia:

For Czechoslovakia:
Pour la Tchécoslovaquie :
За Уехословакию:
Por Checoslovaquia:

For Denmark:
Pour le Danemark :
За Данию:
Por Dinamarca:

H. J. CHRISTENSEN

For the Dominican Republic:
Pour la République Dominicaine :
За Доминиканскую Республику:
Por la República Dominicana:

For Egypt:
Pour l'Égypte :
За Египет:
Por Egipto:

For El Salvador:
Pour El Salvador :
За Сальвадор:
Por El Salvador:

For Ethiopia:
Pour l'Éthiopie :
За Эфиопию:
Por Etiópía:

For Fiji:
Pour Fidji :
За фиджи:
Por Fiji:

For Finland:
Pour la Finlande :
За финляндию:
Por Finlandia:

LEO TUOMINEN

For France:
Pour la France :
За Францию:
Por França:

JACQUES KOSCIUSKO-MORIZET¹
22 mai 1973

For Gambia:
Pour la Gambie :
За Гамбию:
Por Gambia:

For the Federal Republic of Germany:
Pour la République fédérale d'Allemagne :
За Федеративную Республику Германии:
Por la República Federal de Alemania:

ROLF FRIEDEMANN PAULS¹
26 January 1973

For Ghana:
Pour le Ghana :
За Гану:
Por Ghana:

For Greece:
Pour la Grèce :
За Грецию:
Por Grecia:

For Guatemala:
Pour le Guatemala :
За Гватемалу:
Por Guatemala:

¹ See p. 212 of this volume for the texts of the declarations and reservations made upon signature — Voir p. 212 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

For Guyana:
Pour la Guyane :
За Гвиану:
Por Guyana:

For Haiti:
Pour Haïti :
За Гаити:
Por Haïti:

For Honduras:
Pour le Honduras :
За Гондурас:
Por Honduras:

For Hungary:
Pour la Hongrie :
За Венгрию:
Por Hungria:

Dr. SZABÓ KAROLY
14 December 1973

For Iceland:
Pour l'Islande :
За Исландию:
Por Islandia:

For India:
Pour l'Inde :
За Индию:
Por la India:

For Indonesia:
Pour l'Indonésie :
За Индонезию:
Por Indonesia:

For Iran:
Pour l'Iran :
За Иран:
Por el Irán:

For Ireland:
Pour l'Irlande :
За Ирландию:
Por Irlanda:

For Italy:
Pour l'Italie :
За Италию:
Por Italia:

VINCENZO DE BENEDETTIS¹

For the Ivory Coast:
Pour la Côte d'Ivoire :
За Берег Слоновой Кости:
Por la Costa de Marfil:

For Jamaica:
Pour la Jamaïque :
За Ямайку:
Por Jamaica:

¹ See p. 212 of this volume for the texts of the declarations and reservations made upon signature — Voir p. 212 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

For Japan:
Pour le Japon :
За Японию:
Por el Japón:

NOBUHIKO USHIBA
June 22nd 1973

For Jordan:
Pour la Jordanie :
За Иорданию:
Por Jordania:

Z. MUFTI
January 4, 1973

For Kenya:
Pour le Kenya :
За Кению:
Por Kenia:

For the Khmer Republic:
Pour la République khmère :
За Кхмерскую Республику:
Por la República Khmer:

For the Republic of Korea:
Pour la République de Corée :
За Корейскую Республику:
Por la República de Corea:

For Kuwait:
Pour le Koweït :
За Кувейт:
Por Kuwait:

SALEM S. AL-SABAH
8th March 1973

For Lebanon:
Pour le Liban :
За Ливан:
Por el Líbano:

N. KABBANI

For Lesotho:
[Pour le Lesotho :]
[За Лесото:]
[Por Lesotho:]

M. T. MASHOLOGU
January 8, 1973

For Liberia:
Pour le Libéria :
За Либерию:
Por Liberia:

S. EDWARD PEAL

For Luxembourg:
Pour le Luxembourg :
За Люксембург:
Por Luxemburgo:

For Malaysia:
Pour la Malaisie :
За Малайзию:
Por Malasia:

For Malta:
Pour Malte :
За Мальту:
Por Malta:

For Mexico:
Pour le Mexique :
За Мексику:
Por México:

OLLOQUI

For Monaco:
Pour Monaco :
За Монако:
Por Mónaco:

For Morocco:
Pour le Maroc :
За Марокко:
Por Marruecos:

BADREDDINE SENOUSSI
22 juin 1973

For Nepal:
Pour le Népal :
За Непал:
Por Nepal:

For the Netherlands:
Pour les Pays-Bas :
За Нидерланды:
Por los Países Bajos:

R. B. VAN LYNDEN
12th April 1973
For the Kingdom of the Netherlands¹

For New Zealand:
Pour la Nouvelle-Zélande :
За Новую Зеландию:
Por Nueva Zelandia:

G. D. L. WHITE²
May 30 1973

¹ Pour le Royaume des Pays-Bas.

² See p. 212 of this volume for the texts of the declarations and reservations made upon signature — Voir p. 212 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

For Nicaragua:
Pour le Nicaragua :
За Никарагуа:
Por Nicaragua:

For Nigeria:
Pour le Nigéria :
За Нигерию:
Por Nigeria:

For Norway:
Pour la Norvège :
За Норвегию:
Por Noruega:

G. O. HAERUM

For Pakistan:
Pour le Pakistan :
За Пакистан:
Por el Pakistán:

For Panama:
Pour le Panama :
За Панаму:
Por Panamá:

ROGELIO NOVEY

For Paraguay:
Pour le Paraguay :
За Парагвай:
Por el Paraguay:

For the Philippines:
Pour les Philippines :
За Филиппины:
Por Filipinas:

EDUARDO Z. ROMUALDEZ
June 15, 1973

For Portugal:
Pour le Portugal :
За Португалию:
Por Portugal:

A. CABRITA MATIAS

For the Republic of China:
[Pour la République de Chine :]
[За Китайскую Республику:]
[Por la República de China:]

JAMES C. H. SHEN

For San Marino:
Pour Saint-Marin :
За Сан-Марино:
Por San Marino:

For Saudi Arabia:
Pour l'Arabie saoudite :
За Саудовскую Аравию:
Por Arabia Saudita:

For Senegal:
Pour le Sénégal :
За Сенегал:
Por el Senegal:

A. J. COULBARY

For Sierra Leone:
Pour la Sierra Leone :
За Сьерра-Леоне:
Por Sierra Leona:

For Somalia:
Pour la Somalie :
За Сомали:
Por Somalia:

For South Africa:
Pour l'Afrique du Sud :
За Южную Африку:
Por Sudáfrica:

For Spain:
Pour l'Espagne :
За Испанию:
Por España:

For Sri Lanka:
Pour Sri Lanka :
За Шри Ланка:
Por Sri Lanka:

For Sweden:
Pour la Suède :
За Швецию:
Por Suecía:

HUBERT DE BESCHE

For Switzerland:
Pour la Suisse :
За Швейцарию:
Por Suiza:

For the United Republic of Tanzania:
Pour la République-Unie de Tanzanie :
За Объединенную Республику Танзании:
Por la República Unida de Tanzania:

For Thailand:
Pour la Thaïlande :
За Таиланд:
Por Tailandia:

For Togo:
Pour le Togo :
За Того:
Por el Togo:

For Tonga:
Pour les Tonga :
За Тонга:
Por Tonga:

For Trinidad and Tobago:
Pour la Trinité-et-Tobago :
За Тринидад и Тобаго:
Por Trinidad y Tabago:

For Tunisia:
Pour la Tunisie :
За Тунис:
Por Túnez:

SLAHEDDINE EL GOULLI
3-5-73¹

For Turkey:
Pour la Turquie :
За Турцию:
Por Turquía:

For Uganda:
Pour l'Ouganda :
За Уганду:
Por Uganda:

For the Union of Soviet Socialist Republics:
Pour l'Union des Républiques socialistes soviétiques :
За Союз Советских Социалистических Республик:
Por la Unión de Repúblicas Socialistas Soviéticas:

A. DOBRYNIN

For the United Kingdom of Great Britain and Northern Ireland:
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :
За Соединенное Королевство Великобритании и Северной Ирландии:
Por el Reino Unido de Gran Bretaña e Irlanda del Norte:

CROMER²

For the United States of America:
Pour les Etats-Unis d'Amérique :
За Соединенные Штаты Америки:
Por los Estados Unidos de América:

U. ALEXIS JOHNSON

¹ 5 March 1973 — 5 mars 1973.

² See p. 212 of this volume for the texts of the declarations and reservations made upon signature — Voir p. 212 du présent volume pour les textes des déclarations et réserves faites lors de la signature.

For Uruguay:
Pour l'Uruguay :
За Уругвай:
Por el Uruguay:

For Venezuela:
Pour le Venezuela :
За Венесуэлу:
Por Venezuela:

For the Republic of Viet-Nam:
Pour la République du Viet-Nam :
За Республику Вьетнам:
Por la República de Viet-Nam:

For Yemen:
Pour le Yémen :
За Йемен:
Por el Yemen:

For Yugoslavia:
Pour la Yougoslavie :
За Югославию:
Por Yugoslavia:

For Zaire:
Pour le Zaïre :
За Заир:
Por el Zaire:

For Zambia:
Pour la Zambie :
За Замбию:
Por Zambia:

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.

PROCÈS-VERBAL

Whereas a Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter was open for signature at London, Mexico City, Moscow and Washington from 29 December 1972 to 31 December 1973; and

Whereas an examination of the originals of the said Convention has revealed certain linguistic inconsistencies between the Russian language text deposited with the Government of the Union of Soviet Socialist Republics and those deposited with the Government of Mexico, the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America; and

Whereas the States which had signed or ratified the said Convention in London, Mexico City and Washington agreed on 13 September 1974 that the modifications set out in the Schedule hereto should be made to the Russian language texts deposited in those cities in order to bring them into conformity with the text deposited in Moscow;

Now therefore I, Leonard James Callaghan, Her Majesty's Principal Secretary of State for Foreign and Commonwealth Affairs, hereby declare that I have caused the said modifications to be made to the Russian language text of the original of the Convention deposited with the Government of the United Kingdom of Great Britain and Northern Ireland.

IN WITNESS WHEREOF I have signed this procès-verbal and affixed hereto my seal.
DONE at London this 13th day of March 1975.

JAMES CALLAGHAN

SCHEDULE

Article VI

In sub-paragraph *d*) of paragraph 1, substitute “наблюдения” for “мониторинга”.

Article VII

In the first sentence of paragraph 4, delete “суверенным”.

Article VIII

In the penultimate sentence, substitute “выработки” for “развития”; “будут” for “необходимо”; and “участники” for “участникам”.

In the last sentence, substitute “наблюдений” for “мониторинга”.

Article IX

In sub-paragraph *b*), substitute “наблюдений” for “мониторинга”.

In the penultimate line of the article, substitute “заинтересованных странах” for “границах стран, которых это касается”.

Article X

In the penultimate line, substitute “определения” for “оценок”.

Article XIV

In the penultimate line of paragraph 2, delete “и” after “организации”.

In the first line of sub-paragraph *b*) of paragraph 3, substitute “по” for “в”.

In the first line of sub-paragraph *e*) of paragraph 4, substitute “или” for “и” and “по” for “в” and insert a comma after “принимают”.

In the second line of sub-paragraph *e*) of paragraph 4, insert a comma after “организациями”.

In the third line of sub-paragraph *e*) of paragraph 4, substitute “в” for “по”.

At the end of sub-paragraph *e*) of paragraph 4, substitute “соответствующие рекомендации” for “рекомендации по всем вышеуказанным вопросам”.

Article XV

In the second line of paragraph 4, substitute “настоящей Конвенцией” for “настоящим”.

ANNEX II

In the second line, substitute “сброс которых требует особой предосторожности” for “которые требуют специального разрешения”.

DECLARATIONS AND RESERVA-
TIONS MADE UPON SIGNATURE*At Mexico City*

AUSTRALIA

[SPANISH TEXT — TEXTE ESPAGNOL]

“El Gobierno de Australia considera que las disposiciones de la actual Convención en ninguna forma minoran los derechos de un Estado ribereño de actuar en áreas bajo su jurisdicción, y en particular del derecho de un Estado ribereño de actuar con el fin de proteger los recursos de su plataforma continental.”

“The Australian Government considers that the provisions of the present Convention in no way detract from the rights of a coastal State to take action in areas under its jurisdiction, and in particular, from the right of a coastal State to take action for the purpose of protecting the resources of its continental shelf.”

FRANCE

[TRANSLATION¹ — TRADUCTION²]

The French Government considers that, in the present state of international law and having regard to work in progress in that field, none of the provisions of this Convention may be interpreted as conferring on any coastal State the right to control dumping beyond the conditions generally permitted by international law.

It also considers that this Convention may not be interpreted as modifying in any way the present state of international law in respect of the principles governing responsibility.

In cases where the provisions of this Convention would hinder activities which it considered necessary for its national defence, the French Government would not apply such provisions to those activities.

¹ Translation supplied by the Government of the United Kingdom of Great Britain and Northern Ireland.

² Traduction fournie par le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord.

DÉCLARATIONS ET RÉSERVES
FAITES LORS DE LA SIGNATURE*A Mexico*

AUSTRALIE

[TRADUCTION — TRANSLATION]

Le Gouvernement australien considère que les dispositions de la Convention ne portent en aucune manière atteinte aux droits d'un Etat côtier de prendre des mesures dans les zones relevant de sa juridiction, et en particulier au droit d'un Etat côtier de prendre des mesures pour protéger les ressources de son plateau continental.

FRANCE

«Le Gouvernement français estime qu'en l'état actuel du Droit international et compte tenu des travaux en cours dans ce domaine aucune disposition de la présente Convention ne peut être interprétée comme conférant à un Etat côtier le droit de contrôler les immersions hors des conditions généralement admises par le Droit international.

«Il estime également que la présente Convention ne peut être interprétée comme modifiant en quoi que ce soit l'état actuel du Droit international en ce qui concerne les principes de la responsabilité.

«Dans les cas où les dispositions de la présente Convention seraient interprétées comme faisant obstacle à des activités qu'il estime nécessaires à sa défense nationale le Gouvernement français n'appliquerait pas lesdites dispositions à ces activités.»

FEDERAL REPUBLIC OF GERMANY

RÉPUBLIQUE FÉDÉRALE
D'ALLEMAGNE

[GERMAN TEXT — TEXTE ALLEMAND]

„Die Regierung der Bundesrepublik Deutschland behält sich das Recht vor, bei der Ratifizierung dieses Übereinkommens ihre Haltung zu den von anderen Staaten bei der Unterzeichnung oder der Ratifizierung des Übereinkommens abgegebenen Erklärungen darzulegen und ihrerseits Vorbehalte zu machen oder Erklärungen abzugeben. Sie ist insbesondere der Ansicht, dass die Bestimmungen des Übereinkommens beim gegenwärtigen Stand des Völkerrechts nicht so ausgelegt werden dürfen, als verliehen sie einem Küstenstaat das Recht, seine Hoheitsrechte durch einseitiges Vorgehen auf Gebiete der Hohen See jenseits der vom Völkerrecht gezogenen Grenzen auszudehnen.“

“The Government of the Federal Republic of Germany reserves the right to formulate, on the occasion of its ratification of the present Convention, its attitude in respect of statements made by other States on the occasion of signature or ratification of the present Convention and to make reservations or statements on its part. In particular, it is of the opinion that at the present state of international law, the provisions of the present Convention cannot be interpreted as granting the right to a coastal State to assume by unilateral action control over zones of the high sea beyond the limits provided by international law.”

«Le Gouvernement de la République Fédérale d'Allemagne se réserve le droit de formuler, lors de la ratification de la présente convention, son opinion à l'égard des déclarations faites par d'autres États au moment de la signature ou de la ratification de la présente convention, et de faire, pour sa part, des réserves ou des déclarations. Il estime notamment qu'en l'état actuel du droit international, les dispositions de la présente convention ne peuvent être interprétées comme attribuant le droit à un État côtier d'assumer, d'une façon unilatérale, le contrôle sur des zones de la haute mer au-delà des limites stipulées par le droit international.»

ITALY

ITALIE

[TRANSLATION¹ — TRADUCTION²]

The Italian Government considers that, in the present state of international law and having regard to work in progress in that field, the provisions of this Convention may not be interpreted as conferring rights on any coastal State to control dumping beyond the conditions generally permitted by international law.

It also considers that this Convention may not be interpreted as modifying in any way the present state of international law in respect of the principles governing responsibility.

«Le Gouvernement italien estime qu'en l'état actuel du droit international et considérant les travaux en préparation dans ce domaine, les dispositions de la présente Convention ne peuvent être interprétées comme attribuant des droits à un État côtier de contrôler des immersions hors des conditions généralement admises par le droit international.

«Il estime également que la présente Convention ne peut être interprétée comme modifiant en quoi que ce soit l'état actuel du droit international en ce qui concerne les principes de la responsabilité.»

¹ Translation supplied by the Government of the United Kingdom of Great Britain and Northern Ireland.

² Traduction fournie par le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord.

NEW ZEALAND

“The New Zealand Government takes the view that the provisions of the present Convention cannot be interpreted as restricting the right of a coastal State to take measures to control marine pollution and in particular to control dumping in areas under its jurisdiction.”

UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND

“The United Kingdom considers that in the light of existing international law and taking into account the work being prepared in this field, the provisions of the present Convention cannot be interpreted as recognising any right in a coastal State to control dumping beyond that which it has under generally accepted principles of international law.”

At Moscow

[Upon signing the Convention at Moscow, the Governments of France, Germany, Federal Republic of Italy, New Zealand and the United Kingdom of Great Britain and Northern Ireland made declarations identical to those made at Mexico City (see above).]

At London

[Upon signing the Convention at London, the Governments of Australia, France, Germany, Federal Republic of Italy, New Zealand and the United Kingdom of Great Britain and Northern Ireland made declarations identical to those made at Mexico City (see above).]

NOUVELLE-ZÉLANDE

[TRADUCTION — TRANSLATION]

Le Gouvernement néo-zélandais estime que les dispositions de la Convention ne peuvent être interprétées comme restreignant le droit d'un État côtier de prendre des mesures pour lutter contre la pollution des mers et, en particulier, pour contrôler les immersions dans les zones relevant de sa juridiction.

ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD

[TRADUCTION — TRANSLATION]

Le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord considère qu'eu égard au droit international en vigueur et compte tenu des travaux en cours en la matière, les dispositions de la Convention ne sauraient être interprétées comme reconnaissant à un État côtier un droit quelconque de contrôler les immersions au-delà de celui dont il jouit en vertu des principes généralement acceptés du droit international.

A Moscow

[Lors de la signature de la Convention à Moscou, les Gouvernements de l'Allemagne, République fédérale d', de la France, de l'Italie, de la Nouvelle-Zélande et du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord ont fait des déclarations identiques à celles faites à Mexico (voir ci-dessus).]

A Londres

[Lors de la signature de la Convention à Londres, les Gouvernements de l'Allemagne, République fédérale d', de l'Australie, de la France, de l'Italie, de la Nouvelle-Zélande et du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord ont fait des déclarations identiques à celles faites à Mexico (voir ci-dessus).]

BELGIUM

[TRANSLATION¹ — TRADUCTION²]

The Belgian Government considers that in the present state of international law and having regard to the work in progress in that field, certain provisions of the Convention may not be interpreted as conferring on a coastal State rights of control over dumping beyond the limits generally accepted by international law.

The Belgian Government also considers that this Convention may not be interpreted as modifying in any way the present state of international law in the field of responsibility.

GREECE

“The Greek Government accepts the International Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter subject to the following reservations:

1. Article VII par. 1 (c) should be construed in connection with the provisions of Article XIII.
2. The true meaning of the provisions of Article XIII is that no right is recognized to any coastal State on the dumping control, beyond the provisions of existing international law.”

LUXEMBOURG

[TRANSLATION¹ — TRADUCTION²]

The Luxembourg Government considers that, in the present state of international law and having regard to work in progress in that field, the provisions of this Convention may not be interpreted as conferring rights

¹ Translation supplied by the Government of the United Kingdom of Great Britain and Northern Ireland.

² Traduction fournie par le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord.

BELGIQUE

«Le Gouvernement belge estime qu'en l'état actuel du Droit international et considérant les travaux en cours dans ce domaine, certaines dispositions de la Convention ne peuvent être interprétées comme attribuant à un Etat côtier des droits de contrôle des immersions au-delà des limites généralement acceptées par le Droit international.

«Le Gouvernement belge estime également que la présente Convention ne peut être interprétée comme modifiant en quoi que ce soit l'état actuel du Droit international en matière de responsabilité.»

GRÈCE

[TRADUCTION — TRANSLATION]

Le Gouvernement grec accepte la Convention internationale sur la prévention de la pollution des mers résultant de l'immersion de déchets avec les réserves suivantes :

1. L'alinéa c du paragraphe 1 de l'article VII devrait être interprété dans le contexte des dispositions de l'article XIII.
2. Les dispositions de l'article XIII signifient véritablement qu'aucun droit de contrôler les immersions n'est reconnu à un Etat côtier, au-delà des dispositions du droit international en vigueur.

LUXEMBOURG

«Le Gouvernement luxembourgeois estime qu'en l'état actuel du droit international et considérant les travaux en préparation dans ce domaine les dispositions de la présente Convention ne peuvent

on any coastal State to control dumping beyond the conditions generally permitted by international law.

It also considers that this Convention may not be interpreted as modifying in any way the present state of international law in respect of the principles governing responsibility.

MONACO

[TRANSLATION¹ — TRADUCTION²]

The Princely Government considers that, in the present state of international law and having regard to work in progress in that field, the provisions of this Convention may not be interpreted as conferring rights on any coastal State to control dumping beyond the conditions generally permitted by international law.

It also considers that this Convention may not be interpreted as modifying in any way the present state of international law in respect of the principles governing responsibility.

At Washington

[*Upon signing the Convention at Washington, the Governments of Australia, France, Germany, Federal Republic of Italy, New Zealand and the United Kingdom of Great Britain and Northern Ireland made declarations identical to those made at Mexico (see above).*]

DECLARATIONS AND RESERVATIONS MADE UPON RATIFICATION

DENMARK

“... under Danish law in force, the matters regulated by the Convention constitute a special Faroese affair and that the provisions relating to implementation of the Convention have not yet been adopted in

¹ Translation supplied by the Government of the United Kingdom of Great Britain and Northern Ireland.

² Traduction fournie par le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord.

être interprétées comme attribuant des droits à un Etat côtier de contrôler des immersions hors des conditions généralement admises par le droit international.

«Il estime également que la présente Convention ne peut être interprétée comme modifiant en quoi que ce soit l'état actuel du droit international en ce qui concerne les principes de la responsabilité.»

MONACO

«Le Gouvernement Princier estime qu'en l'état actuel du Droit International et considérant les travaux en préparation dans ce domaine, les dispositions de la présente Convention ne peuvent être interprétées comme attribuant des droits à un Etat côtier de contrôler des immersions hors des conditions généralement admises par le Droit International.

«Il estime également que la présente Convention ne peut être interprétée comme modifiant en quoi que ce soit l'état actuel du Droit International en ce qui concerne les principes de la responsabilité.»

A Washington

[*Lors de la signature de la Convention à Washington, les Gouvernements de l'Allemagne, République fédérale d', de l'Australie, de la France, de l'Italie, de la Nouvelle-Zélande et du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord ont fait des déclarations identiques à celles faites à Mexico (voir-ci-dessus).*]

DÉCLARATIONS ET RÉSERVES FAITES LORS DE LA RATIFICATION

DANEMARK

... en vertu de la législation danoise en vigueur, les questions régies par la Convention sont de celles qui relèvent des affaires propres des îles Féroé et les dispositions relatives à l'application de la

so far as the Faroe Islands are concerned. The ratification of Denmark is therefore, until further notice, subject to reservation with regard to the obligation of the Faroe Islands under the Convention.”

FRANCE

The Government of France, upon depositing its instrument of ratification with the Government of the United Kingdom of Great Britain and Northern Ireland on 3 February 1977, with the Government of Mexico on 10 February 1977 and with the Government of the Union of Soviet Socialist Republics on 4 March 1977, confirmed the declarations and reservations made at the time of signature.

Convention n'ont pas encore été adoptées en ce qui concerne les îles Féroé. La ratification du Danemark est donc, jusqu'à nouvel avis, soumise à réserve pour ce qui est de l'obligation des îles Féroé en vertu de la Convention.

FRANCE

Le Gouvernement français, lors du dépôt de son instrument de ratification auprès du Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 3 février 1977, auprès du Gouvernement mexicain le 10 février 1977 et auprès du Gouvernement de l'Union des Républiques socialistes soviétiques le 4 mars 1977, a confirmé les déclarations et réserves formulées au moment de la signature.

WITHDRAWAL OF RESERVATION

RETRAIT DE RÉSERVE

Notification received by the Government of the United Kingdom of Great Britain and Northern Ireland (L) and Mexico (Me) on:

3 November 1976 (L)
8 November 1976 (Me)

DENMARK

(The reservation relative to the obligations of the Faeroe Islands pursuant to the Convention is repealed with effect from 15 November 1976.)

Notification reçue par les Gouvernements du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord (L) et du Mexique (Me) les :

3 novembre 1976 (L)
8 novembre 1976 (Me)

DANEMARK

(La réserve relative aux obligations des îles Féroé en vertu de la Convention est abrogée avec effet au 15 novembre 1976.)

Annex 83

Convention on International Trade in Endangered Species of Wild Fauna and Flora, 3 March
1973, 993 UNTS 243

No. 14537

MULTILATERAL

Convention on international trade in endangered species of wild fauna and flora (with appendices and Final Act of 2 March 1973). Opened for signature at Washington on 3 March 1973

*Authentic texts: English, French, Spanish, Chinese and Russian.
Registered by Switzerland on 13 January 1976.*

MULTILATÉRAL

Convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction (avec annexes et Acte final du 2 mars 1973). Ouverte à la signature à Washington le 3 mars 1973

*Textes authentiques : anglais, français, espagnol, chinois et russe.
Enregistrée par la Suisse le 13 janvier 1976.*

CONVENTION¹ ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

The Contracting States,

Recognizing that wild fauna and flora in their many beautiful and varied forms are an irreplaceable part of the natural systems of the earth which must be protected for this and the generations to come;

Conscious of the ever-growing value of wild fauna and flora from aesthetic, scientific, cultural, recreational and economic points of view;

¹ Came into force in respect of the following States on 1 July 1975, i.e., 90 days after the date of deposit of the tenth instrument of ratification, accession, acceptance or approval with the Government of Switzerland, in accordance with article XXII (1):

<i>State</i>	<i>Date of deposit of the instrument of ratification, accession (a), acceptance (A) or approval (AA)</i>	
United States of America	14 January	1974
Nigeria	9 May	1974
Switzerland	9 July	1974
Tunisia	10 July	1974
Sweden	20 August	1974
Cyprus	18 October	1974
United Arab Emirates	21 November	1974 <i>a</i>
Ecuador	11 February	1975
Chile	14 February	1975
Uruguay	2 April	1975

Subsequently, the Convention came into force for the following States 90 days after the date of deposit of their instrument of ratification, accession (*a*), acceptance (*A*), or approval (*AA*) with the Government of Switzerland, in accordance with article XXII (2):

<i>State</i>	<i>Date of deposit</i>	
Canada* (With effect from 9 July 1975.)	10 April	1975
Mauritius (With effect from 27 July 1975.)	28 April	1975
Nepal (With effect from 16 September 1975.)	18 June	1975 <i>a</i>
Peru (With effect from 25 September 1975.)	27 June	1975
Costa Rica (With effect from 28 September 1975.)	30 June	1975
South Africa (With effect from 13 October 1975.)	15 July	1975
Brazil (With effect from 4 November 1975.)	6 August	1975
Madagascar (With effect from 18 November 1975.)	20 August	1975
Niger (With effect from 7 December 1975.)	8 September	1975
German Democratic Republic (With effect from 7 January 1976.)	9 October	1975 <i>a</i>
Morocco (With effect from 14 January 1976.)	16 October	1975
Ghana (With effect from 12 February 1976.)	14 November	1975

* See p. 391 of this volume for the texts of the reservations made upon ratification.

Recognizing that peoples and States are and should be the best protectors of their own wild fauna and flora;

Recognizing, in addition, that international cooperation is essential for the protection of certain species of wild fauna and flora against over-exploitation through international trade;

Convinced of the urgency of taking appropriate measures to this end;

Have agreed as follows:

Article I. DEFINITIONS

For the purpose of the present Convention, unless the context otherwise requires:

(a) "Species" means any species, subspecies, or geographically separate populations thereof;

(b) "Specimen" means:

(i) any animal or plant, whether alive or dead;

(ii) in the case of an animal: for species included in Appendices I and II, any readily recognizable part or derivative thereof; and for species included in Appendix III, any readily recognizable part or derivative thereof specified in Appendix III in relation to the species; and

(iii) in the case of a plant: for species included in Appendix I, any readily recognizable part or derivative thereof; and for species included in Appendices II and III, any readily recognizable part or derivative thereof specified in Appendices II and III in relation to the species;

(c) "Trade" means export, re-export, import and introduction from the sea;

(d) "Re-export" means export of any specimen that has previously been imported;

(e) "Introduction from the sea" means transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State;

(f) "Scientific Authority" means a national scientific authority designated in accordance with Article IX;

(g) "Management Authority" means a national management authority designated in accordance with Article IX;

(h) "Party" means a State for which the present Convention has entered into force.

Article II. FUNDAMENTAL PRINCIPLES

1. Appendix I shall include all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances.

2. Appendix II shall include:

(a) all species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and

(b) other species which must be subject to regulation in order that trade in specimens of certain species referred to in sub-paragraph (a) of this paragraph may be brought under effective control.

3. Appendix III shall include all species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the cooperation of other parties in the control of trade.

4. The Parties shall not allow trade in specimens of species included in Appendices I, II and III except in accordance with the provisions of the present Convention.

Article III. REGULATION OF TRADE IN SPECIMENS
OF SPECIES INCLUDED IN APPENDIX I

1. All trade in specimens of species included in Appendix I shall be in accordance with the provisions of this Article.

2. The export of any specimen of a species included in Appendix I shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:

- (a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;
- (b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora;
- (c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and
- (d) a Management Authority of the State of export is satisfied that an import permit has been granted for the specimen.

3. The import of any specimen of a species included in Appendix I shall require the prior grant and presentation of an import permit and either an export permit or a re-export certificate. An import permit shall only be granted when the following conditions have been met:

- (a) a Scientific Authority of the State of import has advised that the import will be for purposes which are not detrimental to the survival of the species involved;
- (b) a Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
- (c) a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes.

4. The re-export of any specimen of a species included in Appendix I shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:

- (a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention;
- (b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and
- (c) a Management Authority of the State of re-export is satisfied that an import permit has been granted for any living specimen.

5. The introduction from the sea of any specimen of a species included in Appendix I shall require the prior grant of a certificate from a Management Authority

of the State of introduction. A certificate shall only be granted when the following conditions have been met:

- (a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved;
- (b) a Management Authority of the State of introduction is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
- (c) a Management Authority of the State of introduction is satisfied that the specimen is not to be used for primarily commercial purposes.

*Article IV. REGULATION OF TRADE IN SPECIMENS
OF SPECIES INCLUDED IN APPENDIX II*

1. All trade in specimens of species included in Appendix II shall be in accordance with the provisions of this Article.

2. The export of any specimen of a species included in Appendix II shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:

- (a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;
- (b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and
- (c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

3. A Scientific Authority in each Party shall monitor both the export permits granted by that State for specimens of species included in Appendix II and the actual exports of such specimens. Whenever a Scientific Authority determines that the export of specimens of any such species should be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I, the Scientific Authority shall advise the appropriate Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species.

4. The import of any specimen of a species included in Appendix II shall require the prior presentation of either an export permit or a re-export certificate.

5. The re-export of any specimen of a species included in Appendix II shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:

- (a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention; and
- (b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

6. The introduction from the sea of any specimen of a species included in Appendix II shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:

- (a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved; and
- (b) a Management Authority of the State of introduction is satisfied that any living specimen will be so handled as to minimize the risk of injury, damage to health or cruel treatment.

7. Certificates referred to in paragraph 6 of this Article may be granted on the advice of a Scientific Authority, in consultation with other national scientific authorities or, when appropriate, international scientific authorities, in respect of periods not exceeding one year for total numbers of specimens to be introduced in such periods.

*Article V. REGULATION OF TRADE IN SPECIMENS
OF SPECIES INCLUDED IN APPENDIX III*

1. All trade in specimens of species included in Appendix III shall be in accordance with the provisions of this Article.

2. The export of any specimen of a species included in Appendix III from any State which has included that species in Appendix III shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:

- (a) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and
- (b) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

3. The import of any specimen of a species included in Appendix III shall require, except in circumstances to which paragraph 4 of this Article applies, the prior presentation of a certificate of origin and, where the import is from a State which has included that species in Appendix III, an export permit.

4. In the case of re-export, a certificate granted by the Management Authority of the State of re-export that the specimen was processed in that State or is being re-exported shall be accepted by the State of import as evidence that the provisions of the present Convention have been complied with in respect of the specimen concerned.

Article VI. PERMITS AND CERTIFICATES

1. Permits and certificates granted under the provisions of Articles III, IV, and V shall be in accordance with the provisions of this Article.

2. An export permit shall contain the information specified in the model set forth in Appendix IV, and may only be used for export within a period of six months from the date on which it was granted.

3. Each permit or certificate shall contain the title of the present Convention, the name and any identifying stamp of the Management Authority granting it and a control number assigned by the Management Authority.

4. Any copies of a permit or certificate issued by a Management Authority shall be clearly marked as copies only and no such copy may be used in place of the original, except to the extent endorsed thereon.

5. A separate permit or certificate shall be required for each consignment of specimens.

6. A Management Authority of the State of import of any specimen shall cancel and retain the export permit or re-export certificate and any corresponding import permit presented in respect of the import of that specimen.

7. Where appropriate and feasible a Management Authority may affix a mark upon any specimen to assist in identifying the specimen. For these purposes "mark" means any indelible imprint, lead seal or other suitable means of identifying a specimen, designed in such a way as to render its imitation by unauthorized persons as difficult as possible.

Article VII. EXEMPTIONS AND OTHER SPECIAL PROVISIONS
RELATING TO TRADE

1. The provisions of Articles III, IV and V shall not apply to the transit or trans-shipment of specimens through or in the territory of a Party while the specimens remain in Customs control.

2. Where a Management Authority of the State of export or re-export is satisfied that a specimen was acquired before the provisions of the present Convention applied to that specimen, the provisions of Articles III, IV and V shall not apply to that specimen where the Management Authority issues a certificate to that effect.

3. The provisions of Articles III, IV and V shall not apply to specimens that are personal or household effects. This exemption shall not apply where:

(a) in the case of specimens of a species included in Appendix I, they were acquired by the owner outside his State of usual residence, and are being imported into that State; or

(b) in the case of specimens of species included in Appendix II:

(i) they were acquired by the owner outside his State of usual residence and in a State where removal from the wild occurred;

(ii) they are being imported into the owner's State of usual residence; and

(iii) the State where removal from the wild occurred requires the prior grant of export permits before any export of such specimens;

unless a Management Authority is satisfied that the specimens were acquired before the provisions of the present Convention applied to such specimens.

4. Specimens of an animal species included in Appendix I bred in captivity for commercial purposes, or of a plant species included in Appendix I artificially propagated for commercial purposes, shall be deemed to be specimens of species included in Appendix II.

5. Where a Management Authority of the State of export is satisfied that any specimen of an animal species was bred in captivity or any specimen of a plant species was artificially propagated, or is a part of such an animal or plant or was derived therefrom, a certificate by that Management Authority to that effect shall be accepted in lieu of any of the permits or certificates required under the provisions of Articles III, IV or V.

6. The provisions of Articles III, IV and V shall not apply to the non-commercial loan, donation or exchange between scientists or scientific institutions registered by a Management Authority of their State, of herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material which carry a label issued or approved by a Management Authority.

7. A Management Authority of any State may waive the requirements of Articles III, IV and V and allow the movement without permits or certificates of

specimens which form part of a travelling zoo, circus, menagerie, plant exhibition or other travelling exhibition provided that:

- (a) the exporter or importer registers full details of such specimens with that Management Authority;
- (b) the specimens are in either of the categories specified in paragraphs 2 or 5 of this Article; and
- (c) the Management Authority is satisfied that any living specimen will be so transported and cared for as to minimize the risk of injury, damage to health or cruel treatment.

Article VIII. MEASURES TO BE TAKEN BY THE PARTIES

1. The Parties shall take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof. These shall include measures:

- (a) to penalize trade in, or possession of, such specimens, or both; and
- (b) to provide for the confiscation or return to the State of export of such specimens.

2. In addition to the measures taken under paragraph 1 of this Article, a Party may, when it deems it necessary, provide for any method of internal reimbursement for expenses incurred as a result of the confiscation of a specimen traded in violation of the measures taken in the application of the provisions of the present Convention.

3. As far as possible, the Parties shall ensure that specimens shall pass through any formalities required for trade with a minimum of delay. To facilitate such passage, a Party may designate ports of exit and ports of entry at which specimens must be presented for clearance. The Parties shall ensure further that all living specimens, during any period of transit, holding or shipment, are properly cared for so as to minimize the risk of injury, damage to health or cruel treatment.

4. Where a living specimen is confiscated as a result of measures referred to in paragraph 1 of this Article:

- (a) the specimen shall be entrusted to a Management Authority of the State of confiscation;
- (b) the Management Authority shall, after consultation with the State of export, return the specimen to that State at the expense of that State, or to a rescue centre or such other place as the Management Authority deems appropriate and consistent with the purposes of the present Convention; and
- (c) the Management Authority may obtain the advice of a Scientific Authority, or may, whenever it considers it desirable, consult the Secretariat in order to facilitate the decision under sub-paragraph (b) of this paragraph, including the choice of a rescue centre or other place.

5. A rescue centre as referred to in paragraph 4 of this Article means an institution designated by a Management Authority to look after the welfare of living specimens, particularly those that have been confiscated.

6. Each Party shall maintain records of trade in specimens of species included in Appendices I, II and III which shall cover:

- (a) the names and addresses of exporters and importers; and
- (b) the number and type of permits and certificates granted; the States with which such trade occurred; the numbers or quantities and types of specimens, names of species as included in Appendices I, II and III and, where applicable, the size and sex of the specimens in question.

7. Each Party shall prepare periodic reports on its implementation of the present Convention and shall transmit to the Secretariat:

- (a) an annual report containing a summary of the information specified in subparagraph (b) of paragraph 6 of this Article; and
- (b) a biennial report on legislative, regulatory and administrative measures taken to enforce the provisions of the present Convention.

8. The information referred to in paragraph 7 of this Article shall be available to the public where this is not inconsistent with the law of the Party concerned.

Article IX. MANAGEMENT AND SCIENTIFIC AUTHORITIES

1. Each Party shall designate for the purposes of the present Convention:

- (a) one or more Management Authorities competent to grant permits or certificates on behalf of that Party; and
- (b) one or more Scientific Authorities.

2. A State depositing an instrument of ratification, acceptance, approval or accession shall at that time inform the Depositary Government of the name and address of the Management Authority authorized to communicate with other Parties and with the Secretariat.

3. Any changes in the designations or authorizations under the provisions of this Article shall be communicated by the Party concerned to the Secretariat for transmission to all other Parties.

4. Any Management Authority referred to in paragraph 2 of this Article shall if so requested by the Secretariat or the Management Authority of another Party, communicate to it impression of stamps, seals or other devices used to authenticate permits or certificates.

Article X. TRADE WITH STATES NOT PARTY TO THE CONVENTION

Where export or re-export is to, or import is from, a State not a party to the present Convention, comparable documentation issued by the competent authorities in that State which substantially conforms with the requirements of the present Convention for permits and certificates may be accepted in lieu thereof by any Party.

Article XI. CONFERENCE OF THE PARTIES

1. The Secretariat shall call a meeting of the Conference of the Parties not later than two years after the entry into force of the present Convention.

2. Thereafter the Secretariat shall convene regular meetings at least once every two years, unless the Conference decides otherwise, and extraordinary meetings at any time on the written request of at least one-third of the Parties.

3. At meetings, whether regular or extraordinary, the Parties shall review the implementation of the present Convention and may:

- (a) make such provision as may be necessary to enable the Secretariat to carry out its duties;
- (b) consider and adopt amendments to Appendices I and II in accordance with Article XV;
- (c) review the progress made towards the restoration and conservation of the species included in Appendices I, II and III;
- (d) receive and consider any reports presented by the Secretariat or by any Party; and

(e) where appropriate, make recommendations for improving the effectiveness of the present Convention.

4. At each regular meeting, the Parties may determine the time and venue of the next regular meeting to be held in accordance with the provisions of paragraph 2 of this Article.

5. At any meeting, the Parties may determine and adopt rules of procedure for the meeting.

6. The United Nations, its Specialized Agencies and the International Atomic Energy Agency, as well as any State not a Party to the present Convention, may be represented at meetings of the Conference by observers, who shall have the right to participate but not to vote.

7. Any body or agency technically qualified in protection, conservation or management of wild fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference by observers, shall be admitted unless at least one-third of the Parties present object:

- (a) international agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies; and
- (b) national non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located. Once admitted, these observers shall have the right to participate but not to vote.

Article XII. THE SECRETARIAT

1. Upon entry into force of the present Convention, a Secretariat shall be provided by the Executive Director of the United Nations Environment Programme. To the extent and in the manner he considers appropriate, he may be assisted by suitable inter-governmental or non-governmental international or national agencies and bodies technically qualified in protection, conservation and management of wild fauna and flora.

2. The functions of the Secretariat shall be:

- (a) to arrange for and service meetings of the Parties;
- (b) to perform the functions entrusted to it under the provisions of Articles XV and XVI of the present Convention;
- (c) to undertake scientific and technical studies in accordance with programmes authorized by the Conference of the Parties as will contribute to the implementation of the present Convention, including studies concerning standards for appropriate preparations and shipment of living specimens and the means of identifying specimens;
- (d) to study the reports of Parties and to request from Parties such further information with respect thereto as it deems necessary to ensure implementation of the present Convention;
- (e) to invite the attention of the Parties to any matter pertaining to the aims of the present Convention;
- (f) to publish periodically and distribute to the Parties current editions of Appendices I, II and III together with any information which will facilitate identification of specimens of species included in those Appendices;
- (g) to prepare annual reports to the Parties on its work and on the implementation of the present Convention and such other reports as meetings of the Parties may request;

- (h) to make recommendations for the implementation of the aims and provisions of the present Convention, including the exchange of information of a scientific or technical nature;
- (i) to perform any other function as may be entrusted to it by the Parties.

Article XIII. INTERNATIONAL MEASURES

1. When the Secretariat in the light of information received is satisfied that any species included in Appendices I or II is being affected adversely by trade in specimens of that species or that the provisions of the present Convention are not being effectively implemented, it shall communicate such information to the authorized Management Authority of the Party or Parties concerned.

2. When any Party receives a communication as indicated in paragraph 1 of this Article, it shall, as soon as possible, inform the Secretariat of any relevant facts insofar as its laws permit and, where appropriate, propose remedial action. Where the Party considers that an inquiry is desirable, such inquiry may be carried out by one or more persons expressly authorized by the Party.

3. The information provided by the Party or resulting from any inquiry as specified in paragraph 2 of this Article shall be reviewed by the next Conference of the Parties which may make whatever recommendations it deems appropriate.

Article XIV. EFFECT ON DOMESTIC LEGISLATION
AND INTERNATIONAL CONVENTIONS

1. The provisions of the present Convention shall in no way affect the right of Parties to adopt:

- (a) stricter domestic measures regarding the conditions for trade, taking possession or transport of specimens of species included in Appendices I, II and III, or the complete prohibition thereof; or
- (b) domestic measures restricting or prohibiting trade, taking possession, or transport of species not included in Appendices I, II or III.

2. The provisions of the present Convention shall in no way affect the provisions of any domestic measures or the obligations of Parties deriving from any treaty, convention, or international agreement relating to other aspects of trade, taking possession, or transport of specimens which is in force or subsequently may enter into force for any Party including any measure pertaining to the Customs, public health, veterinary or plant quarantine fields.

3. The provisions of the present Convention shall in no way affect the provisions of, or the obligations deriving from, any treaty, convention or international agreement concluded or which may be concluded between States creating a union or regional trade agreement establishing or maintaining a common external customs control and removing customs control between the parties thereto insofar as they relate to trade among the States members of that union or agreement.

4. A State party to the present Convention, which is also a party to any other treaty, convention or international agreement which is in force at the time of the coming into force of the present Convention and under the provisions of which protection is afforded to marine species included in Appendix II, shall be relieved of the obligations imposed on it under the provisions of the present Convention with respect to trade in specimens of species included in Appendix II that are taken by ships registered in that State and in accordance with the provisions of such other treaty, convention or international agreement.

5. Notwithstanding the provisions of Articles III, IV and V, any export of a specimen taken in accordance with paragraph 4 of this Article shall only require a certificate from a Management Authority of the State of introduction to the effect that the specimen was taken in accordance with the provisions of the other treaty, convention or international agreement in question.

6. Nothing in the present 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)¹ 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 XV. AMENDMENTS TO APPENDICES I AND II

1. The following provisions shall apply in relation to amendments to Appendices I and II at meetings of the Conference of the Parties:

(a) Any Party may propose an amendment to Appendix I or II for consideration at the next meeting. The text of the proposed amendment shall be communicated to the Secretariat at least 150 days before the meeting. The Secretariat shall consult the other Parties and interested bodies on the amendment in accordance with the provisions of sub-paragraphs (b) and (c) of paragraph 2 of this Article and shall communicate the response to all Parties not later than 30 days before the meeting.

(b) Amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.

(c) Amendments adopted at a meeting shall enter into force 90 days after that meeting for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.

2. The following provisions shall apply in relation to amendments to Appendices I and II between meetings of the Conference of the Parties:

(a) Any Party may propose an amendment to Appendix I or II for consideration between meetings by the postal procedures set forth in this paragraph.

(b) For marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties. It shall also consult inter-governmental bodies having a function in relation to those species especially with a view to obtaining scientific data these bodies may be able to provide and to ensuring coordination with any conservation measures enforced by such bodies. The Secretariat shall communicate the views expressed and data provided by these bodies and its own findings and recommendations to the Parties as soon as possible.

(c) For species other than marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties, and, as soon as possible thereafter, its own recommendations.

(d) Any Party may, within 60 days of the date on which the Secretariat communicated its recommendations to the Parties under sub-paragraphs (b) or (c) of this paragraph, transmit to the Secretariat any comments on the proposed amendment together with any relevant scientific data and information.

(e) The Secretariat shall communicate the replies received together with its own recommendations to the Parties as soon as possible.

¹ United Nations, *Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 28 (A/8028)*, p. 25.

(f) If no objection to the proposed amendment is received by the Secretariat within 30 days of the date the replies and recommendations were communicated under the provisions of sub-paragraph (e) of this paragraph, the amendment shall enter into force 90 days later for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.

(g) If an objection by any Party is received by the Secretariat, the proposed amendment shall be submitted to a postal vote in accordance with the provisions of sub-paragraphs (h), (i) and (j) of this paragraph.

(h) The Secretariat shall notify the Parties that notification of objection has been received.

(i) Unless the Secretariat receives the votes for, against or in abstention from at least one-half of the Parties within 60 days of the date of notification under sub-paragraph (h) of this paragraph, the proposed amendment shall be referred to the next meeting of the Conference for further consideration.

(j) Provided that votes are received from one-half of the Parties, the amendment shall be adopted by a two-thirds majority of Parties casting an affirmative or negative vote.

(k) The Secretariat shall notify all Parties of the result of the vote.

(1) If the proposed amendment is adopted it shall enter into force 90 days after the date of the notification by the Secretariat of its acceptance for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.

3. During the period of 90 days provided for by sub-paragraph (c) of paragraph 1 or sub-paragraph (l) of paragraph 2 of this Article any Party may by notification in writing to the Depositary Government make a reservation with respect to the amendment. Until such reservation is withdrawn the Party shall be treated as a State not a party to the present Convention with respect to trade in the species concerned.

Article XVI. APPENDIX III AND AMENDMENTS THERETO

1. Any party may at any time submit to the Secretariat a list of species which it identifies as being subject to regulation within its jurisdiction for the purpose mentioned in paragraph 3 of Article II. Appendix III shall include the names of the Parties submitting the species for inclusion therein, the scientific names of the species so submitted, and any parts or derivatives of the animals or plants concerned that are specified in relation to the species for the purposes of sub-paragraph (b) of Article I.

2. Each list submitted under the provisions of paragraph 1 of this Article shall be communicated to the Parties by the Secretariat as soon as possible after receiving it. The list shall take effect as part of Appendix III 90 days after the date of such communication. At any time after the communication of such list, any Party may by notification in writing to the Depositary Government enter a reservation with respect to any species or any parts or derivatives, and until such reservation is withdrawn, the State shall be treated as a State not a Party to the present Convention with respect to trade in the species or part or derivative concerned.

3. A Party which has submitted a species for inclusion in Appendix III may withdraw it at any time by notification to the Secretariat which shall communicate the withdrawal to all Parties. The withdrawal shall take effect 30 days after the date of such communication.

4. Any Party submitting a list under the provisions of paragraph 1 of this Article shall submit to the Secretariat a copy of all domestic laws and regulations ap-

pliable to the protection of such species, together with any interpretations which the Party may deem appropriate or the Secretariat may request. The Party shall, for as long as the species in question is included in Appendix III, submit any amendments of such laws and regulations or any new interpretations as they are adopted.

Article XVII. AMENDMENT OF THE CONVENTION

1. An extraordinary meeting of the Conference of the Parties shall be convened by the Secretariat on the written request of at least one-third of the Parties to consider and adopt amendments to the present Convention. Such amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.

2. The text of any proposed amendment shall be communicated by the Secretariat to all Parties at least 90 days before the meeting.

3. An amendment shall enter into force for the Parties which have accepted it 60 days after two-thirds of the Parties have deposited an instrument of acceptance of the amendment with the Depositary Government. Thereafter, the amendment shall enter into force for any other Party 60 days after that Party deposits its instrument of acceptance of the amendment.

Article XVIII. RESOLUTION OF DISPUTES

1. Any dispute which may arise between two or more Parties with respect to the interpretation or application of the provisions of the present Convention shall be subject to negotiation between the Parties involved in the dispute.

2. If the dispute cannot be resolved in accordance with paragraph 1 of this Article, the Parties may, by mutual consent, submit the dispute to arbitration, in particular that of the Permanent Court of Arbitration at The Hague, and the Parties submitting the dispute shall be bound by the arbitral decision.

Article XIX. SIGNATURE

The present Convention shall be open for signature at Washington until 30th April 1973 and thereafter at Berne until 31st December 1974.

Article XX. RATIFICATION, ACCEPTANCE, APPROVAL

The present Convention shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Swiss Confederation which shall be the Depositary Government.

Article XXI. ACCESSION

The present Convention shall be open indefinitely for accession. Instruments of accession shall be deposited with the Depositary Government.

Article XXII. ENTRY INTO FORCE

1. The present Convention shall enter into force 90 days after the date of deposit of the tenth instrument of ratification, acceptance, approval or accession, with the Depositary Government.

2. For each State which ratifies, accepts or approves the present Convention or accedes thereto after the deposit of the tenth instrument of ratification, acceptance, approval or accession, the present Convention shall enter into force 90 days after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article XXIII. RESERVATIONS

1. The provisions of the present Convention shall not be subject to general reservations. Specific reservations may be entered in accordance with the provisions of this Article and Articles XV and XVI.

2. Any State may, on depositing its instrument of ratification, acceptance, approval or accession, enter a specific reservation with regard to:

- (a) any species included in Appendix I, II or III; or
- (b) any parts or derivatives specified in relation to a species included in Appendix III.

3. Until a Party withdraws its reservation entered under the provisions of this Article, it shall be treated as a State not a party to the present Convention with respect to trade in the particular species or parts or derivatives specified in such reservation.

Article XXIV. DENUNCIATION

Any Party may denounce the present Convention by written notification to the Depositary Government at any time. The denunciation shall take effect twelve months after the Depositary Government has received the notification.

Article XXV. DEPOSITARY

1. The original of the present Convention, in the Chinese, English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited with the Depositary Government, which shall transmit certified copies thereof to all States that have signed it or deposited instruments of accession to it.

2. The Depositary Government shall inform all signatory and acceding States and the Secretariat of signatures, deposit of instruments of ratification, acceptance, approval or accession, entry into force of the present Convention, amendments thereto, entry and withdrawal of reservations and notifications of denunciation.

3. As soon as the present Convention enters into force, a certified copy thereof shall be transmitted by the Depositary Government to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized to that effect, have signed the present Convention.

DONE at Washington this third day of March, one thousand nine hundred and seventy-three.

APPENDIX I

Interpretation

1. Species included in this Appendix are referred to:

- (a) by the name of the species; or
- (b) as being all of the species included in a higher taxon or designated part thereof.

2. The abbreviation "spp." is used to denote all species of a higher taxon.

3. Other references to taxa higher than species are for the purposes of information or classification only.

4. An asterisk (*) placed against the name of a species or higher taxon indicates that one or more geographically separate populations, sub-species or species of that taxon are included in Appendix II and that these populations, sub-species or species are excluded from Appendix I.

5. The symbol (–) followed by a number placed against the name of a species or higher taxon indicates the exclusion from that species or taxon of designated geographically separate populations, sub-species or species as follows:

- 101 *Lemur catta*
- 102 Australia population.

6. The symbol (+) followed by a number placed against the name of a species denotes that only a designated geographically separate population or sub-species of that species is included in this Appendix, as follows:

- + 201 Italian population only

7. The symbol (+) placed against the name of a species or higher taxon indicates that the species concerned are protected in accordance with the International Whaling Commission's schedule of 1972.

FAUNA

MAMMALIA

Marsupialia

Macropodidae

- Macropus parma*
- Onychogalea frenata*
- O. lunata*
- Lagorchestes hirsutus*
- Lagostrophus fasciatus*
- Caloprymnus campestris*
- Bettongia penicillata*
- B. lesueur*
- B. tropica*

Phalangeridae

- Wyulda squamicaudata*

Burramyidae

- Burramys parvus*

Vombatidae

- Lasiorhinus gillespiei*

Peramelidae

- Perameles bougainville*
- Chaeropus ecaudatus*
- Macrotis lagotis*
- M. leucura*

Dasyuridae

- Planigale tenuirostris*
- P. subtilissima*
- Sminthopsis psammophila*
- S. longicaudata*
- Antechinomys laniger*
- Myrmecobius fasciatus rufus*

Thylacinidae

- Thylacinus cynocephalus*

Primates

Lemuridae

- Lemur* spp. * – 101
- Lepilemur* spp.

Hapalemur spp.

Allocebus spp.

Cheirogaleus spp.

Microcebus spp.

Phaner spp.

Indriidae

Indri spp.

Propithecus spp.

Avahi spp.

Daubentoniidae

Daubentonia madagascariensis

Callithricidae

Leontopithecus (Leontideus) spp.

Callimico goeldii

Cebidae

Saimiri oerstedii

Chiropotes albinasus

Cacajao spp.

Alouatta palliata (villosa)

Ateles geoffroyi frontatus

A. g. panamensis

Brachyteles arachnoides

Cercopithecidae

Cercocebus galeritus galeritus

Macaca silenus

Colobus badius rufomitratu

C. b. kirkii

Presbytis geei

P. pileatus

P. entellus

Nasalis larvatus

Simias concolor

Pygathrix nemæus

Hylobatidae

Hylobates spp.

Symphalangus syndactylus

- Pongidae
Pongo pygmaeus pygmaeus
P. p. abelii
Gorilla gorilla
- Edentata
 Dasypodidae
Priodontes giganteus (= *maximus*)
- Pholidota
 Manidae
Manis temmincki
- Lagomorpha
 Leporidae
Romerolagus diazi
Caprolagus hispidus
- Rodentia
 Sciuridae
Cynomys mexicanus
- Castoridae
Castor fiber birulaia
Castor canadensis mexicanus
- Muridae
Zyzyomys pedunculatus
Leporillus conditor
Pseudomys novaehollandiae
P. praeconis
P. shortridgei
P. fumeus
P. occidentalis
P. fieldi
Notomys aquilo
Xeromys myoides
- Chinchillidae
Chinchilla brevicaudata boliviana
- Cetacea
 Platanistidae
Platanista gangetica
- Eschrichtidae
Eschrichtius robustus (*glaucus*)
- Balaenopteridae
Balaenoptera musculus
Megaptera novaeangliae
- Balaenidae
Balaena mysticetus
Eubalaena spp.
- Carnivora
 Canidae
Canis lupus monstrabilis
Vulpes velox hebes
- Viverridae
Prionodon pardicolor
- Ursidae
Ursus americanus emmonsii
U. arctos pruinosus
U. arctos * + 201
U. a. nelsoni
- Mustelidae
Mustela nigripes
Lutra longicaudis (*platensis/annectens*)
L. felina
L. provocax
Pteronura brasiliensis
Aonyx microdon
Enhydra lutris nereis
- Hyaenidae
Hyaena brunnea
- Felidae
Felis planiceps
F. nigripes
F. concolor coryi
F. c. costaricensis
F. c. cougar
F. temmincki
Felis bengalensis bengalensis
F. yagouaroundi cacomitli
F. y. fossata
F. y. panamensis
F. y. tolteca
F. pardalis mearnsi
F. p. mitis
F. wiedii nicaraguae
F. w. salvinia
F. tigrina oncilla
F. marmorata
F. jacobita
F. (Lynx) rufa escuinapae
Neofelis nebulosa
*Panthera tigris**
P. pardus
P. uncia
P. onca
Acinonyx jubatus
- Pinnipedia
 Phocidae
Monachus spp.
Mirounga angustirostris
- Proboscidea
 Elephantidae
Elephas maximus

Sirenia

Dugongidae

Dugong dugon * — 102

Trichechidae

*Trichechus manatus**T. inunguis**Perissodactyla*

Equidae

*Equus przewalskii**E. hemionus hemionus**E. h. khur**E. zebra zebra*

Tapiridae

*Tapirus pinchaque**T. bairdii**T. indicus*

Rhinocerotidae

*Rhinoceros unicornis**R. sondaicus**Didermoceros sumatrensis**Ceratotherium simum cottoni**Artiodactyla*

Suidae

*Sus salvanius**Babirusa babirusa*

Camelidae

*Vicugna vicugna**Camelus bactrianus*

Cervidae

*Moschus moschiferus moschiferus**Axis (Hyelaphus) porcinus annamiticus**A. (Hyelaphus) calamianensis**A. (Hyelaphus) kuhli**Cervus duvauceli**C. eldi**C. elaphus hanglu**Hippocamelus bisulcus**H. antisensis**Blastocerus dichotomus**Ozotoceros bezoarticus**Pudu pudu*

Antilocapridae

*Antilocapra americana sonoriensis**A. a. peninsularis*

Bovidae

*Bubalus (Anoa) mindorensis**B. (Anoa) depressicornis**B. (Anoa) quarlesi**Bos gaurus**B. (grunniens) mutus**Novibos (Bos) sauveli**Bison bison athabascae**Kobus leche**Hippotragus niger variani**Oryx leucoryx**Damaliscus dorcas dorcas**Saiga tatarica mongolica**Nemorhaedus goral**Capricornis sumatraensis**Rupicapra rupicapra ornata**Capra falconeri jerdoni**C. f. megaceros**C. f. chiltanensis**Ovis orientalis ophion**O. ammon hodgsoni**O. vignei*

AVES

Tinamiformes

Tinamidae

*Tinamus solitarius**Podicipediformes*

Podicipedidae

*Podilymbus gigas**Procellariiformes*

Diomedeidae

*Diomedea albatrus**Pelecaniformes*

Sulidae

Sula abbotti

Fregatidae

*Fregata andrewsi**Ciconiiformes*

Ciconiidae

Ciconia ciconia boyciana

Threskiornithidae

*Nipponia nippon**Anseriformes*

Anatidae

*Anas aucklandica nesiotis**Anas oustaleti**Anas laysanensis**Anas diazi**Cairina scutulata**Rhodonessa caryophyllacea**Branta canadensis leucopareia**Branta sandvicensis**Falconiformes*

Cathartidae

*Vultur gryphus**Gymnogyps californianus*

- Accipitridae
Pithecophaga jefferyi
Harpia harpyja
Haliaeetus l. leucocephalus
Haliaeetus heliaca adalberti
Haliaeetus albicilla groenlandicus
- Falconidae
Falco peregrinus anatum
Falco peregrinus tundrius
Falco peregrinus peregrinus
Falco peregrinus babyloicus
- Galliformes
- Megapodiidae
Macrocephalon maleo
- Cracidae
Crax blumenbachii
Pipile p. pipile
Pipile jacutinga
Mitu mitu mitu
Oreophasis derbianus
- Tetraonidae
Tympanuchus cupido attwateri
- Phasianidae
Colinus virginianus ridgwayi
Tragopan blythii
Tragopan caboti
Tragopan melanocephalus
Lophophorus sclateri
Lophophorus lhuysii
Lophophorus impejanus
Crossoptilon mantchuricum
Crossoptilon crossoptilon
Lophura swinhoii
Lophura imperialis
Lophura edwardsi
Syrmaticus ellioti
Syrmaticus humiae
Syrmaticus mikado
Polyplectron emphanum
Tetraogallus tibetanus
Tetraogallus caspius
Cyrtonyx montezumae merriami
- Gruiformes
- Gruidae
Grus japonensis
Grus leucogeranus
Grus americana
Grus canadensis pulla
Grus canadensis nesiotis
Grus nigricollis
Grus vipio
Grus monacha
- Rallidae
Tricholimnas sylvestris
- Rhynchotidae
Rhynchotos jubatus
- Otididae
Eupodotis bengalensis
- Charadriiformes
- Scolopacidae
Numenius borealis
Tringa guttifer
- Laridae
Larus relictus
- Columbiformes
- Columbidae
Ducula mindorensis
- Psittaciformes
- Psittacidae
Strigops habroptilus
Rhynchopsitta pachyrhyncha
Amazona leucocephala
Amazona vittata
Amazona guildingii
Amazona versicolor
Amazona imperialis
Amazona rhodocorytha
Amazona pretrei pretrei
Amazona vinacea
Pyrrhura cruentata
Anodorhynchus glaucus
Anodorhynchus leari
Cyanopsitta spixii
Pionopsitta pileata
Aratinga guaruba
Psittacula krameri echo
Psephotus pulcherrimus
Psephotus chrysopterygius
Neophema chrysogaster
Neophema splendida
Cyanoramphus novaezelandiae
Cyanoramphus auriceps forbesi
Geopsittacus occidentalis
Psittacus erithacus princeps
- Apodiformes
- Trochilidae
Ramphodon dohrnii
- Trogoniformes
- Trogonidae
Pharomachrus mocinno mocinno
Pharomachrus mocinno costaricensis

Strigiformes

Strigidae

Otus gurneyi

Coraciiformes

Bucerotidae

Rhinoplax vigil

Piciformes

Picidae

*Dryocopus javensis richardsi**Campephilus imperialis*

Passeriformes

Cotingidae

*Cotinga maculata**Xipholena atro-purpurea*

Pittidae

Pitta kochi

Atrichornithidae

Atrichornis clamosa

Muscicapidae

*Picathartes gymnocephalus**Picathartes oreas**Psophodes nigrogularis**Amytornis goyderi**Dasyornis brachypterus longirostris**Dasyornis broadbenti littoralis*

Sturnidae

Leucopsar rothschildi

Meliphagidae

Meliphaga cassidix

Zosteropidae

Zosterops albogularis

Fringillidae

Spinus cucullatus

AMPHIBIA

Urodela

Cryptobranchidae

*Andrias (= Megalobatrachus) japonic**Andrias (= Megalobatrachus) davidianus*

Salientia

Bufonidae

*Bufo superciliaris**Bufo periglenes**Nectophrynoides* spp.

Atelopodidae

Atelopus varius zeteki

REPTILIA

Crocodylia

Alligatoridae

*Alligator mississippiensis**Alligator sinensis**Melanosuchus niger**Caiman crocodilus apaporiensis**Caiman latirostris*

Crocodylidae

*Tomistoma schlegelii**Osteolaemus tetraspis tetraspis**Osteolaemus tetraspis osborni**Crocodylus cataphractus**Crocodylus siamensis**Crocodylus palustris palustris**Crocodylus palustris kimbula**Crocodylus novaeguineae mindorensis**Crocodylus intermedius**Crocodylus rhombifer**Crocodylus moreletii**Crocodylus niloticus*

Gavialidae

Gavialis gangeticus

Testudinata

Emydidae

*Batagur baska**Geoclemys (= Dameronia) hamiltonii**Geoemyda (= Nicoria) tricarinata**Kachuga tecta tecta**Morenia ocellata**Terrapene coahuila*

Testudinidae

*Geochelone (= Testudo) elephantopus**Geochelone (= Testudo) geometrica**Geochelone (= Testudo) radiata**Geochelone (= Testudo) yniphora*

Cheloniidae

*Eretmochelys imbricata imbricata**Lepidochelys kempii*

Trionychidae

*Lissemys punctata punctata**Trionyx ater**Trionyx nigricans**Trionyx gangeticus**Trionyx hurum*

Chelidae

Pseudemydura umbrina

Sauria

Varanidae

*Varanus komodoensis**Varanus flavescens**Varanus bengalensis**Varanus griseus**Serpentes*

Boidae

*Epicrates inornatus inornatus**Epicrates subflavus**Python molurus molurus**Rhynchocephalia*

Sphenodontidae

Sphenodon punctatus

PISCES

Acipenseriformes

Acipenseridae

*Acipenser brevirostrum**Acipenser oxyrhynchus**Osteoglossiformes*

Osteoglossidae

*Scleropages formosus**Salmoniformes*

Salmonidae

*Coregonus alpenae**Cypriniformes*

Catostomidae

Chasmistes cujus

Cyprinidae

*Probarbus jullieni**Siluriformes*

Schilbeidae

*Pangasianodon gigas**Perciformes*

Percidae

Stizostedion vitreum glaucum

MOLLUSCA

Naiadoida

Unionidae

*Conradilla caelata**Dromus dromas**Epioblasma* (= *Dysnomia*) *florentina curtisi**Epioblasma* (= *Dysnomia*) *florentina florentina**Epioblasma* (= *Dysnomia*) *sampsoni**Epioblasma* (= *Dysnomia*) *sulcata perobliqua**Epioblasma* (= *Dysnomia*) *torulosa gubernaculum**Epioblasma* (= *Dysnomia*) *torulosa torulosa**Epioblasma* (= *Dysnomia*) *turgidula**Epioblasma* (= *Dysnomia*) *walkeri**Fusconaia cuneolus**Fusconaia edgariana**Lampsilis higginsii**Lampsilis orbiculata orbiculata**Lampsilis satura**Lampsilis virescens**Plethobasis cicatricosus**Plethobasis cooperianus**Pleurobema plenum**Potamilus* (= *Proptera*) *capax**Quadrula intermedia**Quadrula sparsa**Toxolasma* (= *Carunculina*) *cylindrella**Unio* (*Megaloniais*/?/?) *nickliniana**Unio* (*Lampsilis*/?/?) *tampicoensis tecomatensis**Villosa* (= *Micromya*) *trabalis*

FLORA

Aracfae

*Alocasia sanderana**Alocasia zebrina*

Caryocaraceae

Caryocar costaricense

Caryophyllaceae

*Gymnocarpus przewalskii**Melandrium mongolicum**Silene mongolica**Stellaria pulvinata*

Cupressaceae

Pilgerodendron uviferum

Cycadaceae

Encephalartos spp.*Microcycas calocoma**Stangeria eriopus*

Gentianaceae

Prepusa hookeriana

Humiriaceae

Vantanea barbourii

Jugiandaceae	<i>Laelia lobata</i>
<i>Engelhardtia pterocarpa</i>	<i>Lycaste virginalis</i> var. <i>alba</i>
Leguminosae	<i>Peristeria elata</i>
<i>Ammopiptanthus mongolicus</i>	Pinaceae
<i>Cynometra hemitomophylla</i>	<i>Abies guatemalensis</i>
<i>Platymiscium pleiostachyum</i>	<i>Abies nebrodensis</i>
Liliaceae	Podocarpaceae
<i>Aloe albida</i>	<i>Podocarpus costalis</i>
<i>Aloe pillansii</i>	<i>Podocarpus parlatorei</i>
<i>Aloe polyphylla</i>	Proteaceae
<i>Aloe thorncroftii</i>	<i>Orothamnus zeyheri</i>
<i>Aloe vossii</i>	<i>Protea odorata</i>
Melastomataceae	Rubiaceae
<i>Lavoisiera itambana</i>	<i>Balmea stormae</i>
Meliaceae	Saxifragaceae (Grossulariaceae)
<i>Guarea longipetiola</i>	<i>Ribes sardoum</i>
Leguminosae	Cupressaceae
<i>Tachigalia versicolor</i>	<i>Fitzroya cupressoides</i>
Moraceae	Ulmaceae
<i>Batocarpus costaricensis</i>	<i>Celtis aetnensis</i>
Orchidaceae	Welwitschiaceae
<i>Laelia jongheana</i>	<i>Welwitschia bainesii</i>
<i>Cattleya skinneri</i>	Zingiberaceae
<i>Cattleya trianae</i>	<i>Hedychium philippinense</i>
<i>Didicicia cunninghamii</i>	

APPENDIX II

Interpretation

1. Species included in this Appendix are referred to:

(a) by the name of the species; or

(b) as being all of the species included in a higher taxon or designated part thereof.

2. The abbreviation "spp." is used to denote all the species of a higher taxon.

3. Other references to taxa higher than species are for the purposes of information or classification only.

4. An asterisk (*) placed against the name of a species or higher taxon indicates that one or more geographically separate populations, sub-species or species of that taxon are included in Appendix I and that these populations, sub-species or species are excluded from Appendix II.

5. The symbol (#) followed by a number placed against the name of a species or higher taxon designates parts or derivatives which are specified in relation thereto for the purposes of the present Convention as follows:

#1 designates root

#2 designates timber

#3 designates trunks.

6. The symbol (–) followed by a number placed against the name of a species or higher taxon indicates the exclusion from that species or taxon of designated geographically separate populations, sub-species, species or groups of species as follows:

– 101 Species which are not succulents.

7. The symbol (+) followed by a number placed against the name of a species or higher taxon denotes that only designated geographically separate populations, sub-species or species of that species or taxon are included in this Appendix as follows:

- + 201 All North American sub-species
- + 202 New Zealand species
- + 203 All species of the family in the Americas
- + 204 Australian population.

FAUNA

MAMMALIA

Marsupialia

Macropodidae

*Dendrolagus inustus**Dendrolagus ursinus*

Insectivora

Erinaceidae

Erinaceus frontalis

Primates

Lemuridae

Lemur catta *

Lorisidae

*Nycticebus coucang**Loris tardigradus*

Cebidae

Cebus capucinus

Cercopitheciidae

*Macaca sylvanus**Colobus badius gordonorum**Colobus verus**Rhinopithecus roxellanae**Presbytis johnii*

Pongidae

*Pan paniscus**Pan troglodytes*

Edentata

Myrmecophagidae

*Myrmecophaga tridactyla**Tamandua tetradactyla chapadensis*

Bradypodidae

Bradypus boliviensis

Pholidota

Manidae

*Manis crassicaudata**Manis pentadactyla**Manis javanica*

Lagomorpha

Leporidae

Nesolagus netscheri

Rodentia

Heteromyidae

Dipodomys phillipsii phillipsii

Sciuridae

Ratufa spp.*Lariscus hosei*

Castoridae

*Castor canadensis frondator**Castor canadensis repentinus*

Cricetidae

Ondatra zibethicus bernardi

Carnivora

Canidae

*Canis lupus pallipes**Canis lupus irremotus**Canis lupus crassodon**Chrysocyon brachyurus**Cuon alpinus*

Ursidae

*Ursus (Thalarchos) maritimus**Ursus arctos* * + 201*Helarctos malayanus*

Procyonidae

Ailurus fulgens

Mustelidae

Martes americana atrata

Viverridae

*Prionodon linsang**Cynogale bennetti**Helogale derbianus*

Felidae

*Felis yagouaroundi***Felis colocolo pajeros*

- Felis colocolo crespoi*
Felis colocolo budini
Felis concolor missoulensis
Felis concolor mayensis
Felis concolor azteca
Felis serval
Felis lynx isabellina
*Felis wiedii**
*Felis pardalis**
*Felis tigrina**
Felis (= Caracal) caracal
Panthera leo persica
Panthera tigris altaica (= amurensis)
- Pinnipedia**
- Otariidae
- Arctocephalus australis*
Arctocephalus galapagoensis
Arctocephalus philippii
Arctocephalus townsendi
- Phocidae
- Mirounga australis*
Mirounga leonina
- Tubulidentata**
- Orycteropodidae
- Orycteropus afer*
- Sirenia**
- Dugongidae
- Dugong dugon* * + 204
- Trichechidae
- Trichechus senegalensis*
- Perissodactyla**
- Equidae
- Equus hemionus**
- Tapiridae
- Tapirus terrestris*
- Rhinocerotidae
- Diceros bicornis*
- Artiodactyla**
- Hippopotamidae
- Choeropsis liberiensis*
- Cervidae
- Cervus elaphus bactrianus*
Pudu mephistophiles
- Antilocapridae
- Antilocapra americana mexicana*
- Bovidae
- Cephalophus monticola*
Oryx (tao) dammah
Addax nasomaculatus
- Pantholops hodgsoni*
*Capra falconeri**
*Ovis ammon**
Ovis canadensis
- AVES
- Sphenisciformes**
- Spheniscidae
- Spheniscus demersus*
- Rheiformes**
- Rheidae
- Rhea americana albescens*
Pterocnemia pennata
Pterocnemia pennata garleppi
- Tinamiformes**
- Tinamidae
- Rhynchotus rufescens rufescens*
Rhynchotus rufescens pallescens
Rhynchotus rufescens maculicollis
- Ciconiiformes**
- Ciconiidae
- Ciconia nigra*
- Threskiornithidae
- Geronticus calvus*
Platalea leucorodia
- Phoenicopteridae
- Phoenicopterus ruber chilensis*
Phoenicoparrus andinus
Phoenicoparrus jamesi
- Pelecaniformes**
- Pelecanidae
- Pelecanus crispus*
- Anseriformes**
- Anatidae
- Anas aucklandica aucklandica*
Anas aucklandica chlorotis
Anas bernieri
Dendrocygna arborea
Sarkidiornis melanotos
Anser albifrons gambelli
Cygnus bewickii jankowskii
Cygnus melancoryphus
Coscoroba coscoroba
Branta ruficollis
- Falconiformes**
- Accipitridae
- Gypaetus barbatus meridionalis*
Aquila chrysaetos

- Falconidae
 Spp.*
- Galliformes
 Megapodiidae
Megapodius freycinet nicobariensis
Megapodius freycinet abbotti
- Tetraonidae
Tympanuchus cupido pinnatus
- Phasianidae
Francolinus ochropectus
Francolinus swierstrai
Catreus wallichii
Polyplectron malacense
Polyplectron germaini
Polyplectron bicalcaratum
Gallus sonneratii
Argusianus argus
Ithaginis cruentus
Cyrtonyx montezumae montezumae
Cyrtonyx montezumae mearnsi
- Gruiformes
 Gruidae
Balearica regulorum
Grus canadensis pratensis
- Rallidae
Gallirallus australis hectori
- Otididae
Chlamydotis undulata
Choriotis nigriceps
Otis tarda
- Charadriiformes
 Scolopacidae
Numenius tenuirostris
Numenius minutus
- Laridae
Larus brunneicephalus
- Columbiformes
 Columbidae
Gallicolumba luzonica
Goura cristata
Goura scheepmakeri
Goura victoria
Caloenas nicobarica pelewensis
- Psittaciformes
 Psittacidae
Coracopsis nigra barklyi
Prosopelia personata
Eunymphicus cornutus
Cyanoramphus unicolor
Cyanoramphus malherbi
- Poicephalus robustus*
Tanygnathus lucionensis
Probosciger aterrimus
- Cuculiformes
 Musophagidae
Tauraco corythaix
Gallirex porphyreolophus
- Strigiformes
 Strigidae
Otus nudipes newtoni
- Coraciiformes
 Bucerotidae
Buceros rhinoceros rhinoceros
Buceros bicornis
Buceros hydrocorax hydrocorax
Aceros narcondami
- Piciformes
 Picidae
Picus squamatus flavirostris
- Passeriformes
 Cotingidae
Rupicola rupicola
Rupicola peruviana
- Pittidae
Pitta brachyura nympha
- Hirundinidae
Pseudochelidon sirintarae
- Paradisaeidae
 Spp.
- Muscicapidae
Muscicapa ruecki
- Fringillidae
Spinus yarrellii
- AMPHIBIA
- Urodela
 Ambystomidae
Ambystoma mexicanum
Ambystoma dumerilii
Ambystoma lermaensis
- Salientia
 Bufonidae
Bufo retiformis
- REPTILIA
- Crocodylia
 Alligatoridae
Caiman crocodilus crocodilus

- Caiman crocodilus yacare*
Caiman crocodilus fuscus (chiapasius)
Paleosuchus palpebrosus
Paleosuchus trigonatus
 Crocodylidae
Crocodylus johnsoni
Crocodylus novaeguineae novaeguineae
Crocodylus porosus
Crocodylus acutus
- Testudinata
 Emydidae
Clemmys muhlenbergi
 Testudinidae
Chersine spp.
Geochelone spp.*
Gopherus spp.
Homopus spp.
Kinixys spp.
Malacochersus spp.
Pyxis spp.
Testudo spp.*
- Cheloniidae
Caretta caretta
Chelonia mydas
Chelonia depressa
Eretmochelys imbricata bissa
Lepidochelys olivacea
- Dermochelyidae
Dermochelys coriacea
- Pelomedusidae
Podocnemis spp.
- Sauria
 Teiidae
Cnemidophorus hyperythrus
 Iguanidae
Conolophus pallidus
Conolophus subcristatus
Amblyrhynchus cristatus
Phrynosoma coronatum blainvillei
 Helodermatidae
Heloderma suspectum
Heloderma horridum
 Varanidae
Varanus spp.*
- Serpentes
 Boidae
Epicrates cenchris cenchris
Eunectes notaeus
Constrictor constrictor
Python spp.*
- Colubridae
Cyclagras gigas
Pseudoboa cloelia
Elachistodon westermanni
Thamnophis elegans hammondi
- PISCES
 Acipenseriformes
 Acipenseridae
Acipenser fulvescens
Acipenser sturio
 Osteoglossiformes
 Osteoglossidae
Arapaima gigas
 Salmoniformes
 Salmonidae
Stenodus leucichthys leucichthys
Salmo chrysogaster
 Cypriniformes
 Cyprinidae
Plagopterus argentissimus
Ptychocheilus lucius
 Atheriniformes
 Cyprinodontidae
Cynolebias constanciae
Cynolebias marmoratus
Cynolebias minimus
Cynolebias opalescens
Cynolebias splendens
 Poeciliidae
Xiphophorus couchianus
 Coelacanthiformes
 Coelacanthidae
Latimeria chalumnae
 Ceratodiformes
 Ceratodidae
Neoceratodus forsteri
- MOLLUSCA
 Naiadoida
 Unionidae
Cyprogenia aberti
Epioblasma (=Dysnomia) torulosa rangiana
Fusconaia subrotunda
Lampsilis brevicula
Lexingtonia dolabelloides
Pleorobema clava

Stylommatophora

Camaenidae

Papustyla (= Papuina) pulcherrima

Paraphantidae

Paraphanta spp. + 202*Prosobranchia*

Hydrobiidae

*Coahuilix hubbsi**Cochliopina milleri**Durangonella coahuilae**Mexipyrgus carranzæ**Mexipyrgus churinceanus**Mexipyrgus escobedaë**Mexipyrgus lugoi**Mexipyrgus mojarralis**Mexipyrgus multilineatus**Mexithauma quadripaludium**Nymphophilus minckleyi**Paludiscala caramba*

INSECTA

Lepidoptera

Papilionidae

Parnassius apollo apollo

FLORA

Apocynaceae

Pachypodium spp.

Araliaceae

Panax quinquefolius #1

Araucariaceae

Araucaria araucana #2

Cactaceae

Cactaceae spp. + 203*Rhipsalis* spp.

Compositae

Saussurea lappa #1

Cyatheaceae

Cyathea (Hemitelia) capensis #3*Cyathea dregei* #3*Cyathea mexicana* #3*Cyathea (Alsophila) salvinii* #3

Dioscoreaceae

Dioscorea deltoidea #1

Euphorbiaceae

Euphorbia spp. — 101

Fagaceae

Quercus copeyensis #2

Leguminosae

Thermopsis mongolica

Liliaceae

Aloe spp.*

Meliaceae

Swietenia humilis #2

Orchidaceae

Spp.*

Palmae

*Areca ipot**Phoenix hanceana* var. *philippinensis**Zalacca clemensiana*

Portulacaceae

Anacampseros spp.

Primulaceae

Cyclamen spp.

Solanaceae

Solanum sylvestre

Sterculiaceae

Basiloxylon excelsum #2

Verbenaceae

Caryopteris mongolica

Zygophyllaceae

Guaiacum sanctum #2

[Appendix III is to be established by the Parties at a later date.]

APPENDIX IV

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

Export Permit No.

Exporting country: Valid until (Date):

This permit is issued to:

address:

who declares that he is aware of the provisions of the Convention, for the purpose of exporting:

(specimen(s), or part(s) or derivative(s) of specimen(s))¹

of a species listed in Appendix I
Appendix II
Appendix III of the Convention as specified below. }²

(bred in captivity or cultivated in).²

This(these) specimen(s) is(are) consigned to:

Address: Country:

At On

(signature of the applicant for the permit)

At On

(stamp and signature of the Management Authority issuing the export permit)

¹ Indicate the type of product.

² Delete if not applicable.

Description of the specimen(s) or part(s) or derivative(s) of specimen(s), including any mark(s) affixed

LIVING SPECIMENS

<i>Species (scientific and common name)</i>	<i>Number</i>	<i>Sex</i>	<i>Size (or volume)</i>	<i>Mark (if any)</i>
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PARTS OR DERIVATIVES

<i>Species</i> <i>(scientific and common name)</i>	<i>Quantity</i>	<i>Type of goods</i>	<i>Mark</i> <i>(if any)</i>
---	-----------------	----------------------	--------------------------------

Stamps of the authorities inspecting:

- (a) on exportation
- (b) on importation.*

* This stamp voids this permit for further trade purposes, and this permit shall be surrendered to the Management Authority.

For Afghanistan:
Pour l'Afghanistan :
Por el Afganistán:

For Algeria:
Pour l'Algérie :
Por Argelia:

For Argentina:
Pour l'Argentine :
Por la Argentina:

[CARLOS M. MUNIZ]¹

For Australia:
Pour l'Australie :
Por Australia:

For Austria:
Pour l'Autriche :
Por Austria:

For Bangladesh:
Pour le Bangladesh :
Por Bangladesh:

¹ Names of signatories appearing between brackets were not legible and have been supplied by the Government of Switzerland — Les noms des signataires donnés entre crochets étaient illisibles et ont été fournis par le Gouvernement suisse.

For Belgium:
Pour la Belgique :
Por Bélgica:

[W. LORIDAN]

For Bolivia:
Pour la Bolivie :
Por Bolivia:

For Botswana:
Pour le Botswana :
Por Botswana:

For Brazil:
Pour le Brésil :
Por el Brasil:

[CELSO DINIZ]

For Burundi:
Pour le Burundi :
Por Burundi:

For Cameroon:
Pour le Cameroun :
Por el Camerún:

For Canada:
Pour le Canada :
Por el Canadá:

For the Central African Republic:
Pour la République centrafricaine :
Por la República Centroafricana:

For Colombia:
Pour la Colombie :
Por Colombia:

[AMAURI GARCÍA BURGOS]
Juin 4, 1973

For Costa Rica:
Pour le Costa Rica :
Por Costa Rica:

[HERBERT NANNE ECHANDI]

For Cyprus:
Pour Chypre :
Por Chipre:

[ANGELOS ANGELIDES]

For Czechoslovakia:
Pour la Tchécoslovaquie :
Por Checoslovaquia:

For Denmark:
Pour le Danemark :
Por Dinamarca:

[GUNNAR SEIDENFADEN]

For the Dominican Republic:
Pour la République dominicaine :
Por la República Dominicana:

For Egypt:
Pour l'Égypte :
Por Egipto:

For El Salvador:
Pour El Salvador :
Por El Salvador:

For Finland:
Pour la Finlande :
Por Finlandia:

For France:
Pour la France :
Por Francia:

[JEAN GABARRA]

For the German Democratic Republic:
Pour la République démocratique allemande :
Por la República Democrática Alemana:

For the Federal Republic of Germany:
Pour la République fédérale d'Allemagne :
Por la República Federal de Alemania:

[ROLF PAULS]

For Ghana:
Pour le Ghana :
Por Ghana:

For Greece:
Pour la Grèce :
Por Grecia:

For Guatemala:
Pour le Guatemala :
Por Guatemala:

[JULIO ASENSIO WUNDERLICH]

For Guyana:
Pour la Guyane :
Por Guyana:

For Honduras:
Pour le Honduras :
Por Honduras:

For India:
Pour l'Inde :
Por la India:

For Indonesia:
Pour l'Indonésie :
Por Indonesia:

For Iran:
Pour l'Iran :
Por el Irán:

[HASSAN IZADI]

For Israel:
Pour Israël :
Por Israel:

[ELIEZER EPHRATI]
March 5, 1973

For Italy:
Pour l'Italie :
Por Italia:

[VINCENZO DE BENEDICTIS]

For Japan:
Pour le Japon :
Por el Japón:

[NOBUHIKO USHIBA]
30th April 1973

For Jordan:
Pour la Jordanie :
Por Jordania:

For Kenya:
Pour le Kenya :
Por Kenia:

[LEONARD OLIVER KIBINGE]
30 April 1973

For the Khmer Republic:
Pour la République khmère :
Por la República Khmer:

For the Republic of Korea:
Pour la République de Corée :
Por la República de Corea:

For Lebanon:
Pour le Liban :
Por el Líbano:

For Luxembourg:
Pour le Luxembourg :
Por Luxemburgo:

[JEAN WAGNER]

For the Malagasy Republic:
Pour la République malgache :
Por la República Malgache:

[RAHARIJAONA]
April 4th, 1973

For Malawi:
Pour le Malawi :
Por Malawi:

For Mauritius:
Pour l'île Maurice :
Por Mauricio:

[PIERRE GUY GIRALD BALANCY]

For Mexico:
Pour le Mexique :
Por México:

For Mongolia:
Pour la Mongolie :
Por Mongolia:

For Morocco:
Pour le Maroc :
Por Marruecos:

[BADREDDINE SENOSSI]
9-3-73

For the Kingdom of the Netherlands:
Pour le Royaume des Pays-Bas :
Por el Reino de los Países Bajos:

For Niger:
Pour le Niger :
Por el Níger:

[ABDOULAYE DIALLO]
5.3.73

For Nigeria:
Pour le Nigéria :
Por Nigeria:

For Pakistan:
Pour le Pakistan :
Por el Pakistán:

For Panama:
Pour le Panama :
Por Panamá:

[MARINA MAYO]
(sujeto ratificación y declaración)¹

For Paraguay:
Pour le Paraguay :
Por el Paraguay:

Ad referendum
30 de Abril de 1973²
[MIGUEL SOLANO LÓPEZ]
[GILBERTO CANIZA SANCHIZ]

For Peru:
Pour le Pérou :
Por el Perú:

For the Philippines:
Pour les Philippines :
Por Filipinas:

[EDUARDO Z. ROMUALDEZ]
[JESUS ALVAREZ]
[ROMEO A. ARGUELLES]

For Poland:
Pour la Pologne :
Por Polonia:

¹ Subject to ratification and declaration — Sous réserve de ratification et déclaration.

² 30 April 1973 — 30 avril 1973.

For Portugal:
Pour le Portugal :
Por Portugal:

For Rwanda:
Pour le Rwanda :
Por Rwanda:

For Senegal:
Pour le Sénégal :
Por el Senegal:

For Sierra Leone:
Pour la Sierra Leone :
Por Sierra Leona:

For South Africa:
Pour l'Afrique du Sud :
Por Sudáfrica:

[JOHANN SAMUEL FREDERICK BOTHA]

For Spain:
Pour l'Espagne :
Por España:

For the Sudan:
Pour le Soudan :
Por el Sudán:

[KAMAL AHMED DAWOUD]
27th April 1973

For Swaziland:
Pour le Swaziland :
Por Swazilandia:

For Sweden:
Pour la Suède :
Por Suecia:

[LEIF LEIFLAND]
April 3, 1973

For Switzerland:
Pour la Suisse :
Por Suiza:

[FELIX SCHNYDER]
April 2, 1973

For Tanzania:
Pour la Tanzanie :
Por Tanzania:

[BOMANI]
30th April 1973

For Thailand:
Pour la Thaïlande :
Por Tailandia:

[THANOM PREMNASMI]

For Togo:
Pour le Togo :
Por el Togo:

[MAWUSSI]
3.7.73¹

¹ 7 March 1973 — 7 mars 1973.

For Tunisia:
Pour la Tunisie :
Por Túnez:

[SLAHEDDINE EL GOULLI]
3-21, 73

For Turkey:
Pour la Turquie :
Por Turquía:

For the United Kingdom of Great Britain and Northern Ireland:
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :
Por el Reino Unido de Gran Bretaña e Irlanda del Norte:

[PAUL RANDELL ODGERS]

For the United States of America:
Pour les Etats-Unis d'Amérique :
Por los Estados Unidos de América:

[RUSSELL E. TRAIN]
[CHRISTIAN A. HERTER]
[WYMBERLEY DE R. COERR]

For the Union of Soviet Socialist Republics:
Pour l'Union des Républiques socialistes soviétiques :
Por la Unión de Repúblicas Socialistas Soviéticas:

For the Upper Volta:
Pour la Haute-Volta :
Por el Alto Volta:

For Venezuela:
Pour le Venezuela :
Por Venezuela:

[GONZALO MEDINA PADILLA]

For the Republic of Viet-Nam:
Pour la République du Viet-Nam :
Por la República de Viet-Nam:

[TRAN-KIM-PHUONG]

For Zambia:
Pour la Zambie :
Por Zambia:

For the Republic of China:
Pour la République de Chine :
Por la República de China:

[JAMES C. H. SHEN]
April 27, 1973

RESERVATIONS MADE
UPON RATIFICATION

CANADA

[TRANSLATION — TRADUCTION]

On depositing its instrument of ratification, the Canadian Government, in accordance with article XXIII of the Convention, entered a specific reservation relating to the following species included in Appendix I:

Mammalia

Eschrichtius robustus (glaucus)
Balaenoptera musculus
Megaptera novaeangliae
Balaena mysticetus
Eubalaena spp.
Ursus americanus emmonsii
Felis concolor cougar
Bison bison athabascae

Aves

Branta canadensis leucopareia

Pisces

Acipenser brevirostrum
Acipenser oxyrhynchus
Coregonus alpenae
Stizostedium vitreum glaucum

On depositing its instrument of ratification, the Canadian Government, in accordance with article XXIII of the Convention, entered a specific reservation relating to the following species included in Appendix II:

Mammalia

Canis lupus irremotus
Canis lupus crassodon
Ursus (Thalarctos) maritimus
*Ursus arctos**
Martes americana atrata
Felis concolor missoulensis
Ovis canadensis

Aves

Anser albifrons gambelli
Aquila chrysaetos
Falconidae spp.**

* All North American sub-species.

** All species or sub-species not included in Appendix I.

RÉSERVES FAITES
LORS DE LA RATIFICATION

CANADA

En déposant son instrument de ratification, le Gouvernement canadien, se fondant sur l'article XXIII de la Convention, a formulé une réserve spéciale se rapportant aux espèces suivantes figurant à l'annexe I :

Mammalia

Eschrichtius robustus (glaucus)
Balaenoptera musculus
Megaptera novaeangliae
Balaena mysticetus
Eubalaena spp.
Ursus americanus emmonsii
Felis concolor cougar
Bison bison athabascae

Aves

Branta canadensis leucopareia

Pisces

Acipenser brevirostrum
Acipenser oxyrhynchus
Coregonus alpenae
Stizostedium vitreum glaucum

En déposant son instrument de ratification, le Gouvernement canadien, se fondant sur l'article XXIII de la Convention, a formulé une réserve spéciale se rapportant aux espèces suivantes figurant à l'annexe II :

Mammalia

Canis lupus irremotus
Canis lupus crassodon
Ursus (Thalarctos) maritimus
*Ursus arctos**
Martes americana atrata
Felis concolor missoulensis
Ovis canadensis

Aves

Anser albifrons gambelli
Aquila chrysaetos
Falconidae spp.**

* Toutes les sous-espèces de l'Amérique du Nord.

** Toutes les espèces ou sous-espèces ne figurant pas à l'annexe I.

Pisces

Acipenser fulvescens

Flora

Cactaceæ spp.**Orchidaceæ* spp.*

Pisces

Acipenser fulvescens

Flora

Cactaceæ spp.**Orchidaceæ* spp.*

* All species or sub-species not included in Appendix I.

* Toutes les espèces ou sous-espèces ne figurant pas à l'annexe I.

FINAL ACT OF THE PLENIPOTENTIARY CONFERENCE TO CONCLUDE
AN INTERNATIONAL CONVENTION ON TRADE IN CERTAIN
SPECIES OF WILDLIFE, WASHINGTON, D.C.

The Representatives of the Governments to the Plenipotentiary Conference to Conclude an International Convention on Trade in Certain Species of Wildlife met at Washington, D.C. from February 12 to March 2, 1973, for the purpose of preparing and adopting a convention on export, import and transit of certain species of wild fauna and flora. The Conference met in fulfillment of the recommendations stated in Resolution 99.3¹ of the United Nations Conference on the Human Environment held in Stockholm, June of 1972, which states as follows: "It is recommended that a plenipotentiary conference be convened as soon as possible, under appropriate governmental or intergovernmental auspices, to prepare and adopt a convention on export, import and transit of certain species of wild animals and plants."

The Conference was convened by the Government of the United States of America. Governments of the following States were represented at the Conference: Afghanistan, Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Bolivia, Botswana, Brazil, Burundi, Cameroon, Canada, Central African Republic, Colombia, Costa Rica, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Egypt, El Salvador, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guyana, Honduras, India, Indonesia, Iran, Israel, Italy, Japan, Jordan, Kenya, Khmer Republic, Korea, Republic of, Lebanon, Luxembourg, Malagasy Republic, Malawi, Mauritius, Mexico, Mongolia, Morocco, Netherlands, Niger, Nigeria, Pakistan, Paraguay, Panama, Peru, Philippines, Poland, Portugal, Rwanda, Senegal, Sierra Leone, South Africa, Spain, Sudan, Swaziland, Sweden, Switzerland, Tanzania, Thailand, Togo, Tunisia, Turkey, Union of Soviet Socialist Republics, United Kingdom, United States, Upper Volta, Venezuela, Vietnam, Republic of, and Zambia.

The Governments of Chad, Chile, Ecuador, Hungary, Ivory Coast, Jamaica, Kuwait and Norway were represented by Observers.

The following international organizations were represented by Observers: Customs Cooperation Council, European Communities, Food and Agriculture Organization, International Council for Bird Preservation, International Union for Conservation of Nature and Natural Resources, United Nations Educational, Scientific and Cultural Organization.

The Conference elected as Chairman, Mr. Christian A. Herter, Jr. (United States) and as Vice Chairmen, Dr. Francisco Vizcaino Murray (Mexico), Prof. Dr. Drs. h.c. Hans Karl Oskar Stubbe (German Democratic Republic), H.E. Ambassador S. T. Msindazwe Sukati (Swaziland), Dr. Donald F. McMichael (Australia) and Minister Abdul Habir (Indonesia). Dr. Donald F. McMichael (Australia) was appointed Rapporteur.

The Secretary General of the Conference was Mr. Francis J. Seidner, U.S. Department of State, and Mr. Frank Nicholls, International Union for Conservation of Nature and Natural Resources (IUCN), and Mr. John K. Mutinda (Kenya) were Assistant Secretaries General. Technical Secretaries were Sir Hugh Elliott (IUCN), Mr. Harry A. Goodwin (IUCN), Mr. John W. Grandy IV (National Parks and Conservation Association) and Mr. Collin Holloway (IUCN).

¹ United Nations, document A/CONF. 48/14 and Rev. 1, *Report of the United Nations Conference on the Human Environment*, held at Stockholm, June 5-16, 1972, and International Legal Materials, *Current Documents*, vol. XI, 1972, p. 1416.

The Conference established the following committees:

Credentials Committee

Swaziland—Chairman

Mexico—Vice Chairman

Australia, German Democratic Republic, Indonesia.

Drafting Committee

Dr. Duncan Poore (United Kingdom)—Chairman

Mr. Andrés Rozental (Mexico)—Vice Chairman

Argentina, Austria, Brazil, Denmark, France, German Democratic Republic, Germany, Federal Republic of, Indonesia, Japan, Kenya, Korea, Republic of, Malagasy Republic, Netherlands, South Africa, Spain, Sweden, Switzerland, Union of Soviet Socialist Republics, United States.

Steering Committee

United States—Chairman

Secretary General (*ex officio*)

Australia, German Democratic Republic, Indonesia, Mexico, Swaziland.

Committee I (Appendices—Animals)

Prof. Jorge Ibarra (Guatemala)—Chairman

Mr. Perez Olindo (Kenya)—Vice Chairman

Argentina, Australia, Brazil, Canada, Colombia, Costa Rica, Denmark, France, Germany, Federal Republic of, Indonesia, Italy, Japan, Korea, Republic of, Mexico, Mongolia, Netherlands, Panama, Philippines, South Africa, Sudan, Sweden, Thailand, Union of Soviet Socialist Republics, United Kingdom, United States.

Committee II (Appendices—Plants)

Mr. William Hartley (Australia)—Chairman

Mr. Romeo A. Arguelles (Philippines)—Vice Chairman

Argentina, Brazil, Canada, Denmark, Guatemala, Indonesia, Italy, Japan, Kenya, Korea, Republic of, Mexico, Mongolia, Netherlands, South Africa, Union of Soviet Socialist Republics, United Kingdom, United States.

Committee III (Customs Matters)

Dr. D. L. O'Connor (Australia), Mr. Atsushi Tokinoya (Japan)—Chairmen

Mr. Andrej Florin (German Democratic Republic)—Vice Chairman

Australia, Austria, Brazil, Canada, France, Germany, Federal Republic of, Indonesia, Kenya, Korea, Republic of, Mexico, Netherlands, Sudan, Switzerland, United Kingdom, United States.

A number of *ad hoc* committees were appointed to deal with special problems as the need arose.

The Conference convened in twenty-three Plenary Sessions.

Following its deliberations, the Conference adopted the text of a Convention on International Trade in Endangered Species of Wild Fauna and Flora. The Con-

ference accepted the offer of the Government of the Swiss Confederation to act as Depository Government.

The Executive Director of the United Nations Environment Programme has indicated he will be able to provide Secretariat services for the Convention. To the extent and in the manner he considers appropriate, he may be assisted by suitable intergovernmental or non-governmental, international and national agencies and bodies technically qualified in protection, conservation and management of wild fauna and flora.

The Convention has been opened for signature by the States participating in the Conference in Washington, this day until April 30, 1973, and thereafter shall be open for signature at Berne until December 31, 1974.

In addition to adopting a Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Conference adopted the following resolutions which are annexed to this Final Act:

- resolution to include the Chinese language;
- resolution to include the Russian language;
- resolution on Article XII.

The original of this Final Act, the Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the Government of the Swiss Confederation which shall transmit certified copies thereof to all States which participated in the present Conference.

IN WITNESS WHEREOF the Representatives have signed this Final Act.

DONE in Washington, on the second day of March of the year One Thousand Nine Hundred and Seventy-three.

RESOLUTION TO INCLUDE THE CHINESE LANGUAGE

The Conference,

Noting that the Chinese language text of the Convention on International Trade in Endangered Species of Wild Fauna and Flora must be properly prepared and included as an authentic text of this Convention,

Resolves:

That the Government of the United States, as host to the Conference, shall be invited to arrange for the preparation of the text of the Convention on International Trade in Endangered Species of Wild Fauna and Flora in the Chinese language and communicate such Chinese text to all States participating in this Conference with a statement that any comments or suggestions regarding the conformity of the text with other authentic texts are to be communicated to the Government of the United States within one month after the date on which the text is transmitted to the participating States. The Government of the United States shall thereupon take into account any comments and suggestions received during the said one month period and, after resolving any inconsistencies, shall transmit the Chinese language text to the Depository Government which shall include that text in the text of the Convention.

RESOLUTION TO INCLUDE THE RUSSIAN LANGUAGE

The Conference,

Noting that the Russian language text of the Convention on International Trade in Endangered Species of Wild Fauna and Flora must be properly prepared and included as an authentic text of this Convention,

Resolves:

That the Government of the United States, as host to the Conference, shall be invited to arrange for the preparation of the text of the Convention on International Trade in Endangered Species of Wild Fauna and Flora in the Russian language and communicate such Russian text to all States participating in this Conference with a statement that any comments or suggestions regarding the conformity of the text with other authentic texts are to be communicated to the Government of the United States within one month after the date on which the text is transmitted to the participating States. The Government of the United States shall thereupon take into account any comments and suggestions received during the said one month period and, after resolving any inconsistencies, shall transmit the Russian language text to the Depositary Government which shall include that text in the text of the Convention.

RESOLUTION ON ARTICLE XII

The Conference,

Noting that Article XII of the Convention on International Trade in Endangered Species of Wild Fauna and Flora contemplates that the United Nations Environment Programme shall assume Secretariat responsibilities upon entry into force of the Convention;

Aware of the fact that this assumption of responsibilities could be considered and determined at the June 1973 meeting of the Governing Council of the United Nations Environment Programme;

Recognizing that adequate preparations must be made to ensure that the Contracting States may make an informal and well-considered choice in the event the United Nations Environment Programme is unable to assume those responsibilities;

1. Expresses the hope that the Governing Council will approve the undertaking of Secretariat functions by the United Nations Environment Programme;
2. Decides, in the event the United Nations Environment Programme has not assumed Secretariat functions by September 1, 1973, to invite any Parties to the Convention to communicate to the Depositary Government proposals concerning the possibility of another existing agency assuming the responsibilities of the Secretariat for consideration at the first Conference of the Contracting States;
3. Requests the Depositary Government to transmit to the Contracting States such proposals as are received at least ninety days in advance of the first Conference;
4. Invites the Depositary Government to assume Secretariat responsibilities on an interim basis pending consideration of this matter at the first Conference of Contracting States if the United Nations Environment Programme has not done so when the Convention enters into force. The Depositary Government may request the assistance of intergovernmental or non-governmental, international or national agencies and bodies technically qualified in protection, conservation and management of wild fauna and flora.

For Afghanistan:
 Pour l'Afghanistan :
 Por el Afganistán:

[AMANULLAH HASSRAT]¹

For Algeria:
 Pour l'Algérie :
 Por Argelia:

[*Illegible — Illisible*]

For Argentina:
 Pour l'Argentine :
 Por la Argentina:

[*Illegible — Illisible*]

[*Illegible — Illisible*]

[*Illegible — Illisible*]

For Australia:
 Pour l'Australie :
 Por Australia:

[DONALD F. McMICHAEL]

[H. J. FRITH]

[G. W. SAUNDERS]

[WILLIAM HARTLEY]

For Austria:
 Pour l'Autriche :
 Por Austria:

[ARNO HALUSA]

For Bangladesh:
 Pour le Bangladesh :
 Por Bangladesh:

[A. M. A. MUHITH]

¹ Names of signatories appearing between brackets were not legible and have been supplied by the Government of Switzerland — Les noms des signataires donnés entre crochets étaient illisibles et ont été fournis par le Gouvernement suisse.

For Belgium:
Pour la Belgique :
Por Bélgica:

[LEO STORM]

For Bolivia:
Pour la Bolivie :
Por Bolivia:

[EDMUNDO VALENCIA-IBÁÑEZ]

For Botswana:
Pour le Botswana :
Por Botswana:

[AMOS M. DAMBE]
[SAMUEL A. MPUCHANE]

For Brazil:
Pour le Brésil :
Por el Brasil:

[CELSO DINIZ]

For Burundi:
Pour le Burundi :
Por Burundi:

[FÉLIX MAGENGE]

For Cameroon:
Pour le Cameroun :
Por el Camerún:

[FRANÇOIS-XAVIER TCHOUNGUI]

For Canada:
Pour le Canada :
Por el Canadá:

[M. L. PREBBLE]

For the Central African Republic:
Pour la République centrafricaine :
Por la República Centrafricana:

[*Illegible — Illisible*]
[*Illegible — Illisible*]

For Colombia:
Pour la Colombie :
Por Colombia:

[JAIME LÓPEZ-REYES]
[*Illegible — Illisible*]

For Costa Rica:
Pour le Costa Rica :
Por Costa Rica:

[HERBERT NANNE ECHANDI]

For Cyprus:
Pour Chypre :
Por Chipre:

[ANGELOS ANGELIDES]
[JOSEPH J. STEPHANIDES]

For Czechoslovakia:
Pour la Tchécoslovaquie :
Por Checoslovaquia:

[VOJTECH VALA]

For Denmark:
Pour le Danemark :
Por Dinamarca:

[GUNNAR SEIDENFADEN]

For the Dominican Republic:
Pour la République dominicaine :
Por la República Dominicana:

[LIBBYN GLORIA MILÁN]

For Dahomey:
Pour le Dahomey :
Por el Dahomey:

[SATURNIN SOGLO]

For Egypt:
Pour l'Égypte :
Por Egipto:

For El Salvador:
Pour El Salvador :
Por El Salvador:

[*Illegible — Illisible*]
[JULIO A. RIVERA]
[*Illegible — Illisible*]
[RICARDO MUÑOZ GUTIÉRREZ]

For Finland:
Pour la Finlande :
Por Finlandia:

[EERO SALOVAARA]

For France:
Pour la France :
Por Francia:

[JEAN GABARRA]
[F. SURBIGUET]
[MICHEL GILLARD]

For the German Democratic Republic:
Pour la République démocratique allemande :
Por la República Democrática Alemana:

[HANS KARL OSKAR STUBBE]
[ANDREJ FLORIN]

For the Federal Republic of Germany:
Pour la République fédérale d'Allemagne :
Por la República Federal de Alemania:

[HANS-HERMANN HEITMULLER]
[MANFRED BIRMELIN]

For Ghana:
Pour le Ghana :
Por Ghana:

For Greece:
Pour la Grèce :
Por Grecia:

[STEPHANOS TH. HOURMOUZADIS]
[*Illegible — Illisible*]

For Guatemala:
Pour le Guatemala :
Por Guatemala:

[JULIO ASENSIO-WUNDERLICH]
[JULIO CHOCANO]
[JORGE IBARRA]

For Guyana:
Pour la Guyane :
Por Guyana:

For Honduras:
Pour le Honduras :
Por Honduras:

[ROBERTO JONES FAJARDO]

For India:
Pour l'Inde :
Por la India:

[T. P. SINGH]
[GIRISH DHUME]

For Indonesia:
Pour l'Indonésie :
Por Indonesia:

[A. HABIR]
[*Illegible — Illisible*]

For Iran:
Pour l'Iran :
Por el Irán:

[HASSAN IZADI]

For Israel:
Pour Israël :
Por Israel:

[ELIEZER EPHRATI]

For Italy:
Pour l'Italie :
Por Italia:

[VINCENZO DE BENEDICTIS]
[FRANCO E. FIORIO]
[LAMBERTO LEPORATI]

For Japan:
Pour le Japon :
Por el Japón:

[TOSHIO YAMAZAKI]
[*Illegible — Illisible*]

For Jordan:
Pour la Jordanie :
Por Jordania:

For Kenya:
Pour le Kenya :
Por Kenia:

[PEREZ OLINDO]
[A. O. ADEDE]

For the Khmer Republic:
Pour la République khmère :
Por la República Khmer:

[*Illegible — Illisible*]

For the Republic of Korea:
Pour la République de Corée :
Por la República de Corea:

[HO EUL WHANG]
[KAE CHUL LEE]

For Lebanon:
Pour le Liban :
Por el Líbano:

[NAJATI KABBANI]
[JOSEPH AKL]

For Luxembourg:
Pour le Luxembourg :
Por Luxemburgo:

For the Malagasy Republic:
Pour la République malgache :
Por la República Malgache:

[HENRI RAHARIJAONA]
[BERNARDIN RAJONHANES]
[*Illegible — Illisible*]

For Malawi:
Pour le Malawi :
Por Malawi:

[CALLISTO M. MKONA]

For Mauritius:
Pour l'île Maurice :
Por Mauricio:

[PIERRE GUY GIRALD BALANCY]

For Mexico:
Pour le Mexique :
Por México:

[ANDRÉS ROZENTAL]
[ENRIQUE RIVA-PALACIO]
[*Illegible — Illisible*]
[*Illegible — Illisible*]
[*Illegible — Illisible*]

For Mongolia:
Pour la Mongolie :
Por Mongolia:

[*Illegible — Illisible*]
[*Illegible — Illisible*]
[NANIRAGIYN DAVÁ]

For Morocco:
Pour le Maroc :
Por Marruecos:

[*Illegible — Illisible*]
[*Illegible — Illisible*]

For the Kingdom of the Netherlands:
Pour le Royaume des Pays-Bas :
Por el Reino de los Países Bajos:

[*Illegible — Illisible*]
[GERHARD C. M. VAN PALLANDT]

For Niger:
Pour le Niger :
Por el Níger:

[ABDOULAYE DIALLO]

For Nigeria:
Pour le Nigéria :
Por Nígeria:

For Pakistan:
Pour le Pakistan :
Por el Paquistán:

[MOHAMMAD WAHEED HASHMI]

For Panama:
Pour le Panama :
Por Panamá:

[MARINA MAYO]

For Paraguay:
Pour le Paraguay :
Por el Paraguay:

[MIGUEL SOLANO LÓPEZ]
[GILBERTO CANIZA SANCHIZ]

For Peru:
Pour le Pérou :
Por el Perú:

[JUAN FRANCISCO FILOMENO CHÁVEZ]

For the Philippines:
Pour les Philippines :
Por Filipinas:

[EDUARDO Z. ROMUALDEZ]
[JESUS ALVAREZ]
[ROMEO A. ARGUELLES]

For Poland:
Pour la Pologne :
Por Polonia:

For Portugal:
Pour le Portugal :
Por Portugal:

[ANTÓNIO CABRITA MATIAS]
[JOSÉ M. D. S. SALDANHA LOPES]
[JOSÉ F. L. ROSÁRIO NUNES]

For Rwanda:
Pour le Rwanda :
Por Rwanda:

[JEAN-MARIE GATABAZI]

For Senegal:
Pour le Sénégal :
Por el Senegal:

[*Illegible — Illisible*]
[ANDRÉ J. COULBARY]

For Sierra Leone:
Pour la Sierra Leone :
Por Sierra Leona:

[CLAUDIUS J. THOMAS]
[*Illegible — Illisible*]

For South Africa:
Pour l'Afrique du Sud :
Por Sudáfrica:

[JOHANN SAMUEL FREDERICK BOTHA]

For Spain:
Pour l'Espagne :
Por España:

[JOSÉ SIERRA]

For the Sudan:
Pour le Soudan :
Por el Sudán:

[*Illegible — Illisible*]
[EL RAYAH OMER HASSABALLA]
[MOMOUN YOUSIF ABDEL GADIR]

For Swaziland:
Pour le Swaziland :
Por Swazilandia:

[S. T. MSINDAZWE SUKATI]
[*Illegible — Illisible*]
[*Illegible — Illisible*]

For Sweden:
Pour la Suède :
Por Suecia:

[JAN MARTENSSON]

For Switzerland:
Pour la Suisse :
Por Suiza:

[FELIX SCHNYDER]
[RUDOLF STETTLER]

For Tanzania:
Pour la Tanzanie :
Por Tanzania:

For Thailand:
Pour la Thaïlande :
Por Tailandia:

[THANOM PREMNASMI]
[PONG LENG-EE]

For Togo:
Pour le Togo :
Por el Togo:

[EPIPHANE AYO MAWUSSU]

For Tunisia:
Pour la Tunisie :
Por Túnez:

[MONCEF RIAHI]

For Turkey:
Pour la Turquie :
Por Turquía:

[METE BASCI]

For the United Kingdom of Great Britain and Northern Ireland:
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :
Por el Reino Unido de Gran Bretaña e Irlanda del Norte:

[PAUL RANDELL ODGERS]

For the United States of America:
Pour les Etats-Unis d'Amérique :
Por los Estados Unidos de América:

[RUSSELL E. TRAIN]
[WYMBERLEY DE R. COERR]
[CURTIS BOHLEN]
[LEE TALBOT]

For the Union of Soviet Socialist Republics:
Pour l'Union des Républiques socialistes soviétiques :
Por la Unión de Repúblicas Socialistas Soviéticas:

On condition that the Russian text of this document
is equally authentic with the texts in other languages as it
is stated in this Final Act.¹

[*Illegible — Illisible*]
[*Illegible — Illisible*]

For the Upper Volta:
Pour la Haute-Volta :
Por el Alto Volta:

For Venezuela:
Pour le Venezuela :
Por Venezuela:

[GONZALO MEDINA PADILLA]

For the Republic of Viet-Nam:
Pour la République du Viet-Nam :
Por la República de Viet-Nam:

[TRAN-KIM-PHUONG]
[NGUYEN CONG AN]

For Zambia:
Pour la Zambie :
Por Zambia:

[UNIA G. MWILA]

¹ Etant entendu que le texte russe de ce document est authentique comme les textes dans les autres langues, ainsi qu'il est précisé dans cet Acte final.

Annex 84

Convention on the Protection of the Marine Environment of the Baltic Sea Area, 22 March
1974, 1507 UNTS 166

No. 25986

MULTILATERAL

Convention on the Protection of the Marine Environment of the Baltic Sea Area (with annexes and appendices). Concluded at Helsinki on 22 March 1974

Amendments to paragraph B of Regulation 4 of annex IV of the above-mentioned Convention

Amendments to Regulation 5 of annex IV of the above-mentioned Convention of 22 March 1974

Amendments to annex I of the above-mentioned Convention of 22 March 1974

Amendments to Regulation 5 of annex IV of the above-mentioned Convention of 22 March 1974

Amendments to annex IV of the above-mentioned Convention of 22 March 1974

Amendments to annexes IV and VI of the above-mentioned Convention of 22 March 1974

Authentic text: English.

The Convention and certified statements were registered by Finland on 22 June 1988.

CONVENTION¹ ON THE PROTECTION OF THE MARINE ENVIRONMENT OF THE BALTIC SEA AREA

The States Parties to this Convention,

Conscious of the indispensable economic, social and cultural values of the marine environment of the Baltic Sea Area and its living resources for the peoples of the Contracting Parties;

Bearing in mind the exceptional hydrographic and ecological characteristics of the Baltic Sea Area and the sensitivity of its living resources to changes in the environment;

Noting the rapid development of human activities at the Baltic Sea Area, the considerable population living within its catchment area and the highly urbanized and industrialized state of the Contracting Parties as well as their intensive agriculture and forestry;

Noting with deep concern the increasing pollution of the Baltic Sea Area, originating from many sources such as discharges through rivers, estuaries, outfalls and pipelines, dumping and normal operations of vessels as well as through airborne pollutants;

Conscious of the responsibility of the Contracting Parties to protect and enhance the values of the marine environment of the Baltic Sea Area for the benefit of their peoples;

Recognizing that the protection and enhancement of the marine environment of the Baltic Sea Area are tasks that cannot effectively be accomplished by national efforts only but that also close regional co-operation and other appropriate international measures aiming at fulfilling these tasks are urgently needed;

Noting that the relevant recent international conventions even after having entered into force for the respective Contracting Parties do not cover all special requirements to protect and enhance the marine environment of the Baltic Sea Area;

Noting the importance of scientific and technological co-operation in the protection and enhancement of the marine environment of the Baltic Sea Area, particularly between the Contracting Parties;

Desiring to develop further regional co-operation in the Baltic Sea Area, the possibilities and requirements of which were confirmed by the signing of the Con-

¹ Came into force on 3 May 1980, i.e., two months after the deposit of the seventh instrument of ratification or approval with the Government of Finland, in accordance with article 27, except for annex IV which, pursuant to reservations made to that effect by Denmark and the Federal Republic of Germany, only came into force for those States on 3 May 1981:

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Denmark	20 July 1977
Finland	27 June 1975
German Democratic Republic	6 January 1977
Germany, Federal Republic of	3 March 1980
Poland	19 November 1979
Sweden	30 July 1976
Union of Soviet Socialist Republics	2 November 1978

vention on Fishing and Conservation of the Living Resources in the Baltic Sea and the Belts, Gdansk 1973;¹

Conscious of the importance of regional intergovernmental co-operation in the protection of the marine environment of the Baltic Sea Area as an integral part of the peaceful co-operation and mutual understanding between all European States;

Have agreed as follows:

Article 1. CONVENTION AREA

For the purposes of the present Convention “the Baltic Sea Area” shall be the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57° 44' 8" N. It does not include internal waters of the Contracting Parties.

Article 2. DEFINITIONS

For the purposes of the present Convention:

1. “Pollution” means introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, resulting in such deleterious effects as hazard to human health, harm to living resources and marine life, hindrance to legitimate uses of the sea including fishing, impairment of the quality for use of sea water, and reduction of amenities;

2. “Land-based pollution” means pollution of the sea caused by discharges from land reaching the sea waterborne, airborne or directly from the coast, including outfalls from pipelines;

3. *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 the present Convention;

4. “Vessels and aircraft” means waterborne or airborne craft of any type whatsoever. This expression includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft whether self-propelled or not, and fixed or floating platforms;

5. “Oil” means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products;

¹ United Nations, *Treaty Series*, vol. 1090, p. 54.

6. "Harmful substance" means any hazardous, noxious, or other substance, which, if introduced into the sea, is liable to cause pollution;

7. "Incident" means an event involving the actual or probable discharge into the sea of a harmful substance, or effluents containing such a substance.

Article 3. FUNDAMENTAL PRINCIPLES AND OBLIGATIONS

1. The Contracting Parties shall individually or jointly take all appropriate legislative, administrative or other relevant measures in order to prevent and abate pollution and to protect and enhance the marine environment of the Baltic Sea Area.

2. The Contracting Parties shall use their best endeavours to ensure that the implementation of the present Convention shall not cause an increase in the pollution of sea areas outside the Baltic Sea Area.

Article 4. APPLICATION

1. The present Convention shall apply to the protection of the marine environment of the Baltic Sea Area which comprises the water-body and the sea-bed including their living resources and other forms of marine life.

2. Without prejudice to the sovereign rights in regard to their territorial sea, each Contracting Party shall implement the provisions of the present Convention within its territorial sea through its national authorities.

3. While the provisions of the present Convention do not apply to internal waters, which are under the sovereignty of each Contracting Party, the Contracting Parties undertake, without prejudice to their sovereign rights, to ensure that the purposes of the present Convention will be obtained in these waters.

4. The present Convention shall not apply to any warship, naval auxiliary, military aircraft or other ship and aircraft owned or operated by a State and used, for the time being, only on government non-commercial service.

However, each Contracting Party shall ensure, by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships and aircraft owned or operated by it, that such ships and aircraft act in a manner consistent, so far as is reasonable and practicable, with the present Convention.

Article 5. HAZARDOUS SUBSTANCES

The Contracting Parties undertake to counteract the introduction, whether airborne, waterborne or otherwise, into the Baltic Sea Area of hazardous substances as specified in Annex I of the present Convention.

Article 6. PRINCIPLES AND OBLIGATIONS CONCERNING LAND-BASED POLLUTION

1. The Contracting Parties shall take all appropriate measures to control and minimize land-based pollution of the marine environment of the Baltic Sea Area.

2. In particular, the Contracting Parties shall take all appropriate measures to control and strictly limit pollution by noxious substances and materials in accordance with Annex II of the present Convention. To this end they shall, *inter alia*, as appropriate co-operate in the development and adoption of specific programmes, guidelines, standards or regulations concerning discharges, environmental quality, and products containing such substances and materials and their use.

3. The substances and materials listed in Annex II of the present Convention shall not be introduced into the marine environment of the Baltic Sea Area in significant quantities without a prior special permit, which may be periodically reviewed, by the appropriate national authority.

4. The appropriate national authority will inform the Commission referred to in Article 12 of the present Convention of the quantity, quality and way of discharge if it considers that significant quantities of substances and materials listed in Annex II of the present Convention were discharged.

5. The Contracting Parties shall endeavour to establish and adopt common criteria for issuing permits for discharges.

6. To control and minimize pollution of the Baltic Sea Area by harmful substances the Contracting Parties shall, in addition to the provisions of Article 5 of the present Convention, aim at attaining the goals and applying the criteria enumerated in Annex III of the present Convention.

7. If the discharge from a watercourse, flowing through the territories of two or more Contracting Parties or forming a boundary between them, is liable to cause pollution of the marine environment of the Baltic Sea Area, the Contracting Parties concerned shall in common take appropriate measures in order to prevent and abate such pollution.

8. The Contracting Parties shall endeavour to use best practicable means in order to minimize the airborne pollution of the Baltic Sea Area by noxious substances.

Article 7. PREVENTION OF POLLUTION FROM SHIPS

1. In order to protect the Baltic Sea Area from pollution by deliberate, negligent or accidental release of oil, harmful substances other than oil, and by the discharge of sewage and garbage from ships, the Contracting Parties shall take measures as set out in Annex IV of the present Convention.

2. The Contracting Parties shall develop and apply uniform requirements for the capacity and location of facilities for the reception of residues of oil, harmful substances other than oil, including sewage and garbage, taking into account *inter alia* the special needs of passenger ships and combination carriers.

Article 8. PLEASURE CRAFT

The Contracting Parties shall, in addition to implementing those provisions of the present Convention which can appropriately be applied to pleasure craft, take special measures in order to abate harmful effects on the marine environment of the Baltic Sea Area of pleasure craft activities. The measures shall *inter alia* deal with adequate reception facilities for wastes from pleasure craft.

Article 9. PREVENTION OF DUMPING

1. The Contracting Parties shall, subject to Paragraphs 2 and 4 of this Article, prohibit dumping in the Baltic Sea Area.

2. Dumping of dredged spoils shall be subject to a prior special permit by the appropriate national authority in accordance with the provisions of Annex V of the present Convention.

3. Each Contracting Party undertakes to ensure compliance with the provisions of this Article by vessels and aircraft:

- a) Registered in its territory or flying its flag;
 - b) Loading, within its territory or territorial sea, matter which is to be dumped;
- or
- c) Believed to be engaged in dumping within its territorial sea.

4. The provisions of this Article shall not apply when the safety of human life or of a vessel or aircraft at sea is threatened by the complete destruction or total loss of the vessel or aircraft, or in any case which constitutes a danger to human life, 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 minimize the likelihood of damage to human or marine life.

5. Dumping made under the provisions of Paragraph 4 of this Article shall be reported and dealt with in accordance with Annex VI of the present Convention and shall also be reported forthwith to the Commission referred to in Article 12 of the present Convention in accordance with the provisions of Regulation 4 of Annex V of the present Convention.

6. In case of dumping suspected to be in contravention of the provisions of this Article the Contracting Parties shall co-operate in investigating the matter in accordance with Regulation 2 of Annex IV of the present Convention.

Article 10. EXPLORATION AND EXPLOITATION OF THE SEA-BED AND ITS SUBSOIL

Each Contracting Party shall take all appropriate measures in order to prevent pollution of the marine environment of the Baltic Sea Area resulting from exploration or exploitation of its part of the sea-bed and its subsoil or from any associated activities thereon. It shall also ensure that adequate equipment is at hand to start an immediate abatement of pollution in that area.

Article 11. CO-OPERATION IN COMBATting MARINE POLLUTION

The Contracting Parties shall take measures and co-operate as set out in Annex VI of the present Convention in order to eliminate or minimize pollution of the Baltic Sea Area by oil or other harmful substances.

Article 12. INSTITUTIONAL AND ORGANIZATIONAL FRAMEWORK

1. The Baltic Marine Environment Protection Commission, hereinafter referred to as "the Commission", is hereby established for the purposes of the present Convention.

2. The chairmanship of the Commission shall be given to each Contracting Party in turn in alphabetical order of the names of the States in the English language.

The Chairman shall serve for a period of two years, and cannot during the period of his chairmanship serve as representative of his country.

Should the chairmanship fall vacant, the Contracting Party chairing the Commission shall nominate a successor to remain in office until the term of chairmanship of that Contracting Party expires.

3. Meetings of the Commission shall be held at least once a year upon convocation by the Chairman. Upon the request of a Contracting Party, provided it is endorsed by another Contracting Party, the Chairman shall, as soon as possible, summon an extraordinary meeting at such time and place as the Chairman determines, however, not later than ninety days from the date of the submission of the request.

4. The first meeting of the Commission shall be called by the Depositary Government and shall take place within a period of ninety days from the date following the entry into force of the present Convention.

5. Each Contracting Party shall have one vote in the Commission. Unless otherwise provided under the present Convention, the Commission shall take its decisions unanimously.

Article 13. THE DUTIES OF THE COMMISSION

The duties of the Commission shall be:

a) To keep the implementation of the present Convention under continuous observation;

b) To make recommendations on measures relating to the purposes of the present Convention;

c) To keep under review the contents of the present Convention including its Annexes and to recommend to the Contracting Parties such amendments to the present Convention including its Annexes as may be required including changes in the lists of substances and materials as well as the adoption of new Annexes;

d) To define pollution control criteria, objectives for the reduction of pollution, and objectives concerning measures, particularly according to Annex III of the present Convention;

e) To promote in close co-operation with appropriate governmental bodies, taking into consideration Sub-Paragraph f) of this Article, additional measures to protect the marine environment of the Baltic Sea Area and for this purpose:

(i) To receive, process, summarize and disseminate from available sources relevant scientific, technological and statistical information; and

(ii) To promote scientific and technological research;

f) To seek, when appropriate, the services of competent regional and other international organizations to collaborate in scientific and technological research as well as other relevant activities pertinent to the objectives of the present Convention;

g) To assume such other functions as may be appropriate under the terms of the present Convention.

Article 14. ADMINISTRATIVE PROVISIONS FOR THE COMMISSION

1. The working language of the Commission shall be English.

2. The Commission shall adopt its Rules of Procedure.

3. The office of the Commission, hereafter referred to as the "Secretariat", shall be in Helsinki.

4. The Commission shall appoint an Executive Secretary and make provisions for the appointment of such other personnel as may be necessary, and determine the duties, terms and conditions of the Executive Secretary.

5. The Executive Secretary shall be the chief administrative official of the Commission and shall perform the functions that are necessary for the administration of the present Convention, the work of the Commission and other tasks entrusted to the Executive Secretary by the Commission and its Rules of Procedure.

Article 15. FINANCIAL PROVISIONS FOR THE COMMISSION

1. The Commission shall adopt its Financial Rules.

2. The Commission shall adopt an annual or biennial budget of proposed expenditures and budget estimates for the fiscal period following thereafter.

3. The total amount of the budget, including any supplementary budget adopted by the Commission, shall be contributed by the Contracting Parties in equal parts, unless the Commission unanimously decides otherwise.

4. Each Contracting Party shall pay the expenses related to the participation in the Commission of its representatives, experts and advisers.

Article 16. SCIENTIFIC AND TECHNOLOGICAL CO-OPERATION

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

2. Without prejudice to Paragraphs 1, 2 and 3 of Article 4 of the present Convention the Contracting Parties undertake directly, or when appropriate through competent regional or other international organizations, to promote studies, undertake, support or contribute to programmes aimed at developing ways and means for the assessment of the nature and extent of pollution, pathways, exposures, risks and remedies in the Baltic Sea Area, and particularly to develop alternative methods of treatment, disposal and elimination of such matter and substances that are likely to cause pollution of the marine environment of the Baltic Sea Area.

3. The Contracting Parties undertake directly, or when appropriate through competent regional or other international organizations, and, on the basis of the information and data acquired pursuant to Paragraphs 1 and 2 of this Article, to co-operate in developing intercomparable observation methods, in performing baseline studies and in establishing complementary or joint programmes for monitoring.

4. The organization and scope of work connected with the implementation of tasks referred to in the preceding Paragraphs should primarily be outlined by the Commission.

Article 17. RESPONSIBILITY FOR DAMAGE

The Contracting Parties undertake, as soon as possible, jointly to develop and accept rules concerning responsibility for damage resulting from acts or omissions in contravention of the present Convention, including, *inter alia*, limits of responsibility, criteria and procedures for the determination of liability and available remedies.

Article 18. SETTLEMENT OF DISPUTES

1. In case of a dispute between Contracting Parties as to the interpretation or application of the present Convention, they should seek a solution by negotiation. If the Parties concerned cannot reach agreement they should seek the good offices of or jointly request the mediation by a third Contracting Party, a qualified international organization or a qualified person.

2. If the Parties concerned have not been able to resolve their dispute through negotiation or have been unable to agree on measures as described above, such disputes shall be, upon common agreement, submitted to an *ad-hoc* arbitration tribunal, to a permanent arbitration tribunal, or to the International Court of Justice.

Article 19. SAFEGUARD OF CERTAIN FREEDOMS

Nothing in the present Convention shall be construed as infringing upon the freedom of navigation, fishing, marine scientific research and other legitimate uses of the high seas, as well as upon the right of innocent passage through the territorial sea.

Article 20. STATUS OF ANNEXES

The Annexes attached to the present Convention form an integral part of the Convention.

Article 21. RELATION TO OTHER CONVENTIONS

The provisions of the present Convention shall be without prejudice to the rights and obligations of the Contracting Parties under treaties concluded previously as well as under treaties which may be concluded in the future, furthering and developing the general principles of the Law of the Sea that the present Convention is based upon and in particular provisions concerning the prevention of pollution of the marine environment.

Article 22. REVISION OF THE CONVENTION

A conference for the purpose of a general revision of the present Convention may be convened with the consent of the Contracting Parties or at the request of the Commission.

Article 23. AMENDMENTS TO THE ARTICLES OF THE CONVENTION

1. Each Contracting Party may propose amendments to the Articles of the present Convention. Any such proposed amendment shall be submitted to the Depositary Government and communicated by it to all Contracting Parties, which shall inform the Depositary Government of either their acceptance or rejection of the amendment as soon as possible after the receipt of the communication.

The amendment shall enter into force ninety days after the Depositary Government has received notifications of acceptance of that amendment from all Contracting Parties.

2. With the consent of the Contracting Parties or at the request of the Commission a conference may be convened for the purpose of amending the present Convention.

Article 24. AMENDMENTS TO THE ANNEXES AND THE ADOPTION OF ANNEXES

1. Any amendment to the Annexes proposed by a Contracting Party shall be communicated to the other Contracting Parties by the Depositary Government and considered in the Commission. If adopted by the Commission, the amendment shall be communicated to the Contracting Parties and recommended for acceptance.

2. Such amendment shall be deemed to have been accepted at the end of a period determined by the Commission unless within that period any one of the Contracting Parties has objected to the amendment. The accepted amendment shall enter into force on a date determined by the Commission.

The period determined by the Commission shall be prolonged for an additional period of six months and the date of entry into force of the amendment postponed accordingly, if in exceptional cases, any Contracting Party before the expiring of the period determined by the Commission informs the Depositary Government, that, although it intends to accept the proposal, the constitutional requirements for such an acceptance are not yet fulfilled in its State.

3. An Annex to the present Convention may be adopted in accordance with the provisions of this Article.

4. The Depositary Government shall inform all Contracting Parties of any amendments or the adoption of a new Annex which enter into force under this Article and of the date on which such amendment or new Annex enters into force.

5. Any objection under this Article shall be made by notification in writing to the Depositary Government which shall notify all Contracting Parties and the Executive Secretary of any such notification and the date of its receipt.

Article 25. RESERVATIONS

1. The provisions of the present Convention shall not be subject to reservations.

2. The provision of Paragraph 1 of this Article does not prevent a Contracting Party from suspending for a period not exceeding one year the application of an Annex of the present Convention or part thereof or an amendment thereto after the Annex in question or the amendment thereto has entered into force.

3. If after the entry into force of the present Convention a Contracting Party invokes the provisions of Paragraph 2 of this Article it shall inform the other Contracting Parties, at the time of the adoption by the Commission of an amendment to an Annex or a new Annex, of those provisions which will be suspended in accordance with Paragraph 2 of this Article.

Article 26. SIGNATURE, RATIFICATION, APPROVAL, AND ACCESSION

1. The present Convention shall be open for signature in Helsinki on 22 March 1974 by the Baltic Sea States participating in the Diplomatic Conference on the Protection of the Marine Environment of the Baltic Sea Area, held in Helsinki from 18 to 22 March 1974. The present Convention shall be open for accession to any other State interested in fulfilling the aims and purposes of the present Convention, provided that this State is invited by all the Contracting Parties.

2. The present Convention shall be subject to ratification or approval by the States which have signed it.

3. The instruments of ratification, approval, or accession shall be deposited with the Government of Finland, which will perform the duties of the Depositary Government.

Article 27. ENTRY INTO FORCE

The present Convention shall enter into force two months after the deposit of the seventh instrument of ratification or approval.

Article 28. WITHDRAWAL

1. At any time after the expiry of five years from the date of entry into force of the present Convention any Contracting Party may, by giving written notification to the Depositary Government, withdraw from the present Convention. The withdrawal shall take effect for such Contracting Party on the thirty-first day of December of the year which follows the year in which the Depositary Government was notified of the withdrawal.

2. In case of notification of withdrawal by a Contracting Party the Depositary Government shall convene a meeting of the Contracting Parties for the purpose of considering the effect of the withdrawal.

Article 29. LANGUAGE

The present Convention has been drawn up in a single copy in the English language. Official translations into the Danish, Finnish, German, Polish, Russian, and Swedish languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorised thereto, have signed the present Convention.

DONE at Helsinki, this twenty-second day of March one thousand nine hundred and seventy-four.

For Denmark:

HOLGER HANSEN

For Finland:

JERMU LAINE

For the German Democratic Republic:

HANS REICHELT

For the Federal Republic of Germany:

HANS-GEORG SACHS

For the Polish People's Republic:

JERZY KUSIAK

For Sweden:

SVANTE LUNDKVIST

For the Union of Soviet Socialist Republics:

E. E. ALEXEEVSKY

ANNEX I

HAZARDOUS SUBSTANCES

The protection of the Baltic Sea Area from pollution by the substances listed below can involve the use of appropriate technical means, prohibitions and regulations of the transport, trade, handling, application, and final deposition of products containing such substances.

1. DDT (1,1,1-trichloro-2,2-bis-(chlorophenyl)-ethane) and its derivatives DDE and DDD.
2. PCB's (polychlorinated biphenyls).

ANNEX II

NOXIOUS SUBSTANCES AND MATERIALS

The following substances and materials are listed for the purposes of Article 6 of the present Convention.

The list is valid for substances and materials introduced as waterborne into the marine environment. The Contracting Parties shall also endeavour to use best practicable means to prevent harmful substances and materials from being introduced as airborne into the Baltic Sea Area.

A. *For urgent consideration*

1. Mercury, cadmium, and their compounds.
- B. 2. Antimony, arsenic, beryllium, chromium, copper, lead, molybdenum, nickel, selenium, tin, vanadium, zinc, and their compounds, as well as elemental phosphorus.
3. Phenols and their derivatives.
4. Phthalic acid and its derivatives.
5. Cyanides.
6. Persistent halogenated hydrocarbons.
7. Polycyclic aromatic hydrocarbons and their derivatives.
8. Persistent toxic organosilicic compounds.
9. Persistent pesticides, including organophosphoric and organostannic pesticides, herbicides, slimicides and chemicals used for the preservation of wood, timber, wood pulp, cellulose, paper, hides and textiles, not covered by the provisions of Annex I of the present Convention.
10. Radioactive materials.
11. Acids, alkalis and surface active agents in high concentrations or big quantities.
12. Oil and wastes of petrochemical and other industries containing lipid-soluble substances.
13. Substances having adverse effects on the taste and/or smell of products for human consumption from the sea, or effects on taste, smell, colour, transparency or other characteristics of the water seriously reducing its amenity values.
14. Materials and substances which may float, remain in suspension or sink, and which may seriously interfere with any legitimate use of the sea.
15. Lignin substances contained in industrial waste waters.
16. The chelators EDTA (ethylenedinitrilotetraacetic acid or ethylenediaminetetraacetic acid) and DTPA (diethylenetriaminopentaacetic acid).

ANNEX III

GOALS, CRITERIA AND MEASURES CONCERNING THE PREVENTION
OF LAND-BASED POLLUTION

In accordance with the provisions of Article 6 of the present Convention the Contracting Parties shall endeavour to attain the goals and apply the criteria and measures enumerated in this Annex in order to control and minimize land-based pollution of the marine environment of the Baltic Sea Area.

1. Municipal sewage shall be treated in an appropriate way so that the amount of organic matter does not cause harmful changes in the oxygen content of the Baltic Sea Area and the amount of nutrients does not cause harmful eutrophication of the Baltic Sea Area.

2. Municipal sewage shall also be treated in an appropriate way to ensure that the hygienic quality, and in particular epidemiological and toxicological safety, of the receiving sea area is maintained at a level which does not cause harm to human health, and in a way that under the given composition of the sewage no significant amount of such harmful substances as are listed in Annexes I and II of the present Convention is formed.

3. The polluting load of industrial wastes shall be minimized in an appropriate way in order to reduce the amount of harmful substances, organic matter and nutrients.

4. The means referred to in Paragraph 3 of this Annex shall in particular include minimization of production of wastes by processing techniques, re-circulation and re-use of processing water, developing of water economy and improvement of qualifications for water treatment. In the treatment of waste water mechanical, chemical, biological and other measures, according to the quality of the waste water, and as required to maintain or improve the quality of the recipient water, shall be applied.

5. The discharge of cooling water from nuclear power plants or other kinds of industries using large amounts of water shall be effected in a way which minimizes the pollution of the marine environment of the Baltic Sea Area.

6. The Commission will define pollution control criteria, objectives for reduction of pollution and objectives concerning measures, including processing techniques and waste treatment, to reduce pollution of the Baltic Sea Area.

ANNEX IV

PREVENTION OF POLLUTION FROM SHIPS

Regulation 1

The Contracting Parties shall as appropriate co-operate and assist each other in initiating action by the Inter-Governmental Maritime Consultative Organization to develop:

a) International rules for navigation of deep draught ships in narrow and shallow waters in international waters of the Baltic Sea Area and in the entrances to the Baltic Sea for the prevention of collisions, strandings and groundings;

b) An international radio reporting system for large ships en route within the Baltic Sea Area as well as for ships carrying a significant amount of a harmful substance.

Regulation 2

The Contracting Parties shall, without prejudice to Paragraph 4 of Article 4 of the present Convention, as appropriate assist each other in investigating violations of the existing legislation on antipollution measures, which have occurred or are suspected to have occurred within the Baltic Sea Area. This assistance may include but is not limited to inspection by the competent authorities of oil record books, cargo record books, log books and engine log books and taking oil samples for analytical identification purposes and in respect of the system of tagging oil residues.

Regulation 3. DEFINITIONS

For the purposes of this Annex:

1. "Ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms.

2. "Administration" means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of any State, the Administration is the Government of that State. With respect to fixed or floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the Administration is the Government of the coastal State concerned.

3. a) "Discharge", in relation to harmful substances or effluents containing such substances, means any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying;

b) "Discharge" does not include:

- (i) Dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter done at London on 29 December 1972;¹ or
- (ii) Release of harmful substances directly arising from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources; or
- (iii) Release of harmful substances for purposes of legitimate scientific research into pollution abatement or control.

4. "Nearest land". The term "from the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with international law.

5. The term "jurisdiction" shall be interpreted in accordance with international law in force at the time of application or interpretation of this Annex.

¹ United Nations, *Treaty Series*, vol. 1046, p. 120.

Regulation 4. OIL

The Contracting Parties shall as soon as possible but not later than 1 January 1977 or on the date of entry into force of the present Convention, whichever occurs later, apply the provisions of Paragraphs A to D of this Regulation on methods for the prevention of pollution by oil from ships while operating in the Baltic Sea Area.

A. Definitions

For the purposes of this Regulation:

1. "Oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products (other than petrochemicals which are subject to the provisions of Regulation 5 of this Annex) and, without limiting the generality of the foregoing, includes the substances listed in Appendix I to this Annex.
2. "Oily mixture" means a mixture with any oil content.
3. "Oil fuel" means any oil used as fuel in connection with the propulsion and auxiliary machinery of the ship in which such oil is carried.
4. "Oil tanker" means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes combination carriers and any "chemical tanker" as defined in Regulation 5 of this Annex when it is carrying a cargo or part cargo of oil in bulk.
5. "Combination carrier" means a ship designed to carry either oil or solid cargoes in bulk.
6. "Clean ballast" means the ballast in a tank which since oil was last carried therein has been so cleaned that effluent therefrom if it were discharged from a ship which is stationary into clean calm water on a clear day would not produce visible traces of oil on the surface of the water or on adjoining shore lines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shore lines. If the ballast is discharged through an oil discharge monitoring and control system approved by the Administration, evidence based on such a system to the effect that the oil content of the effluent did not exceed 15 parts per million shall be determinative that the ballast was clean, notwithstanding the presence of visible traces.
7. "Segregated ballast" means the ballast water introduced into a tank which is completely separated from the cargo oil and oil fuel system and which is permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious substances as variously defined in the Regulation of this Annex.

B. Control of Discharge of Oil

1.
 - a) Subject to the provisions of Paragraph C of this Regulation, any discharge into the sea of oil or oily mixtures from any oil tanker and any ship of 400 tons gross tonnage and above other than an oil tanker shall be prohibited, while in the Baltic Sea Area;
 - b) Such ships while in the Baltic Sea Area shall retain on board all oil drainage and sludge, dirty ballast and tank washing waters and discharge them only to reception facilities.
2.
 - a) Subject to the provisions of Paragraph C of this Regulation, any discharge into the sea of oil or oily mixtures from a ship of less than 400 tons gross tonnage, other than an oil tanker, shall be prohibited while in the Baltic Sea Area, except when the oil content of the effluent without dilution does not exceed 15 parts per million or alternatively when all of the following conditions are satisfied:
 - (i) The ship is proceeding en route;
 - (ii) The oil content of the effluent is less than 100 parts per million; and
 - (iii) The discharge is made as far as practicable from the land, but in no case less than 12 nautical miles from the nearest land;

b) No discharge into the sea shall contain chemicals or other substances in quantities or concentrations which are hazardous to the marine environment or chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this Regulation;

c) The oil residues which cannot be discharged into the sea in compliance with Sub-Paragraph 2a) of this Paragraph shall be retained on board or discharged to reception facilities.

3. The provisions of this Paragraph shall not apply to the discharge of clean or segregated ballast.

4. Whenever visible traces of oil are observed on or below the surface of the water in the immediate vicinity of a ship or its wake, the Contracting Parties should, to the extent they are reasonably able to do so, promptly investigate the facts bearing on the issue of whether there has been a violation of the provisions of this Regulation. The investigation should include, in particular, the wind and sea conditions, the track and speed of the ship, other possible sources of the visible traces in the vicinity, and any relevant oil discharge records.

C. *Exceptions*

Paragraph B of this Regulation shall not apply to:

a) The discharge into the sea of oil or oily mixtures necessary for the purpose of securing the safety of a ship or saving life at sea; or

b) The discharge into the sea of oil or oily mixtures resulting from damage to a ship or its equipment:

(i) Provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; and

(ii) Except if the owner or the Master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result; or

c) The discharge into the sea of substances containing oil, approved by the Administration, when being used for the purpose of combatting specific pollution incidents in order to minimize the damage from pollution. Any such discharge shall be subject to the approval of any Contracting Party in whose jurisdiction it is contemplated the discharge will occur.

D. *Special Requirements for Drilling Rigs and Other Platforms*

Fixed and floating drilling rigs when engaged in the exploration, exploitation and associated offshore processing of sea-bed mineral resources and other platforms shall comply with the requirements of this Regulation applicable to ships of 400 tons gross tonnage and above other than oil tankers, except that:

a) They shall keep a record of all operations involving oil or oily mixture discharges, in a form approved by the Administration; and

b) Subject to the provisions of Paragraph C of this Regulation, the discharge into the sea of oil or oily mixtures shall be prohibited except when the oil content of the discharge without dilution does not exceed 15 parts per million.

E. *Reception Facilities of the Baltic Sea Area*

The Contracting Parties undertake to ensure that not later than 1 January 1977 all oil loading terminals and repair ports of the Baltic Sea Area are provided with facilities adequate for the reception and treatment of all the dirty ballast and tank washing waters from oil tankers. In addition all ports of the area shall be provided with adequate reception facilities for other residues and oily mixtures from all ships. Such facilities shall have adequate capacity to meet the needs of the ships using them without causing undue delay.

Regulation 5. NOXIOUS LIQUID SUBSTANCES IN BULK

The Contracting Parties shall as soon as possible, but not later than 1 January 1977 or at a date not later than one year after the date of the entry into force of the present Convention, whichever occurs later, decide upon a date from which the provisions of Paragraphs A to D of this Regulation on the discharge of noxious liquid substances in bulk from ships while operating in the Baltic Sea Area shall apply.

A. Definitions

For the purposes of this Regulation:

1. "Chemical tanker" means a ship constructed or adapted primarily to carry a cargo of noxious liquid substances in bulk and includes an "oil tanker" as defined in Regulation 4 of this Annex when carrying a cargo or part cargo of noxious liquid substances in bulk.

2. "Clean ballast" means ballast carried in a tank which, since it was last used to carry a cargo containing a substance in Category A, B, C, or D has been thoroughly cleaned and the residues resulting therefrom have been discharged and the tank emptied in accordance with the appropriate requirements of this Regulation.

3. "Segregated ballast" means ballast water introduced into a tank permanently allocated to the carriage of ballast or to the carriage of ballast or cargoes other than oil or noxious liquid substances as variously defined in the Regulations of this Annex, and which is completely separated from the cargo and oil fuel system.

4. "Liquid substances" are those having a vapour pressure not exceeding 2.8 kPa/cm² at a temperature of 37.8° C.

5. "Noxious liquid substance" means any substance designated in Appendix III to this Annex or provisionally assessed under the provisions of Sub-Paragraph 4 of Paragraph B of this Regulation as falling into Category A, B, C, or D.

B. Categorization and Listing of Noxious Liquid Substances

1. For the purposes of this Regulation noxious liquid substances shall be divided into four categories as follows:

a) *Category A.* Noxious liquid substances which if discharged into the sea from tank cleaning or deballasting operations would present a major hazard to either marine resources or human health or cause serious harm to amenities or other legitimate uses of the sea and therefore justify the application of stringent anti-pollution measures;

b) *Category B.* Noxious liquid substances which if discharged into the sea from tank cleaning or deballasting operations would present a hazard to either marine resources or human health or cause harm to amenities or other legitimate uses of the sea and therefore justify the application of special anti-pollution measures;

c) *Category C.* Noxious liquid substances which if discharged into the sea from tank cleaning or deballasting operations would present a minor hazard to either marine resources or human health or cause minor harm to amenities or other legitimate uses of the sea and therefore require special operational conditions;

d) *Category D.* Noxious liquid substances which if discharged into the sea from tank cleaning or deballasting operations would present a recognizable hazard to either marine resources or human health or cause minimal harm to amenities or other legitimate uses of the sea and therefore require some attention in operational conditions.

2. Guidelines for use in the categorization of noxious liquid substances are given in Appendix II to this Annex.

3. The list of noxious liquid substances carried in bulk and presently categorized which are subject to the provisions of this Regulation is set out in Appendix III to this Annex.

4. Where it is proposed to carry a liquid substance in bulk which has not been categorized under Sub-Paragraph 1 of this Paragraph or evaluated as referred to in Sub-Paragraph 1

of Paragraph C of this Regulation the Contracting Parties involved in the proposed operation shall establish and agree on a provisional assessment for the proposed operation on the basis of the guidelines referred to in Sub-Paragraph 2 of this Paragraph. Until full agreement between the Governments involved has been reached, the substance shall be carried under the most severe conditions proposed.

C. Other Liquid Substances

1. The substances listed in Appendix IV to this Annex have been evaluated and found to fall outside the Categories A, B, C, and D, as defined in Sub-Paragraph 1 of Paragraph B of this Regulation because they are presently considered to present no harm to human health, marine resources, amenities or other legitimate uses of the sea, when discharged into the sea from tank cleaning or deballasting operations.

2. The discharge of bilge or ballast water or other residues or mixtures containing only substances listed in Appendix IV to this Annex shall not be subject to any requirement of this Regulation.

3. The discharge into the sea of clean ballast or segregated ballast shall not be subject to any requirement of this Regulation.

D. Discharge of Noxious Liquid Substances

Subject to the provisions of Paragraph E of this Regulation:

1. The discharge into the sea of substances in Category A as defined in Sub-Paragraph 1a) of Paragraph B of this Regulation, or of those provisionally assessed as such or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited. If tanks containing such substances or mixtures are to be washed, the resulting residues shall be discharged to a reception facility which the Contracting Parties shall provide in accordance with Paragraph H of this Regulation, until the concentration of the substance in the effluent to such facility is at or below the residual concentration prescribed for that substance in column IV of Appendix III to this Annex and until the tank is empty. Provided that the residue then remaining in the tank is subsequently diluted by the addition of a volume of water of not less than 5 per cent of the total volume of the tank, it may be discharged into the sea when all the following conditions are also satisfied:

a) The ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;

b) The discharge is made below the water-line, taking into account the location of the seawater intakes; and

c) The discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

2. The discharge into the sea of substances in Category B as defined in Sub-Paragraph 1b) of Paragraph B of this Regulation or of those provisionally assessed as such or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:

a) The tank has been washed after unloading with a volume of water of not less than 0.5 per cent of the total volume of the tank, and the resulting residues have been discharged to a reception facility until the tank is empty;

b) The ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;

c) The procedures and arrangements for discharge and washings are approved by the Administration and shall ensure that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 1 part per million;

d) The discharge is made below the water-line taking into account the location of the seawater intakes; and

e) The discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

3. The discharge into the sea of substances in Category C as defined in Sub-Paragraph 1c) of Paragraph B of this Regulation or of those provisionally assessed as such or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:

a) The ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;

b) The procedures and arrangements for discharge are approved by the Administration and shall ensure that the concentration and rate of discharge of the effluent is such that the concentration of the substance in the wake astern of the ship does not exceed 1 part per million;

c) The maximum quantity of cargo discharged from each tank and its associated piping system does not exceed the maximum quantity approved in accordance with the procedures referred to in Sub-Paragraph 3b) of this Paragraph which shall in no case exceed the greater of 1 cubic metre or 1/3.000 of the tank capacity in cubic metres;

d) The discharge is made below the water-line, taking into account the location of the seawater intakes; and

e) The discharge is made at a distance of not less than 12 nautical miles from the nearest land and in a depth of water of not less than 25 metres.

4. The discharge into the sea of substances in Category D as defined in Sub-Paragraph 1d) of Paragraph B of this Regulation, or of those provisionally assessed as such or ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited except when all the following conditions are satisfied:

a) The ship is proceeding en route at a speed of at least 7 knots in the case of self-propelled ships or at least 4 knots in the case of ships which are not self-propelled;

b) Such mixtures are of a concentration not greater than one part of the substance in ten parts of water; and

c) The discharge is made at a distance of not less than 12 nautical miles from the nearest land.

5. Ventilation procedures approved by the Administration may be used to remove cargo residues from a tank. If subsequent washing of the tank is necessary, the discharge into the sea of the resulting tank washings shall be made in accordance with Sub-Paragraphs 1, 2, 3, or 4 of this Paragraph, whichever is applicable.

6. The discharge into the sea of substances which have not been categorized, provisionally assessed, or evaluated as referred to in Sub-Paragraph 1 of Paragraph C of this Regulation, or of ballast water, tank washings, or other residues or mixtures containing such substances shall be prohibited.

E. *Exceptions*

Paragraph D of this Regulation shall not apply to:

a) The discharge into the sea of noxious liquid substances or mixtures containing such substances necessary for the purpose of securing the safety of a ship or saving life at sea; or

b) The discharge into the sea of noxious liquid substances or mixtures containing such substances resulting from damage to a ship or its equipment:

(i) Provided that all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimizing the discharge; and

(ii) Except if the owner or the Master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result; or

c) The discharge into the sea of noxious liquid substances or mixtures containing such substances, approved by the Administration, when being used for the purpose of combatting specific pollution incidents in order to minimize the damage from pollution. Any such discharge shall be subject to the approval of any Contracting Party in whose jurisdiction it is contemplated the discharge will occur.

F. Measures of Control

1. The Contracting Parties shall appoint or authorize surveyors for the purpose of implementing this Paragraph.

Category A Substances

2. a) If a tank is partially unloaded or unloaded but not cleaned, an appropriate entry shall be made in the Cargo Record Book;

b) Until that tank is cleaned every subsequent pumping or transfer operation carried out in connection with that tank shall also be entered in the Cargo Record Book.

3. If the tank is to be washed:

a) The effluent from the tank washing operation shall be discharged from the ship to a reception facility at least until the concentration of the substance in the discharge, as indicated by analyses of samples of the effluent taken by the surveyor, has fallen to the residual concentration specified for that substance in Appendix III to this Annex. When the required residual concentration has been achieved, remaining tank washings shall continue to be discharged to the reception facility until the tank is empty. Appropriate entries of these operations shall be made in the Cargo Record Book and certified by the surveyor; and

b) After diluting the residue then remaining in the tank with at least 5 per cent of the tank capacity of water, this mixture may be discharged into the sea in accordance with the provisions of Sub-Paragraphs 1a), b), and c) of Paragraph D of this Regulation. Appropriate entries of these operations shall be made in the Cargo Record Book.

4. Where the Government of the receiving Party is satisfied that it is impracticable to measure the concentration of the substance in the effluent without causing undue delay to the ship, that Party may accept an alternative procedure as being equivalent to Sub-Paragraph 3a) of this Paragraph provided that:

a) A precleaning procedure for that tank and that substance is approved by the Administration and that Party is satisfied that such procedure will fulfil the requirements of Sub-Paragraph 1 of Paragraph D of this Regulation with respect to the attainment of the prescribed residual concentrations;

b) A surveyor duly authorized by that Party shall certify in the Cargo Record Book that:

- (i) The tank, its pump and piping system have been emptied, and that the quantity of cargo remaining in the tank is at or below the quantity on which the approved precleaning procedure referred to in Sub-Paragraph (ii) of this Sub-Paragraph has been based;
- (ii) Precleaning has been carried out in accordance with the precleaning procedure approved by the Administration for that tank and that substance; and
- (iii) The tank washings resulting from such precleaning have been discharged to a reception facility and the tank is empty;

c) The discharge into the sea of any remaining residues shall be in accordance with the provisions of Sub-Paragraph 3b) of this Paragraph and an appropriate entry is made in the Cargo Record Book.

Category B Substances

5. Subject to such surveillance and approval by the authorized or appointed surveyor as may be deemed necessary by the Contracting Party, the Master of a ship shall, with respect to a Category B substance, ensure compliance with the following:

- a) If a tank is partially unloaded or unloaded but not cleaned, an appropriate entry shall be made in the Cargo Record Book;
- b) Until that tank is cleaned every subsequent pumping or transfer operation carried out in connection with that tank shall also be entered in the Cargo Record Book;
- c) If the tank is to be washed, the effluent from the tank washing operation, which shall contain a volume of water not less than 0.5 per cent of the total volume of the tank, shall be discharged from the ship to a reception facility until the tank, its pump and piping system are empty. An appropriate entry shall be made in the Cargo Record Book;
- d) If the tank is to be further cleaned and emptied at sea, the Master shall:
- (i) Ensure that the approved procedures referred to in Sub-Paragraph 2c) of Paragraph D of this Regulation are complied with and that the appropriate entries are made in the Cargo Record Book; and
- (ii) Ensure that any discharge into the sea is made in accordance with the requirements of Sub-Paragraph 2 of Paragraph D of this Regulation and an appropriate entry is made in the Cargo Record Book;
- e) If after unloading a Category B substance, any residues of tank washings are to be retained on board until the ship is outside the Baltic Sea Area, the Master shall so indicate by an appropriate entry in the Cargo Record Book.

Category C Substances

6. Subject to such surveillance and approval by the authorized or appointed surveyor as may be deemed necessary by the Contracting Party, the Master of a ship shall, with respect to a Category C substance, ensure compliance with the following:

- a) If a tank is partially unloaded or unloaded but not cleaned, an appropriate entry shall be made in the Cargo Record Book;
- b) If the tank is to be cleaned at sea:
- (i) The cargo piping system serving that tank shall be drained and an appropriate entry made in the Cargo Record Book;
- (ii) The quantity of substance remaining in the tank shall not exceed the maximum quantity which may be discharged into the sea for that substance under Sub-Paragraph 3c) of Paragraph D of this Regulation. An appropriate entry shall be made in the Cargo Record Book;
- (iii) Where it is intended to discharge the quantity of substance remaining into the sea the approved procedures shall be complied with, and the necessary dilution of the substance satisfactory for such a discharge shall be achieved. An appropriate entry shall be made in the Cargo Record Book; or
- (iv) Where the tank washings are not discharged into the sea, if any internal transfer of tank washings takes place from that tank an appropriate entry shall be made in the Cargo Record Book; and
- (v) Any subsequent discharge into the sea of such tank washings shall be made in accordance with the requirements of Sub-Paragraph 3 of Paragraph D of this Regulation;
- c) If the tank is to be cleaned in port:
- (i) The tank washings shall be discharged to a reception facility and an appropriate entry shall be made in the Cargo Record Book; or
- (ii) The tank washings shall be retained on board the ship and an appropriate entry shall be made in the Cargo Record Book indicating the location and disposition of the tank washings;

d) If after unloading a Category C substance within the Baltic Sea Area, any residues or tank washings are to be retained on board until the ship is outside the area, the Master shall so indicate by an appropriate entry in the Cargo Record Book.

Category D Substances

7. The Master of a ship shall, with respect to a Category D substance, ensure compliance with the following:

a) If a tank is partially unloaded or unloaded but not cleaned, an appropriate entry shall be made in the Cargo Record Book;

b) If the tank is to be cleaned at sea:

- (i) The cargo piping system serving that tank shall be drained and an appropriate entry made in the Cargo Record Book;
- (ii) Where it is intended to discharge the quantity of substance remaining into the sea, the necessary dilution of the substance satisfactory for such a discharge shall be achieved. An appropriate entry shall be made in the Cargo Record Book;
- (iii) Where the tank washings are not discharged into the sea, if any internal transfer of tank washings takes place from that tank an appropriate entry shall be made in the Cargo Record Book; and
- (iv) Any subsequent discharge into the sea of such tank washings shall be made in accordance with the requirements of Sub-Paragraph 4 of Paragraph D of this Regulation;

c) If the tank is to be cleaned in port:

- (i) The tank washings shall be discharged to a reception facility and an appropriate entry shall be made in the Cargo Record Book; or
- (ii) The tank washings shall be retained on board the ship and an appropriate entry shall be made in the Cargo Record Book indicating the location and disposition of the tank washings.

Discharge from a Slop Tank

8. Any residues retained on board in a slop tank, including those from pump room bilges, which contain a Category A or a Category B substance, shall be discharged to a reception facility in accordance with the provisions of Sub-Paragraph 1 or 2 of Paragraph D of this Regulation, whichever is applicable. An appropriate entry shall be made in the Cargo Record Book.

9. Any residues retained on board in a slop tank, including those from pump room bilges, which contain a Category C substance in excess of the aggregate of the maximum quantities specified in Sub-Paragraph 3c) of Paragraph D of this Regulation shall be discharged to a reception facility. An appropriate entry shall be made in the Cargo Record Book.

G. Cargo Record Book

1. Every ship to which this Regulation applies shall be provided with a Cargo Record Book, whether as part of the ship's official log book or otherwise, in the form specified in Appendix V to this Annex.

2. The Cargo Record Book shall be completed, on a tank-to-tank basis, whenever any of the following operations with respect to a noxious liquid substance takes place in the ship:

- (i) Loading of cargo;
- (ii) Unloading of cargo;
- (iii) Transfer of cargo;
- (iv) Transfer of cargo, cargo residues or mixtures containing cargo to a slop tank;
- (v) Cleaning of cargo tanks;

- (vi) Transfer from slop tanks;
- (vii) Ballasting of cargo tanks;
- (viii) Transfer of dirty ballast water;
- (ix) Discharge into the sea in accordance with Paragraph D of this Regulation.

3. If the event of any discharge of the kind referred to in Annex VI of the present Convention and Paragraph E of this Regulation of any noxious liquid substance or mixture containing such substance, whether intentional or accidental, an entry shall be made in the Cargo Record Book stating the circumstances of, and the reason for, the discharge.

4. When a surveyor appointed or authorized by a Contracting Party to supervise any operations under this Regulation has inspected a ship, then that surveyor shall make an appropriate entry in the Cargo Record Book.

5. Each operation referred to in Sub-Paragraphs 2 and 3 of this Paragraph shall be fully recorded without delay in the Cargo Record Book so that all the entries in the Book appropriate to that operation are completed. Each entry shall be signed by the officer or officers in charge of the operation concerned and, when the ship is manned, each page shall be signed by the Master of the ship. The entries in the Cargo Record Book shall be in an official language of the State whose flag the ship is entitled to fly, and, except when the ship is engaged in domestic voyages, in English or French. The entries in an official national language of the State whose flag the ship is entitled to fly shall prevail in case of a dispute or discrepancy.

6. The Cargo Record Book shall be kept in such a place as to be readily available for inspection and, except in the case of unmanned ships under tow, shall be kept on board the ship. It shall be retained for a period of two years after the last entry has been made.

7. The competent authority of a Contracting Party may inspect the Cargo Record Book on board any ship to which this Regulation applies while the ship is in its port, and may make a copy of any entry in that Book and may require the Master of the ship to certify that the copy is a true copy of such entry. Any copy so made which has been certified by the Master of the ship as a true copy of an entry in the ship's Cargo Record book shall be made admissible in any judicial proceeding as evidence of the facts stated in the entry. The inspection of a Cargo Record Book and the taking of a certified copy by the competent authority under this Paragraph shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

H. *Reception Facilities*

1. The Contracting Parties undertake to ensure the provision of reception facilities according to the needs of ships using their ports, terminals or repair ports of the Baltic Sea Area as follows:

a) Cargo loading and unloading ports and terminals shall have facilities adequate for reception without undue delay to ships of such residues and mixtures containing noxious liquid substances as would remain for disposal from ships carrying them as a consequence of the application of this Regulation; and

b) Ship repair ports undertaking repairs to chemical tankers shall have facilities adequate for the reception of residues and mixtures containing noxious liquid substances.

2. Each Contracting Party shall determine the types of facilities provided for the purpose of Sub-Paragraph 1 of this Paragraph at its cargo loading and unloading ports, terminals and ship repair ports of the Baltic Sea Area.

Regulation 6. HARMFUL SUBSTANCES IN PACKAGED FORMS

A. The Contracting Parties shall as soon as possible apply suitable uniform rules for the carriage of harmful substances in packaged forms or in freight containers, portable tanks or road and rail tank wagons.

B. With respect to certain harmful substances, as may be designated by the Commission, the Master or owner of the ship or his representative shall notify the appropriate port authority of the intent to load or unload such substances at least 24 hours prior to such action.

C. A report of an incident involving harmful substances shall be made in accordance with the provisions of Annex VI of the present Convention.

Regulation 7. SEWAGE

The Contracting Parties shall apply the provisions of Paragraphs A to D of this Regulation on discharge of sewage from ships while operating in the Baltic Sea Area.

A. Definitions

For the purposes of this Regulation:

1. "New ship" means a ship:

a) For which the building contract is placed, or in the absence of a building contract, the keel of which is laid, or which is at a similar stage of construction, on or after the date of entry into force of the present Convention; or

b) The delivery of which is three years or more after the date of entry into force of the present Convention.

2. "Existing ship" means a ship which is not a new ship.

3. "Sewage" means:

a) Drainage and other wastes from any form of toilets, urinals, and WC scuppers;

b) Drainage from medical premises (dispensary, sick bay, etc.) via wash basins, wash tubs and scuppers located in such premises;

c) Drainage from spaces containing living animals; or

d) Other waste waters when mixed with the drainages defined above.

4. "Holding tank" means a tank used for the collection and storage of sewage.

B. Application

1. The provisions of this Regulation shall apply to:

a) New ships certified to carry more than 100 persons from a date not later than 1 January 1977;

b) Existing ships certified to carry more than 400 persons from a date not later than 1 January 1978; and

c) Other ships, as specified in Sub-Paragraphs (i), (ii), and (iii), from dates decided by the Contracting Parties on recommendation by the Commission:

(i) Ships of 200 tons gross tonnage and above;

(ii) Ships of less than 200 tons gross tonnage which are certified to carry more than 10 persons;

(iii) Ships which do not have a measured gross tonnage and are certified to carry more than 10 persons.

In the case of new such ships the date shall be not later than 1 January 1979. In the case of existing such ships the date shall be not later than ten years after the date decided for new ships.

2. A Contracting Party may, if it is satisfied that the application of the provisions of Sub-Paragraph 1b) of this Paragraph with respect to a certain ship would necessitate constructional alterations which would be unreasonable, exempt the ship from the application until a date not later than ten years after the date of entry into force of the present Convention.

C. Discharge of Sewage

1. Subject to the provisions of Paragraph D of this Regulation, the discharge of sewage into the sea is prohibited, except when:

a) The ship is discharging comminuted and disinfected sewage using a system approved by the Administration at a distance of more than 4 nautical miles from the nearest land, or sewage which is not comminuted or disinfected at a distance of more than 12 nautical miles from the nearest land, provided that in any case the sewage that has been stored in holding tanks shall not be discharged instantaneously but at a moderate rate when the ship is en route and proceeding at not less than 4 knots; or

b) The ship has in operation a sewage treatment plant which has been approved by the Administration, and

- (i) The test results of the plant are laid down in a document carried by the ship;
- (ii) Additionally, the effluent shall not produce visible floating solids in, nor cause discoloration of the surrounding water; or

c) The ship is situated in the waters under the jurisdiction of a State and is discharging sewage in accordance with such less stringent requirements as may be imposed by such State.

2. When the sewage is mixed with wastes or waste water having different discharge requirements, the more stringent requirements shall apply.

D. *Exceptions*

Paragraph C of this Regulation shall not apply to:

a) The discharge of sewage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or

b) The discharge of sewage resulting from damage to a ship or its equipment if all reasonable precautions have been taken before and after the occurrence of the damage for the purpose of preventing or minimizing the discharge.

E. *Reception Facilities*

1. Each Contracting Party undertakes to ensure the provision of facilities at its ports and terminals of the Baltic Sea Area for the reception of sewage, without causing undue delay to ships, adequate to meet the needs of the ships using them.

2. To enable pipes of reception facilities to be connected with the ship's discharge pipeline, both lines shall be fitted with a standard discharge connection in accordance with the following table:

STANDARD DIMENSIONS OF FLANGES FOR DISCHARGE CONNECTIONS

<i>Description</i>	<i>Dimension</i>
Outside diameter.....	210 mm
Inner diameter.....	According to pipe outside diameter
Bolt circle diameter.....	170 mm
Slots in flange.....	4 holes 18 mm in diameter equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width to be 18 mm
Flange thickness.....	16 mm
Bolts and nuts: quantity and diameter....	4 each of 16 mm in diameter and of suitable length

The flange is designed to accept pipes up to a maximum internal diameter of 100 mm and shall be of steel or other equivalent material having a flat face. This flange, together with a suitable gasket, shall be suitable for a service pressure of 6 kg/cm².

For ships having a moulded depth of 5 metres and less, the inner diameter of the discharge connection may be 38 millimetres.

Regulation 8. GARBAGE

The Contracting Parties shall as soon as possible but not later than 1 January 1976 or on the date of entry into force of the present Convention, whichever occurs later, apply the provisions of Paragraphs A to D of this Regulation on the disposal of garbage from ships while operating in the Baltic Sea Area.

A. Definition

For the purposes of this Regulation:

“Garbage” means all kinds of victual, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the ship and liable to be disposed of continuously or periodically except those substances which are defined or listed in other Regulations of this Annex.

B. Disposal of Garbage

1. Subject to the provisions of Paragraphs C and D of this Regulation:

a) Disposal into the sea of the following is prohibited:

- (i) All plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags; and
- (ii) All other garbage, including paper products, rags, glass, metal, bottles, crockery, dunnage, lining and packing materials;

b) Disposal into the sea of food wastes shall be made as far as practicable from land, but in any case not less than 12 nautical miles from the nearest land.

2. When the garbage is mixed with other discharges having different disposal or discharge requirements the more stringent requirements shall apply.

C. Special Requirements for Fixed and Floating Platforms

1. Subject to the provisions of Sub-Paragraph 2 of this Paragraph, the disposal of any materials regulated by this Regulation is prohibited from fixed or floating platforms engaged in the exploration, exploitation and associated offshore processing of sea-bed mineral resources, and all other ships when alongside or within 500 metres of such platforms.

2. The disposal into the sea of food wastes may be permitted when they have passed through a comminuter or grinder from such fixed or floating platforms located more than 12 nautical miles from land and all other ships when alongside or within 500 metres of such platforms. Such comminuted or ground food wastes shall be capable of passing through a screen with openings no greater than 25 millimetres.

D. Exceptions

Paragraphs B and C of this Regulation shall not apply to:

a) The disposal of garbage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or

b) The escape of garbage resulting from damage to a ship or its equipment provided all reasonable precautions have been taken before and after the occurrence of the damage, for the purpose of preventing or minimizing the escape; or

c) The accidental loss of synthetic fishing nets or synthetic material incidental to the repair of such nets, provided that all reasonable precautions have been taken to prevent such loss.

E. Reception Facilities

Each Contracting Party undertakes to ensure the provision of facilities at its ports and terminals of the Baltic Sea Area for the reception of garbage, without causing undue delay to ships, and according to the needs of the ships using them.

ANNEX IV. APPENDIX I

*List of oils***Asphalt solutions*

Blending Stocks
Roofers Flux
Straight Run Residue

Oils

Clarified
Crude Oil
Mixtures containing crude oil
Diesel Oil
Fuel Oil No. 4
Fuel Oil No. 5
Fuel Oil No. 6
Residual Fuel Oil
Road Oil
Transformer Oil
Aromatic Oil (excluding vegetable oil)
Lubricating Oils and Blending Stocks
Mineral Oil
Motor Oil
Penetrating Oil
Spindle Oil
Turbine Oil

Distillates

Straight Run
Flashed Feed Stocks

Gas Oil

Cracked

Gasolene Blending Stocks

Alkylates — fuel
Reformats
Polymer — fuel

Gasolenes

Casinghead (natural)
Automotive
Aviation
Straight Run
Fuel Oil No. 1 (Kerosene)
Fuel Oil No. 1-D
Fuel Oil No. 2
Fuel Oil No. 2-D

Jet Fuels

JP-1 (Kerosene)
JP-3
JP-4
JP-5 (Kerosene, Heavy)
Turbo Fuel
Kerosene
Mineral Spirit

Naphtha

Solvent
Petroleum
Heartcut Distillate Oil

* The list of oils shall not necessarily be considered as comprehensive.

ANNEX IV. APPENDIX II

*Guidelines for the Categorization of Noxious Liquid Substances**Category A*

Substances which are bioaccumulated and liable to produce a hazard to aquatic life or human health; or which are highly toxic to aquatic life (as expressed by a Hazard Rating 4, defined by a TLM less than 1 ppm); and additionally certain substances which are moderately toxic to aquatic life (as expressed by a Hazard Rating 3, defined by a TLM of 1 or more, but less than 10 ppm) when particular weight is given to additional factors in the hazard profile or to special characteristics of the substance.

Category B

Substances which are bioaccumulated with a short retention of the order of one week or less; or which are liable to produce tainting of the sea food; or which are moderately toxic to aquatic life (as expressed by a Hazard Rating 3, defined by a TLM of 1 ppm or more, but less than 10 ppm); and additionally certain substances which are slightly toxic to aquatic life (as expressed by a Hazard Rating 2, defined by a TLM of 10 ppm or more, but less than 100 ppm) when particular weight is given to additional factors in the hazard profile or to special characteristics of the substance.

Category C

Substances which are slightly toxic to aquatic life (as expressed by a Hazard Rating 2, defined by a TLM of 10 or more, but less than 100 ppm); and additionally certain substances which are practically non-toxic to aquatic life (as expressed by a Hazard Rating 1, defined by a TLM of 100 ppm or more, but less than 1.000 ppm) when particular weight is given to additional factors in the hazard profile or to special characteristics of the substance.

Category D

Substances which are practically non-toxic to aquatic life (as expressed by a Hazard Rating 1, defined by a TLM of 100 ppm or more, but less than 1.000 ppm); or causing deposits blanketing the seafloor with a high biochemical oxygen demand (BOD); or highly hazardous to human health, with an LD₅₀ of less than 5 mg/kg; or produce moderate reduction of amenities because of persistency, smell or poisonous or irritant characteristics, possibly interfering with use of beaches; or moderately hazardous to human health, with an LD₅₀ of 5 mg/kg or more, but less than 50 mg/kg and produce slight reduction of amenities.

Other Liquid Substances (for the purposes of Paragraph C of Regulation 5)

Substances other than those categorized in Categories A, B, C, and D above.

ANNEX IV. APPENDIX III

List of Noxious Liquid Substances Carried in Bulk

Substance	UN Number	Pollution Category for oper- ational discharge	Residual concentration (per cent by weight)	
			(Para- graph B of Regula- tion 5)	(Para- graph D(1) of Regula- tion 5) (Within the Baltic Sea Area)
	I	II	III	IV
Acetaldehyde	1089	C		
Acetic acid	1842	C		
Acetic anhydride	1715	C		
Acetone	1090	D		
Acetone cyanohydrin	1541	A		0.05
Acetyl chloride	1717	C		
Acrolein	1092	A		0.05
Acrylic acid*	—	C		
Acrylonitrile	1093	B		
Adiponitrile	—	D		
Alkylbenzene sulfonate (straight chain)	—	C		
(branched chain)	—	B		
Allyl alcohol	1098	B		
Allyl chloride	1100	C		
Alum (15% solution)	—	D		
Aminoethylethanolamine (Hydroxyethyl-ethylenediamine)*	—	D		
Ammonia (28% aqueous)	1005	B		
iso-Amyl acetate	1104	C		
n-Amyl acetate	1104	C		
n-Amyl alcohol	—	D		
Aniline	1547	C		
Benzene	1114	C		
Benzyl alcohol	—	D		
Benzyl chloride	1738	B		
n-Butyl acetate	1123	D		
sec-Butyl acetate	1124	D		
n-Butyl acrylate	—	D		
Butyl butyrate*	—	B		
Butylene glycol(s)	—	D		
Butyl Methacrylate	—	D		
n-Butyraldehyde	1129	B		
Butyric acid	—	B		
Calcium hydroxide (solution)	—	D		
Camphor oil	1130	B		
Carbon disulphide	1131	A		0.005
Carbon tetrachloride	1846	B		
Caustic potash (Potassium hydroxide)	1814	C		
Chloroacetic acid	1750	C		

* Asterisk indicates that the substance has been provisionally included in this list and that further data are necessary in order to complete the evaluation of its environmental hazards, particularly in relation to living resources.

<i>Substance</i>	<i>I</i>	<i>II</i>	<i>III</i>	<i>IV</i>
Chloroform	1888	B		
Chlorohydrins (crude)*	—	D		
Chloroprene*	1991	C		
Chlorosulphonic acid	1754	C		
para-Chlorotoluene	—	B		
Citric acid (10-25%)	—	D		
Creosote	1334	A		0.05
Cresols	2076	A		0.05
Cresylic acid	2022	A		0.05
Crotonaldehyde	1143	B		
Cumene	1918	C		
Cyclohexane	1145	C		
Cyclohexanol	—	D		
Cyclohexanone	1915	D		
Cyclohexylamine*	—	D		
para-Cymene (Isopropyltoluene)*	2046	D		
Decahydronaphthalene	1147	D		
Decane*	—	D		
Diacetone alcohol*	1148	D		
Dibenzyl ether*	—	C		
Dichlorobenzenes	1591	A		0.05
Dichloroethyl ether	1916	B		
Dichloropropene-Dichloropropane mixture (D.D. Soil fumigant)	2047	B		
Diethylamine	1154	C		
Diethylbenzene (mixed isomers)	2049	C		
Diethyl ether	1155	D		
Diethylene triamine*	2079	C		
Diethylene glycol monoethyl ether	—	C		
Diethylketone (3-Pentanone)	1156	D		
Diisobutylene*	2050	D		
Diisobutyl ketone	1157	D		
Diisopropanolamine	—	C		
Diisopropylamine	1158	C		
Diisopropyl ether*	1159	D		
Dimethylamine (40% aqueous)	1160	C		
Dimethylethanolamine (2-Dimethylaminoethanol)*	2051	C		
Dimethylformamide	—	D		
1,4-Dioxane*	1165	C		
Diphenyl/Diphenyloxide mixtures*	—	D		
Dodecylbenzene	—	C		
Epichlorohydrin	2023	B		
2-Ethoxyethyl acetate*	1172	D		
Ethyl acetate	1173	D		
Ethyl acrylate	1917	D		
Ethyl amyl ketone*	—	C		
Ethylbenzene	1175	C		
Ethyl cyclohexane	—	D		
Ethylene chlorohydrin (2-Chloro-ethanol)	1135	D		
Ethylene cyanohydrin*	—	D		
Ethylenediamine	1604	C		
Ethylene dibromide	1605	B		
Ethylene dichloride	1184	B		
Ethylene glycol monethyl ether (Methyl cellosolve)	1171	D		
2-Ethylhexyl acrylate*	—	D		

* Asterisk indicates that the substance has been provisionally included in this list and that further data are necessary in order to complete the evaluation of its environmental hazards, particularly in relation to living resources.

<i>Substance</i>	<i>I</i>	<i>II</i>	<i>III</i>	<i>IV</i>
2-Ethylhexyl alcohol	—	C		
Ethyl lactate*	1192	D		
2-Ethyl 3-propylacrolein*	—	B		
Formaldehyde (37-50% solution)	1198	C		
Formic acid	1779	D		
Furfuryl alcohol	—	C		
Heptanoic acid*	—	D		
Hexamethylenediamine*	1783	C		
Hydrochloric acid	1789	D		
Hydrofluoric acid (40% aqueous)	1790	B		
Hydrogen peroxide (greater than 60%)	2015	C		
Isobutyl acrylate	—	D		
Isobutyl alcohol	1212	D		
Isobutyl methacrylate	—	D		
Isobutyraldehyde	2045	C		
Isooctane*	—	D		
Isopentane	—	D		
Isophorone	—	D		
Isopropylamine	1221	C		
Isopropyl cyclohexane	—	D		
Isoprene	1218	D		
Lactic acid	—	D		
Mesityl oxide*	1229	C		
Methyl acetate	1231	D		
Methyl acrylate	1919	C		
Methylamyl alcohol	—	D		
Methylene chloride	1593	B		
2-Methyl-5-Ethylpyridine*	—	B		
Methyl methacrylate	1247	D		
2-Methylpentene*	—	D		
alpha-Methylstyrene*	—	D		
Monochlorobenzene	1134	B		
Monoethanolamine	—	D		
Monoisopropanolamine	—	C		
Monomethyl ethanolamine	—	C		
Mononitrobenzene	—	C		
Monoisopropylamine	—	C		
Morpholine*	2054	C		
Naphthalene (molten)	1334	A		0.05
Naphthenic acids*	—	A		0.05
Nitric acid (90%)	2031/2032	C		
2-Nitropropane	—	D		
ortho-Nitrotoluene	1664	C		
Nonyl alcohol*	—	C		
Nonylphenol	—	C		
n-Octanol	—	C		
Oleum	1831	C		
Oxalic acid (10-25%)	—	D		
Pentachloroethane	1669	B		
n-Pentane	1265	C		
Perchloroethylene (Tetrachloroethylene)	1897	B		
Phenol	1671	B		
Phosphoric acid	1805	D		
Phosphorus (elemental)	1338	A		0.005
Phthalic Anhydride (molten)	—	C		

* Asterisk indicates that the substance has been provisionally included in this list and that further data are necessary in order to complete the evaluation of its environmental hazards, particularly in relation to living resources.

<i>Substance</i>	<i>I</i>	<i>II</i>	<i>III</i>	<i>IV</i>
beta-Propiolactone*	—	B		
Propionaldehyde	1275	D		
Propionic acid	1848	D		
Propionic anhydride	—	D		
n-Propyl acetate*	1276	C		
n-Propyl alcohol	1274	D		
n-Propylamine	1277	C		
Pyridine	1282	B		
Silicon tetrachloride	1818	D		
Sodium bichromate (solution)	—	C		
Sodium hydroxide	1824	C		
Sodium pentachlorophenate (solution)	—	A		0.05
Styrene monomer	2055	C		
Sulphuric acid	1830/1831/ 1832			
Tallow	—	D		
Tetraethyllead	1649	A		0.05
Tetrahydrofuran	2056	D		
Tetrahydronaphthalene	1540	C		
Tetramethylbenzene	—	D		
Tetramethyllead	1649	A		0.05
Titanium tetrachloride	—	D		
Toluene	1294	C		
Toluene diisocyanate*	2078	B		
Trichloroethane	—	C		
Trichloroethylene	1710	B		
Triethanolamine	—	D		
Triethylamine	1296	C		
Trimethylbenzene*	—	C		
Tritolyl phosphate (Tricresyl phosphate)*	—	B		
Turpentine (wood)	1299	B		
Vinyl acetate	1301	C		
Vinylidene chloride*	1303	B		
Xylenes (mixed isomers)	1307	C		

* Asterisk indicates that the substance has been provisionally included in this list and that further data are necessary in order to complete the evaluation of its environmental hazards, particularly in relation to living resources.

ANNEX IV. APPENDIX IV

List of Other Liquid Substances Carried in Bulk

Acetonitrile (Methyl cyanide)	n-Hexane
tert-Amyl alcohol	Ligroin
n-Butyl alcohol	Methyl alcohol
Butyrolactone	Methylamyl acetate
Calcium chloride (solution)	Methyl ethyl ketone (2-butanone)
Castor oil	Milk
Citric juices	Molasses
Coconut oil	Olive Oil
Cod liver oil	Polypropylene glycol
iso-Decyl alcohol	iso-Propyl acetate
n-Decyl alcohol	iso-Propyl alcohol
Decyl octyl alcohol	Propylene glycol
Dibutyl ether	Propylene oxide
Diethanolamine	Propylene tetramer
Diethylene glycol	Propylene trimer
Dipentene	Sorbitol
Dipropylene glycol	Sulphur (liquid)
Ethyl alcohol	Tridecanol
Ethylene glycol	Triethylene glycol
Fatty Alcohols (C ₁₂ -C ₂₀)	Triethylenetetramine
Glycerine	Tripropylene glycol
n-Heptane	Water
Heptene (mixed isomers)	Wine

ANNEX IV. APPENDIX V

Cargo Record Book for Ships Carrying Noxious Liquid Substances in Bulk

Name of ship

Cargo carrying capacity of each tank in cubic metres

Voyage from to

a) Loading of cargo

1. Date and place of loading
2. Name and category of cargo(es) loaded
3. Identity of tank(s) loaded

b) Transfer of cargo

4. Date of transfer
5. Identity of tank(s) (i) From
(ii) To
6. Was (were) tank(s) in 5(i) emptied?
7. If not, quantity remaining

c) Unloading of cargo

8. Date and place of unloading
9. Identity of tank(s) unloaded
10. Was (were) tank(s) emptied?
11. If not, quantity remaining in tank(s)
12. Is (are) tank(s) to be cleaned?
13. Amount transferred to slop tank
14. Identity of slop tank

d) Ballasting of cargo tanks

15. Identity of tank(s) ballasted
16. Date and position of ship at start of ballasting

..... Signature of Master

*e) Cleaning of cargo tanks**Category A substances*

17. Identity of tank(s) cleaned
18. Date and location of cleaning
19. Method(s) of cleaning
20. Location of reception facility used
21. Concentration of effluent when discharge to reception facility stopped
22. Quantity remaining in tank
23. Procedure and amount of water introduced into tank in final cleaning
24. Location, date of discharge into the sea
25. Procedure and equipment used in discharge into the sea

Category B, C, and D substances

26. Washing procedure used
27. Quantity of water used
28. Date, location of discharge into the sea
29. Procedure and equipment used in discharge into the sea

f) Transfer of dirty ballast water

- 30. Identity of tank(s)
- 31. Date and position of ship at start of discharge into the sea
- 32. Date and position of ship at finish of discharge into the sea
- 33. Ship's speed(s) during discharge
- 34. Quantity discharged into the sea
- 35. Quantity of polluted water transferred to slop tank(s) (identify slop tank(s))
- 36. Date and port of discharge to reception facilities (if applicable)

g) Transfer from slop tank/disposal of residue

- 37. Identity of slop tank(s)
- 38. Quantity disposed from each tank
- 39. Method of disposal of residue:
 - (a) Reception facilities
 - (b) Mixed with cargo
 - (c) Transferred to another (other) tank(s) (identify tank(s))
 - (d) Other method
- 40. Date and port of disposal of residue

..... Signature of Master

h) Accidental or other exceptional discharge

- 41. Date and time of occurrence
- 42. Place or position of ship at time of occurrence
- 43. Approximate quantity, name and category of substance
- 44. Circumstances of discharge or escape and general remarks

..... Signature of Master

ANNEX V

EXCEPTIONS FROM THE GENERAL PROHIBITION OF DUMPING OF WASTE
AND OTHER MATTER IN THE BALTIC SEA AREA*Regulation 1*

In accordance with Paragraph 2 of Article 9 of the present Convention the prohibition of dumping shall not apply to the disposal at sea of dredged spoils provided that:

1. They do not contain significant quantities and concentrations of substances to be defined by the Commission and listed in Annexes I and II of the present Convention; and
2. The dumping is carried out under a prior special permit given by the appropriate national authority, either
 - a) Within the area of the territorial sea of the Contracting Party; or
 - b) Outside the area of the territorial sea, whenever necessary, after prior consultations in the Commission.

When issuing such permits the Contracting Party shall comply with the provisions in Regulation 3 of this Annex.

Regulation 2

1. The appropriate national authority referred to in Paragraph 2 of Article 9 of the present Convention shall:

- a) Issue special permits provided for in Regulation 1 of this Annex;
- b) Keep records of the nature and quantities of matter permitted to be dumped and the location, time and method of dumping;
- c) Collect available information concerning the nature and quantities of matter that has been dumped in the Baltic Sea Area recently and up to the coming into force of the present Convention, provided that the dumped matter in question could be liable to contaminate water or organisms in the Baltic Sea Area, to be caught by fishing equipment or otherwise to give rise to harm, and the location, time and method of such dumping.

2. The appropriate national authority shall issue special permits in accordance with Regulation 1 of this Annex in respect of matter intended for dumping in the Baltic Sea Area:

- 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 the present Convention.

3. When issuing permits under Sub-Paragraph 1a) above, the appropriate national authority shall comply with Regulation 3 of this Annex, together with such additional criteria, measures and requirements as they may consider relevant.

4. Each Contracting Party shall report to the Commission, and where appropriate to other Contracting Parties, the information specified in Sub-Paragraph 1c) of Regulation 2 of this Annex. The procedure to be followed and the nature of such reports shall be determined by the Commission.

Regulation 3

When issuing special permits according to Regulation 1 of this Annex the appropriate national authority shall take into account:

1. Quantity of dredged spoils to be dumped.
2. The content of the matter referred to in Annexes I and II of the present Convention.

3. Location (e.g. co-ordinates of the dumping area, depth and distance from coast) and its relation to areas of special interest (e.g. amenity areas, spawning, nursery and fishing areas, etc.).

4. Water characteristics, if dumping is carried out outside the territorial sea, consisting of:

- a) Hydrographic properties (e.g. temperature, salinity, density, profile);
- b) Chemical properties (e.g. pH, dissolved oxygen, nutrients);
- c) Biological properties (e.g. primary production and benthic animals).

The data should include sufficient information on the annual mean levels and the seasonal variation of the properties mentioned in this Paragraph.

5. The existence and effects of other dumping which may have been carried out in the dumping area.

Regulation 4

Reports made in accordance with Paragraph 5 of Article 9 of the present Convention shall include the following information:

1. Location of dumping, characteristics of dumped material, and counter measures taken:

- a) Location (e.g. co-ordinates of the accidental dumping site, depth and distance from the coast);
- b) Method of deposit;
- c) Quantity and composition of dumped matter as well as its physical (e.g. solubility and density), chemical and biochemical (e.g. oxygen demand, nutrients), and biological properties (e.g. presence of viruses, bacteria, yeasts, parasites);
- d) Toxicity;
- e) Content of the substances referred to in Annexes I and II of the present Convention;
- f) Dispersal characteristics (e.g. effects of currents and wind, and horizontal transport and vertical mixing);
- g) Water characteristics (e.g. temperature, pH, redox conditions, salinity and stratification);
- h) Bottom characteristics (e.g. topography, geological characteristics and redox conditions);
- i) Counter measures taken and follow-up operations carried out or planned.

2. General considerations and conditions:

a) Possible effects on amenities (e.g. floating or stranded material, turbidity, objectionable odour, discolouration and foaming);

b) Possible effect on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed harvesting and cultures; and

c) 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 and protection of areas of special importance for scientific or conservation purposes).

ANNEX VI

CO-OPERATION IN COMBATting MARINE POLLUTION

Regulation 1

For the purposes of this Annex:

1. "Ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms.

2. "Administration" means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of any State, the Administration is the Government of that State. With respect to fixed or floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the Administration is the Government of the coastal State concerned.

3. a) "Discharge" in relation to harmful substances or effluents containing such substances, means any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying.

b) "Discharge" does not include:

- (i) Dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter done at London on 29 December 1972; or
- (ii) Release of harmful substances directly arising from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources; or
- (iii) Release [of] harmful substances for purposes of legitimate scientific research into pollution abatement or control.

Regulation 2

The Contracting Parties undertake to maintain ability to combat spillages of oil and other harmful substances on the sea. This ability shall include adequate equipment, ships and manpower prepared for operations in coastal waters as well as on the high sea.

Regulation 3

The Contracting Parties shall, without prejudice to Paragraph 4 of Article 4 of the present Convention, develop and apply, individually or in co-operation, surveillance activities covering the Baltic Sea Area, in order to spot and monitor oil and other harmful substances released into the sea.

Regulation 4

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

Regulation 5

1. The Contracting Parties shall develop and apply a system for receiving, channelling and dispatching reports on significant spillages of oil or other harmful substances observed at sea, as well as any incident causing or likely to cause any kind of significant pollution.

2. The Contracting Parties shall request masters of ships and pilots of aircraft to report without delay in accordance with this system on significant spillages of oil or other harmful substances observed at sea. Such reports should as far as possible contain the following data:

time, position, wind and sea conditions, and kind, extent and probable source of the spill observed.

3. The master of a ship involved in an incident referred to in Paragraph 1 of this Regulation, or other person having charge of the ship, shall without delay and to the fullest extent possible report in accordance with this system and with the provisions of the Appendix to the present Annex.

4. 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 observation or incident referred to in Paragraph 1 of this Regulation. Such reports shall as far as possible contain the data referred to in Paragraphs 2 or 3 of this Regulation respectively, as well as possible indications on the spreading or drifting tendencies of the spill in question.

5. Whenever a Contracting Party is aware of a casualty or the presence of spillages of oil or other harmful substances in the Baltic Sea Area likely to constitute a serious threat to the marine environment of the Baltic Sea Area or the coast or related interests of any other Contracting Party, it shall without delay transmit all relevant information thereon to the Contracting Party which may be affected by the pollutant and, as regards ship casualty incidents, to the Administration of the ship involved.

Regulation 6

Each Contracting Party shall request masters of ships flying its flag to provide, in case of an incident, on request by the proper authorities, such detailed information about the ship and its cargo which is relevant to actions for preventing or combatting pollution of the sea, and to co-operate with these authorities.

Regulation 7

1. *a)* The Contracting Parties shall as soon as possible agree bilaterally or multilaterally on those regions of the Baltic Sea Area in which they will take action for combatting or salvage activities whenever a significant spillage of oil or other harmful substances or any incidents causing or likely to cause pollution within the Baltic Sea Area have occurred or are likely to occur. Such agreements shall not prejudice any other agreements concluded between Contracting Parties concerning the same subject. The neighbouring States shall ensure the harmonization of the different agreements. The Contracting Parties shall inform each other about such agreements.

The Contracting Parties may ask the Commission for assistance to reach agreement, if needed.

b) The Contracting Party within whose region a situation as described in Regulation 1 of this Annex occurs shall make the necessary assessments of the situation and take adequate action in order to avoid or minimize subsequent pollution effects and shall keep drifting parts of the spillage under observation until no further action is called for.

2. In the case that such a spillage is drifting or is likely to drift into a region, where another Contracting Party should take action for purposes as defined in Sub-Paragraph 1*a)* of this Regulation, that Party shall without delay be informed of the situation and the actions that have been taken.

Regulation 8

A Contracting Party requiring assistance for combatting spillages of oil or other harmful substance at sea is entitled to call for assistance by other Contracting Parties, starting with those who seem likely also to be affected by the spillage. Contracting Parties called upon for assistance in accordance with this Regulation shall use their best endeavours to bring such assistance.

Regulation 9

1. The Contracting Parties shall provide information to the other Contracting Parties and the Commission about

a) Their national organization for dealing with spillages at sea of oil and other harmful substances;

b) National regulations and other matters which have a direct bearing on combatting pollution at sea by oil and other harmful substances;

c) The competent authority responsible for receiving and dispatching reports of pollution at sea by oil and other harmful substances;

d) The competent authorities for dealing with questions concerning measures of mutual assistance, information and co-operation between the Contracting Parties according to this Annex;

e) Actions taken in accordance with Regulation 8 of this Annex.

2. The Contracting Parties shall exchange information of research and development programs and results concerning ways in which pollution by oil and other harmful substances at sea may be dealt with and experiences in combatting such pollution.

Regulation 10

The authorities referred to in Sub-Paragraph 1*d)* of Regulation 9 of this Annex shall establish direct contact and co-operate in operational matters.

ANNEX VI. APPENDIX

*Provisions concerning Reports on Incidents Involving Harmful Substances**Regulation 1. DUTY TO REPORT*

1. The Master of a ship involved in an incident referred to in Regulation 3 of this Appendix, or other person having charge of the ship, shall report the particulars of such incident without delay and to the fullest extent possible in accordance with the provisions of this Appendix.

2. In the event of the ship referred to in Paragraph 1 of this Regulation being abandoned, or in the event of a report from such ship being incomplete or unobtainable, the owner, charterer, manager or operator of the ship, or their agents shall, to the fullest extent possible assume the obligations placed upon the Master under the provisions of this Appendix.

Regulation 2. METHODS OF REPORTING

1. Each report shall be made by radio whenever possible, but in any case by the fastest channels available at the time the report is made. Reports made by radio shall be given the highest possible priority.

2. Reports shall be directed to the appropriate officer or agency referred to in Sub-Paragraph 1c) of Regulation 9 of Annex VI of the present Convention.

Regulation 3. WHEN TO MAKE REPORTS

The report shall be made whenever an incident involves:

- a) A discharge other than as permitted under the present Convention; or
- b) A discharge permitted under the present Convention by virtue of the fact that:
 - (i) It is for the purpose of securing the safety of a ship or saving life at sea; or
 - (ii) It results from damage to the ship or its equipment; or
- c) A discharge of a harmful substance for the purpose of combatting a specific pollution incident or for purposes of legitimate scientific research into pollution abatement or control; or
- d) The probability of a discharge referred to in Sub-Paragraph a), b), or c) of this Regulation.

Regulation 4. CONTENTS OF REPORT

1. Each report shall contain in general:

- a) The identity of ship;
- b) The time and date of the occurrence of the incident;
- c) The geographical position of the ship when the incident occurred;
- d) The wind and sea conditions prevailing at the time of the incident; and
- e) Relevant details respecting the condition of the ship.

2. Each report shall contain, in particular:

- a) A clear indication or description of the harmful substances involved, including, if possible, 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) If possible the name of the consignor, consignee or manufacturer.

3. Each report shall clearly indicate whether the harmful substance discharged, or likely to be discharged is oil, a noxious liquid substance, a noxious solid substance, or a noxious 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 other relevant information requested by a recipient of the report or which the person sending the report deems appropriate.

Regulation 5. SUPPLEMENTARY REPORT

Any person who is obliged under the provisions of this Appendix to send a report shall, when possible:

a) Supplement 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 concerning the incident.

AMENDMENTS TO PARAGRAPH B OF REGULATION 4 OF ANNEX IV OF THE CONVENTION OF 22 MARCH 1974¹ ON THE PROTECTION OF THE MARINE ENVIRONMENT OF THE BALTIC SEA AREA

The amendments were adopted in the Baltic Marine Environment Protection Commission and communicated to the Contracting Parties. They came into force on 1 December 1980, in accordance with the provisions of article 24 (1) and (2).

The amendments read as follows:

Paragraph B of Regulation 4 of Annex IV of the Convention is amended, starting from and including Sub-Paragraph 2, to read as follows:

“2. Subject to the provisions of Paragraph C of this Regulation, any discharge into the sea of oil or oily mixture from a ship of less than 400 tons gross tonnage, other than an oil tanker, shall be prohibited while in the Baltic Sea Area, except when the oil content of the effluent without dilution does not exceed 15 parts per million or alternatively when all of the following conditions are satisfied:

- “ (i) The ship is proceeding en route;
- “ (ii) The oil content of the effluent is less than 100 parts per million; and
- “(iii) The discharge is made as far as practicable from the land, but in no case less than 12 nautical miles from the nearest land.

“3. a) The provisions of Sub-Paragraphs 1 and 2 of this Paragraph shall not apply to the discharge of clean or segregated ballast.

“b) The provisions of Sub-Paragraph 1 of this Paragraph shall not apply to the discharge of processed bilge water from machinery spaces, provided that all of the following conditions are satisfied:

- “ (i) The bilge water does not originate from cargo pump;
- “ (ii) The bilge water is not mixed with oil cargo residues;
- “(iii) The ship is proceeding en route;
- “(iv) The oil content of the effluent without dilution does not exceed 15 parts per million;
- “ (v) The ship has in operation an oily-water separating system and an effective filtering system, or an equivalent equipment, approved by the Administration;
- “(vi) The system or equipment is such that it will produce an effluent the oil content of which does not exceed 15 parts per million, and is provided with alarm arrangements to indicate when this level cannot be maintained, as well as a stopping device which will ensure that the discharge is automatically stopped when the oil content of the effluent exceeds 15 parts per million.

¹ See p. 168 of this volume.

“4. a) No discharge into the sea shall contain chemicals or other substances in quantities or concentrations which are hazardous to the marine environment or chemicals or other substances introduced for the purpose of circumventing the conditions of discharge specified in this Regulation.

“b) The oil residues which cannot be discharged into the sea in compliance with Sub-Paragraphs 2 or 3b) of this Paragraph shall be retained on board or discharged to reception facilities.

“5. Whenever visible traces of oil are observed on or below the surface of the water in the immediate vicinity of a ship or its wake, the Contracting Parties should, to the extent they are reasonably able to do so, promptly investigate the facts bearing on the issue of whether there has been a violation of the provisions of this Regulation. The investigation should include, in particular, the wind and sea conditions, the track and speed of the ship, other possible sources of the visible traces in the vicinity, and any relevant oil discharge records.”

Certified statement was registered by Finland on 22 June 1988.

AMENDMENTS TO REGULATION 5 OF ANNEX IV OF THE CON-
VENTION OF 22 MARCH 1974¹ ON THE PROTECTION OF THE
MARINE ENVIRONMENT OF THE BALTIC SEA AREA

The amendments were adopted by the Baltic Marine Environment Protection Commission and communicated to the Contracting Parties. They came into force on 3 May 1981, in accordance with the provisions of article 24 (1) and (2).

The amendments read as follows:

The preambular part of Regulation 5 of Annex IV of the Convention is amended to read as follows:

“The provisions of this Regulation shall apply from 1 July 1984.”

Certified statement was registered by Finland on 22 June 1988.

¹ See p. 168 of this volume.

AMENDMENTS TO ANNEX I OF THE CONVENTION OF 22 MARCH
1974¹ ON THE PROTECTION OF THE MARINE ENVIRONMENT
OF THE BALTIC SEA AREA

The amendments were adopted by the Baltic Marine Environment Protection Commission and communicated to the Contracting Parties. They came into force on 1 March 1984, in accordance with the provisions of article 24 (1) and (2).

The amendments read as follows:

Annex I of the Convention is amended by insertion of a third sub-paragraph which reads as follows:

“3. PCT’s (polychlorinated terphenyls).”

Certified statement was registered by Finland on 22 June 1988.

¹ See p. 168 of this volume.

AMENDMENTS TO REGULATION 5 OF ANNEX IV OF THE CON-
VENTION OF 22 MARCH 1974¹ ON THE PROTECTION OF THE
MARINE ENVIRONMENT OF THE BALTIC SEA AREA

The amendments were adopted by the Baltic Marine Environment Protection Commission and communicated to the Contracting Parties. They came into force on 1 July 1984, in accordance with the provisions of article 24 (1) and (2).

The amendments read as follows:

The preambular part of Regulation 5 of Annex IV of the Convention is amended to read as follows:

“The provisions of this Regulation shall apply from 1 January 1986.”

Certified statement was registered by Finland on 22 June 1988.

¹ See p. 168 of this volume.

AMENDMENTS TO ANNEX IV OF THE CONVENTION OF 22 MARCH 1974¹ ON THE PROTECTION OF THE MARINE ENVI- RONMENT OF THE BALTIC SEA AREA

The amendments were adopted by the Baltic Marine Environment Protection Commission and communicated to the Contracting Parties. They came into force on 1 January 1986, in accordance with the provisions of article 24 (1) and (2).

The amendments read as follows:

1. Sub-Paragraph 1 of Paragraph G of Regulation 5 of Annex IV of the Helsinki Convention is amended to read as follows:

“1. Every ship to which this Regulation applies shall be provided with a Cargo Record Book, whether as part of the ship’s official log book or otherwise, in the form recommended by the Commission.”

2. Sub-Paragraph 2 of Paragraph G of Regulation 5 of Annex IV of the Helsinki Convention is amended to read as follows:

“2. The Cargo Record Book shall be completed, on a tank-to-tank basis, whenever any of the following operations with respect to a noxious liquid substance takes place in the ship:

- “(i) Loading of cargo (substances of Category A, B, C and D);
- “(ii) Internal transfer of cargo;
- “(iii) Unloading of cargo;
- “(iv) Cleaning of cargo tanks;
- “(v) Ballasting of cargo tanks;
- “(vi) Discharge of ballast from cargo tanks;
- “(vii) Disposal of residues;
- “(viii) Discharge into the sea in accordance with Paragraph D of this Regulation.”

3. Sub-Paragraph 6 of Paragraph G of Regulation 5 of Annex IV of the Helsinki Convention is amended to read as follows:

“6. The Cargo Record Book shall be kept in such a place as to be readily available for inspection, and, except in the case of unmanned ships under tow, shall be kept on board the ship. It shall be retained for a period of three years after the last entry has been made.”

4. Appendix V of Annex IV of the Helsinki Convention is deleted.

Certified statement was registered by Finland on 22 June 1988.

¹ See p. 168 of this volume.

AMENDMENTS TO ANNEXES IV AND VI OF THE CONVENTION
OF 22 MARCH 1974¹ ON THE PROTECTION OF THE MARINE
ENVIRONMENT OF THE BALTIC SEA AREA

The amendments were adopted by the Baltic Marine Environment Protection Commission and communicated to the Contracting Parties. They came into force on 6 April 1987, in accordance with the provisions of article 24 (1) and (2).

The amendments read as follows:

Annex IV

Regulation 1 of Annex IV of the Convention is amended to read as follows:

“Regulation 1

“The Contracting Parties shall, in matters concerning the protection of the Baltic Sea Area from pollution by ships, co-operate

“a) Within the International Maritime Organization, in particular in promoting the development of international rules,

“b) In the effective and harmonized implementation of rules adopted by the International Maritime Organization.”

Regulation 2 of Annex IV of the Convention is amended to read as follows:

“Regulation 2

“The Contracting Parties shall, without prejudice to Paragraph 4 of Article 4 of the present Convention, as appropriate assist each other in investigating violations of the existing legislation on anti-pollution measures, which have occurred or are suspected to have occurred within the Baltic Sea Area. This assistance may include but is not limited to inspection by the competent authorities of oil record books, cargo record books, log books and engine log books and taking oil samples for analytical identification purposes.”

In Regulation 3 of Annex IV of the Convention the following new Paragraph 6 is added:

“Regulation 3

“6. The term “MARPOL 73/78” means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto.”²

Regulation 4 of Annex IV of the Convention is amended to read as follows:

“Regulation 4. OIL

“The Contracting Parties, also being parties to MARPOL 73/78, apply in conformity with that agreement the provisions of Annex I to MARPOL 73/78 for the prevention of pollution by oil.”

¹ See p. 168 of this volume.

² United Nations, *Treaty Series*, vol. 1340, p. 61.

Regulation 5 of Annex IV of the Convention is amended to read as follows:

“Regulation 5. NOXIOUS LIQUID SUBSTANCES

“The Contracting Parties, also being parties to MARPOL 73/78, apply in conformity with that agreement the provisions of Annex II to MARPOL 73/78 for the prevention of pollution by noxious liquid substances carried in bulk.”

Appendices I to IV to Annex IV of the Helsinki Convention are deleted.

Annex VI

Regulation 5 of Annex VI of the Convention is amended to read as follows:

“Regulation 5

“1. The Contracting Parties, also being parties to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), apply in conformity with that agreement the provisions of Article 8 and Protocol I to MARPOL 73/78 on reports on incidents involving harmful substances. These provisions shall also be applied with regard to significant spillages of oil or other harmful substances in cases not covered by Article 8 of MARPOL 73/78.

“2. The Contracting Parties shall request masters of ships and pilots of aircraft to report without delay in accordance with this system on significant spillages of oil or other harmful substances observed at sea. Such reports should as far as possible contain the following data: time, position, wind and sea conditions, and kind, extent and probable source of the spill observed.”

The Appendix to Annex VI is deleted.

Certified statement was registered by Finland on 22 June 1988.

Annex 85

Convention on the Prohibition of Military or any Other Hostile Use of Environmental
Modification Techniques, 10 December 1976, 1108 UNTS 151

No. 17119

MULTILATERAL

Convention on the prohibition of military or any other hostile use of environmental modification techniques (with annex). Adopted by the General Assembly of the United Nations on 10 December 1976

*Authentic texts: English, French, Arabic, Chinese, Russian and Spanish.
Registered ex officio on 5 October 1978.*

MULTILATÉRAL

Convention sur l'interdiction d'utiliser des techniques de modification de l'environnement à des fins militaires ou toutes autres fins hostiles (avec annexe). Adoptée par l'Assemblée générale de l'Organisation des Nations Unies le 10 décembre 1976

*Textes authentiques : anglais, français, arabe, chinois, russe et espagnol.
Enregistrée d'office le 5 octobre 1978.*

CONVENTION¹ ON THE PROHIBITION OF MILITARY OR ANY OTHER HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES

The States Parties to this Convention,

Guided by the interest of consolidating peace, and wishing to contribute to the cause of halting the arms race, and of bringing about general and complete disarmament under strict and effective international control, and of saving mankind from the danger of using new means of warfare,

Determined to continue negotiations with a view to achieving effective progress towards further measures in the field of disarmament,

Recognizing that scientific and technical advances may open new possibilities with respect to modification of the environment,

Recalling the Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm on 16 June 1972,²

Realizing that the use of environmental modification techniques for peaceful purposes could improve the interrelationship of man and nature and contribute to the preservation and improvement of the environment for the benefit of present and future generations,

Recognizing, however, that military or any other hostile use of such techniques could have effects extremely harmful to human welfare,

¹ Came into force on 5 October 1978 for the following States, i.e., upon deposit with the Secretary-General of the United Nations of instruments of ratification by 20 governments, in accordance with article IX (2) and (3):

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>	<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Yemen	20 July 1977	United Kingdom, as well as the Solomon Islands, the State of Brunei and the United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus).	
Cuba	10 April 1978	Mongolia	19 May 1978
Cyprus	12 April 1978	German Democratic Republic	25 May 1978
Denmark	19 April 1978	Union of Soviet Socialist Republics	30 May 1978
Hungary	19 April 1978	Bulgaria	31 May 1978
Sri Lanka	25 April 1978	Byelorussian Soviet Socialist Republic	7 June 1978
Tunisia	11 May 1978	Poland	8 June 1978
Czechoslovakia	12 May 1978	Ukrainian Soviet Socialist Republic	13 June 1978
Finland	12 May 1978	Ghana	22 June 1978
United Kingdom of Great Britain and Northern Ireland	16 May 1978	Spain	19 July 1978
(With a declaration of application in respect of the United Kingdom of Great Britain and Northern Ireland, the associated States (Antigua, Dominica, St. Kitts-Nevis-Anguilla, St. Lucia and St. Vincent) and territories under the territorial sovereignty of the		Lao People's Democratic Republic ..	5 October 1978

Subsequently, the Convention came into force in respect of the following State on the date of deposit with the Secretary-General of the United Nations of its instrument of accession, in accordance with article IX (4):

<i>State</i>	<i>Date of deposit of the instrument of accession</i>
Malawi	5 October 1978
(With effect from 5 October 1978.)	

² Report of the United Nations Conference on the Human Environment, Stockholm, 5-16 June 1972, U.N.A./CONF. 1-14 1972, p. 3.

Desiring to prohibit effectively military or any other hostile use of environmental modification techniques in order to eliminate the dangers to mankind from such use, and affirming their willingness to work towards the achievement of this objective,

Desiring also to contribute to the strengthening of trust among nations and to the further improvement of the international situation in accordance with the purposes and principles of the Charter of the United Nations,

Have agreed as follows:

Article I. 1. Each State Party to this Convention undertakes not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party.

2. Each State Party to this Convention undertakes not to assist, encourage or induce any State, group of States or international organization to engage in activities contrary to the provisions of paragraph 1 of this article.

Article II. As used in article I, the term “environmental modification techniques” refers to any technique for changing—through the deliberate manipulation of natural processes—the dynamics, composition or structure of the earth, including its biota, lithosphere, hydrosphere and atmosphere, or of outer space.

Article III. 1. The provisions of this Convention shall not hinder the use of environmental modification techniques for peaceful purposes and shall be without prejudice to the generally recognized principles and applicable rules of international law concerning such use.

2. The States Parties to this Convention undertake to facilitate, and have the right to participate in, the fullest possible exchange of scientific and technological information on the use of environmental modification techniques for peaceful purposes. States Parties in a position to do so shall contribute, alone or together with other States or international organizations, to international economic and scientific co-operation in the preservation, improvement and peaceful utilization of the environment, with due consideration for the needs of the developing areas of the world.

Article IV. Each State Party to this Convention undertakes to take any measures it considers necessary in accordance with its constitutional processes to prohibit and prevent any activity in violation of the provisions of the Convention anywhere under its jurisdiction or control.

Article V. 1. The States Parties to this Convention undertake to consult one another and to co-operate in solving any problems which may arise in relation to the objectives of, or in the application of the provisions of, the Convention. Consultation and co-operation pursuant to this article may also be undertaken through appropriate international procedures within the framework of the United Nations and in accordance with its Charter. These international procedures may include the services of appropriate international organizations, as well as of a Consultative Committee of Experts as provided for in paragraph 2 of this article.

2. For the purposes set forth in paragraph 1 of this article, the Depositary shall, within one month of the receipt of a request from any State Party to this Convention, convene a Consultative Committee of Experts. Any State Party may

appoint an expert to the Committee whose functions and rules of procedure are set out in the annex, which constitutes an integral part of this Convention. The Committee shall transmit to the Depositary a summary of its findings of fact, incorporating all views and information presented to the Committee during its proceedings. The Depositary shall distribute the summary to all States Parties.

3. Any State Party to this Convention which has reason to believe that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Such a complaint should include all relevant information as well as all possible evidence supporting its validity.

4. Each State Party to this Convention undertakes to co-operate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council. The Security Council shall inform the States Parties of the results of the investigation.

5. Each State Party to this Convention undertakes to provide or support assistance, in accordance with the provisions of the Charter of the United Nations, to any State Party which so requests, if the Security Council decides that such Party has been harmed or is likely to be harmed as a result of violation of the Convention.

Article VI. 1. Any State Party to this Convention may propose amendments to the Convention. The text of any proposed amendment shall be submitted to the Depositary, who shall promptly circulate it to all States Parties.

2. An amendment shall enter into force for all States Parties to this Convention which have accepted it, upon the deposit with the Depositary of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

Article VII. This Convention shall be of unlimited duration.

Article VIII. 1. Five years after the entry into force of this Convention, a conference of the States Parties to the Convention shall be convened by the Depositary at Geneva, Switzerland. The conference shall review the operation of the Convention with a view to ensuring that its purposes and provisions are being realized, and shall in particular examine the effectiveness of the provisions of paragraph 1 of article I in eliminating the dangers of military or any other hostile use of environmental modification techniques.

2. At intervals of not less than five years thereafter, a majority of the States Parties to this Convention may obtain, by submitting a proposal to this effect to the Depositary, the convening of a conference with the same objectives.

3. If no conference has been convened pursuant to paragraph 2 of this article within ten years following the conclusion of a previous conference, the Depositary shall solicit the views of all States Parties to this Convention, concerning the convening of such a conference. If one third or ten of the States Parties, whichever number is less, respond affirmatively, the Depositary shall take immediate steps to convene the conference.

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

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall enter into force upon the deposit of instruments of ratification by twenty Governments in accordance with paragraph 2 of this article.

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

5. The Depositary shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or accession and the date of the entry into force of this Convention and of any amendments thereto, as well as of the receipt of other notices.

6. This Convention shall be registered by the Depositary in accordance with Article 102 of the Charter of the United Nations.

Article X. This Convention, of which the English, Arabic, Chinese, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send duly certified copies thereof to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at Geneva on the eighteenth day of May, one thousand nine hundred and seventy-seven.

ANNEX TO THE CONVENTION

CONSULTATIVE COMMITTEE OF EXPERTS

1. The Consultative Committee of Experts shall undertake to make appropriate findings of fact and provide expert views relevant to any problem raised pursuant to paragraph 1 of article V of this Convention by the State Party requesting the convening of the Committee.

2. The work of the Consultative Committee of Experts shall be organized in such a way as to permit it to perform the functions set forth in paragraph 1 of this annex. The Committee shall decide procedural questions relative to the organization of its work, where possible by consensus, but otherwise by a majority of those present and voting. There shall be no voting on matters of substance.

3. The Depositary or his representative shall serve as the Chairman of the Committee.

4. Each expert may be assisted at meetings by one or more advisers.

5. Each expert shall have the right, through the Chairman, to request from States, and from international organizations, such information and assistance as the expert considers desirable for the accomplishment of the Committee's work.

For Afghanistan:
Pour l'Afghanistan :
عن أفغانستان :
阿富汗 :
За Афганистан:
Por el Afganistán:

For Albania:
Pour l'Albanie :
عن ألبانيا :
阿尔巴尼亚 :
За Албанию:
Por Albania:

For Algeria:
Pour l'Algérie :
عن الجزائر :
阿尔及利亚 :
За Алжир:
Por Argelia:

For Angola:
Pour l'Angola :
عن أنغولا :
安哥拉 :
За Анголу:
Por Angola:

For Argentina:
Pour l'Argentine :
عن الأرجنتين :
阿根廷 :
За Аргентину:
Por la Argentina:

For Australia:
Pour l'Australie :
عن امتراليا :
澳大利亚:
За Австралию:
For Australia:

PEACOCK
31-V-78

For Austria:
Pour l'Autriche :
عن النمسا :
奥地利:
За Австрию:
For Austria:

For the Bahamas:
Pour les Bahamas :
عن البهاما :
巴哈马:
За Багамские Острова:
For las Bahamas:

For Bahrain:
Pour Bahreïn :
عن البحرين :
巴林:
За Бахрейн:
For Bahrein:

For Bangladesh:
Pour le Bangladesh :
عن بنغلاديش :
孟加拉国:
За Бангладеш:
For Bangladesh:

For Barbados:
Pour la Barbade :
عن بربادوس :
巴巴多斯:
За Барбадос:
Por Barbados:

For Belgium:
Pour la Belgique :
عن بلجيكا :
比利時:
За Бельгию:
Por Bélgica:

P. NOTERDAEME

For Benin:
Pour le Bénin :
عن بنين :
贝宁:
За Бенин:
Por Benin:

T. BOYA
10 juin 1977

For Bhutan:
Pour le Bhoutan :
عن بوتان :
不丹:
За Бутан:
Por Bhután:

For Bolivia:
Pour la Bolivie :
عن بوليفيا :
玻利维亚:
За Боливию:
Por Bolivia:

TOMÁS GUILLERMO ELIO
Ambassador

For Botswana:
 Pour le Botswana :
 عن بوتسوانا :
 博茨瓦纳:
 За Ботсвану:
 Por Botswana:

For Brazil:
 Pour le Brésil :
 عن البرازيل :
 巴西:
 За Бразилию:
 Por el Brasil:

SÉRGIO CORRÊA AFFONSO DA COSTA
 9 November 1977

For Bulgaria:
 Pour la Bulgarie :
 عن بلغاريا :
 保加利亚:
 За България:
 Por Bulgaria:

PÉTAR MLADENOV

For Burma:
 Pour la Birmanie :
 عن بورما :
 緬甸:
 За Бирму:
 Por Birmania:

For Burundi:
 Pour le Burundi :
 عن بوروندي :
 布隆迪:
 За Бурунди:
 Por Burundi:

For the Byelorussian Soviet Socialist Republic:
Pour la République socialiste soviétique de Biélorussie :
عن جمهورية بيلوروسيا الاشتراكية السوفياتية :
白俄罗斯苏维埃社会主义共和国 :
За Белорусскую Советскую Социалистическую Республику:
Por la República Socialista Soviética de Bielorrusia:

A. GURINOVICH

For Canada:
Pour le Canada :
عن كندا :
加拿大 :
За Канаду:
Por el Canadá:

R. HARRY JAY

For Cape Verde:
Pour le Cap-Vert :
عن الرأس الأخضر :
佛得角 :
За Острова Зеленого Мыса:
Por Cabo Verde:

For the Central African Empire:
Pour l'Empire centrafricain :
عن الامبراطورية الافريقية الوسطى :
中非共和国 :
За Центральноафриканскую Империю:
Por el Imperio Centrafricano:

For Chad:
Pour le Tchad :
عن تشاد :
乍得 :
За Чад:
Por el Chad:

For Chile:
Pour le Chili :
عن شيلي :
智利:
За Чили:
Por Chile:

For China:
Pour la Chine :
عن الصين :
中国:
За Китай:
Por China:

For Colombia:
Pour la Colombie :
عن كولومبيا :
哥伦比亚:
За Колумбию:
Por Colombia:

For the Comoros:
Pour les Comores :
عن كومورو :
科摩罗:
За Коморские Острова:
Por las Comoras:

For the Congo:
Pour le Congo :
عن الكونغو :
刚果:
За Конго:
Por el Congo:

For Costa Rica:
 Pour le Costa Rica :
 عن كوستاريكا :
 哥斯达黎加:
 За Коста-Рику:
 Por Costa Rica:

For Cuba:
 Pour Cuba :
 عن كوبا :
 古巴:
 За Кубу:
 Por Cuba:

RICARDO ALARCÓN DE QUESADA
 23 September 1977

For Cyprus:
 Pour Chypre :
 عن قبرص :
 塞浦路斯:
 За Кипр:
 Por Chipre:

ZENON ROSSIDES
 7 October 1977

For Czechoslovakia:
 Pour la Tchécoslovaquie :
 عن تشيكوسلوفاكيا :
 捷克斯洛伐克:
 За Чехословакию:
 Por Checoslovaquia:

B. CHNOUPEK

For Democratic Kampuchea:
 Pour le Kampuchea démocratique :
 عن كمبوتشيا الديمقراطية :
 民主柬埔寨:
 За Демократическую Кампучию:
 Por Kampuchea Democrática:

For the Democratic People's Republic of Korea:
Pour la République populaire démocratique de Corée :
عن جمهورية كوريا الشعبية الديمقراطية :
朝鮮民主主義人民共和國:
За Корейскую Народно-Демократическую Республику:
Por la República Popular Democrática de Corea:

For Democratic Yemen:
Pour le Yémen démocratique :
عن اليمن الديمقراطية :
民主也門:
За Демократический Йемен:
Por el Yemen Democrático:

For Denmark:
Pour le Danemark :
عن الدانمارك :
丹麥:
За Данию:
Por Dinamarca:

H. KASTOFT

For the Dominican Republic:
Pour la République Dominicaine :
عن الجمهورية الدومينيكية :
多米尼加共和国:
За Доминиканскую Республику:
Por la República Dominicana:

For Ecuador:
Pour l'Equateur :
عن اکوادور :
厄瓜多尔:
За Эквадор:
Por el Ecuador:

For Egypt:
Pour l'Égypte :
عن مصر :
埃及:
За Египет:
Por Egipto:

For El Salvador:
Pour El Salvador :
عن السلفادور :
萨尔瓦多:
За Сальвадор:
Por El Salvador:

For Equatorial Guinea:
Pour la Guinée équatoriale :
عن غينيا الاستوائية :
赤道几内亚:
За Экваториальную Гвинею:
Por Guinea Ecuatorial:

For Ethiopia:
Pour l'Éthiopie :
عن اثيوبيا :
埃塞俄比亚:
За Эфиопию:
Por Etiopía:

ATO GEBRE-KIDAN ALULA

For Fiji:
Pour Fidji :
عن فيجي :
斐济:
За Фиджи:
Por Fiji:

For Finland:
 Pour la Finlande :
 عن فنلندا :
 芬兰 :
 За Финляндию:
 Por Finlandia:

M. TUOVINEN

For France:
 Pour la France :
 عن فرنسا :
 法国 :
 За Францию:
 Por Francia:

For Gabon:
 Pour le Gabon :
 عن غابون :
 加蓬 :
 За Габон:
 Por el Gabón:

For Gambia:
 Pour la Gambie :
 عن غامبيا :
 冈比亚 :
 За Гамбию:
 Por Gambia:

For the German Democratic Republic:
 Pour la République démocratique allemande :
 عن الجمهورية الديمقراطية الألمانية :
 德意志民主共和国 :
 За Германскую Демократическую Республику:
 Por la República Democrática Alemana:

OSKAR FISCHER

For Germany, Federal Republic of:
 Pour l'Allemagne, République fédérale d' :
 عن ألمانيا ، جمهورية الاتحادية :
 德意志联邦共和国:
 За Федеративную Республику Германия:
 Por Alemania, República Federal de:

CARL-WERNER SANNE

With the proviso that the correct designation of the Federal Republic of Germany in the Russian language is "Federativnuju Respubliku Germaniju"¹

For Ghana:
 Pour le Ghana :
 عن غانا :
 加纳:
 За Гану:
 Por Ghana:

FRANK EDMUND BOATEN
 21st March 1978

For Greece:
 Pour la Grèce :
 عن اليونان :
 希腊:
 За Грецию:
 Por Grecia:

For Grenada:
 Pour la Grenade :
 عن غرينادا:
 格林纳达:
 За Гренаду:
 Por Granada:

¹ [TRANSDUCTION — TRANSLATION] Etant entendu que la désignation correcte en langue russe de la République fédérale d'Allemagne est, en l'occurrence, « Federativnuju Respubliku Germaniju ».

For Guatemala:
Pour le Guatemala :
عن غواتيمالا :
危地馬拉：
За Гватемалу:
Por Guatemala:

For Guinea:
Pour la Guinée :
عن غينيا :
几内亚：
За Гвинею:
Por Guinea:

For Guinea-Bissau:
Pour la Guinée-Bissau :
عن غينيا - بيساو :
几内亚—比绍：
За Гвинею-Бисау:
Por Guinea-Bissau:

For Guyana:
Pour la Guyane :
عن غيانا :
圭亚那：
За Гайану:
Por Guyana:

For Haiti:
Pour Haïti :
عن هايتي :
海地：
За Гаити:
Por Haïti:

For the Holy See:
Pour le Saint-Siège :

: عن الكرسي الرسولي :

教廷 :

За Святейший престол:

Por la Santa Sede:

SILVIO LUONI
27 mai 1977

For Honduras:
Pour le Honduras :

: عن هندوراس :

洪都拉斯 :

За Гондурас:

Por Honduras:

For Hungary:
Pour la Hongrie :

: عن هنغاريا :

匈牙利 :

За Венгрию:

Por Hungría:

FRIGYES PUJA

For Iceland:
Pour l'Islande :

: عن آيسلندا :

冰島 :

За Исландию:

Por Islandía:

HARALDUR KRÖYER

For India:
Pour l'Inde :

: عن الهند :

印度 :

За Индию:

Por la India:

RIKHI JAIPAL
15 December 1977

For Indonesia:
 Pour l'Indonésie :
 عن اندونيسيا :
 印度尼西亚 :
 За Индонезию:
 Por Indonesia:

For Iran:
 Pour l'Iran :
 عن ايران :
 伊朗 :
 За Иран:
 Por el Irán:

MANOUCHEHR FARTASH

For Iraq:
 Pour l'Irak :
 عن العراق :
 伊拉克 :
 За Ирак:
 Por el Iraq:

BASSAM KUBBA
 19 / /10¹

For Ireland:
 Pour l'Irlande :
 عن ايرلندا :
 爱尔兰 :
 За Ирландию:
 Por Irlanda:

SEÁN GAYNOR

For Israel:
 Pour Israël :
 عن اسرائيل :
 以色列 :
 За Израиль:
 Por Israel:

¹ 15 August 1977 — 15 août 1977.

For Italy:

Pour l'Italie :

: عن إيطاليا :

意大利 :

За Италию:

Por Italia:

RAIMONDO MANZINI

For the Ivory Coast:

Pour la Côte d'Ivoire :

: عن ساحل العاج :

象牙海岸 :

За Берег Слоновой Кости:

Por la Costa de Marfil:

For Jamaica:

Pour la Jamaïque :

: عن جامايكا :

牙买加 :

За Ямайку:

Por Jamaica:

For Japan:

Pour le Japon :

: عن اليابان :

日本 :

За Японию:

Por el Japón:

For Jordan:

Pour la Jordanie :

: عن الأردن :

约旦 :

За Иорданию:

Por Jordania:

For Kenya:

Pour le Kenya :

عن كينيا :

肯尼亚:

За Кению:

Por Kenya:

For Kuwait:

Pour le Koweït :

عن الكويت :

科威特:

За Кувейт:

Por Kuwait:

For the Lao People's Democratic Republic:

Pour la République démocratique populaire lao :

عن جمهورية لاو الديمقراطية الشعبية:

老挝人民民主共和国:

За Лаосскую Народно-Демократическую Республику:

Por la República Democrática Popular Lao:

V. SOURINHO

Le 13/4/1978

For Lebanon:

Pour le Liban :

عن لبنان :

黎巴嫩:

За Ливан:

Por el Líbano:

MAHMOUD BANNA

For Lesotho:

Pour le Lesotho :

عن ليسوتو :

莱索托:

За Лесото:

Por Lesotho:

For Liberia:
 Pour le Libéria :
 عن ليبيريا :
 利比里亚:
 За Либерию:
 Por Liberia:

H. FREEMAN

For the Libyan Arab Jamahiriya:
 Pour la Jamahiriya arabe libyenne :
 عن الجماهيرية العربية الليبية :
 阿拉伯利比亚共和国 :
 За Ливийскую Арабскую Джамахирию:
 Por la Jamahiriya Arabe Libia:

For Liechtenstein:
 Pour le Liechtenstein :
 عن لختنشتاين :
 列支敦士登:
 За Лихтенштейн:
 Por Liechtenstein:

For Luxembourg:
 Pour le Luxembourg :
 عن لكسمبرغ :
 卢森堡 :
 За Люксембург:
 Por Luxemburgo:

Sous réserve de ratification¹
 JEAN RETTEL

For Madagascar:
 Pour Madagascar :
 عن مدغشقر :
 马达加斯加 :
 За Мадагаскар:
 Por Madagascar:

¹ Subject to ratification.

For Malawi:
Pour le Malawi :
عن ملاوي :
马拉维：
За Малави:
Por Malawi:

For Malaysia:
Pour la Malaisie :
عن ماليزيا :
马来西亚：
За Малайскую Федерацию:
Por Malasia:

For the Maldives:
Pour les Maldives :
عن ملديف :
马尔代夫：
За Мальдивы:
Por las Maldivas:

For Mali:
Pour le Mali :
عن مالي :
马里：
За Мали:
Por Malí:

For Malta:
Pour Malte :
عن مالطه :
马耳他：
За Мальту:
Por Malta:

For Mauritania:
Pour la Mauritanie :
عن موريتانيا :
毛里塔尼亚 :
За Мавританию:
Por Mauritania:

For Mauritius:
Pour Maurice :
عن موريشيوس :
毛里求斯 :
За Маврикий:
Por Mauricio:

For Mexico:
Pour le Mexique :
عن المكسيك :
墨西哥 :
За Мексику:
Por México:

For Monaco:
Pour Monaco :
عن موناكو :
摩纳哥 :
За Монако:
Por Mónaco:

For Mongolia:
Pour la Mongolie :
عن منغوليا :
蒙古 :
За Монголию:
Por Mongolia:

MANGALYN DUGERSUREN

For Morocco:
Pour le Maroc :
عن المغرب :
摩洛哥 :
За Марокко:
Por Marruecos:

ALI SKALLI

For Mozambique:
Pour le Mozambique :
عن موزامبيق :
莫桑比克 :
За Мозамбик:
Por Mozambique:

For Nauru:
Pour Nauru :
عن ناورو :
瑙鲁 :
За Науру:
Por Nauru:

For Nepal:
Pour le Népal :
عن نيبال :
尼泊尔 :
За Непал:
Por Nepal:

For the Netherlands:
Pour les Pays-Bas :
عن هولندا :
荷兰 :
За Нидерланды:
Por los Países Bajos:

C. A. VAN DER KLAUW

For New Zealand:
Pour la Nouvelle-Zélande :
عن نيوزيلندا :
新西兰 :
За Новую Зеландию:
Por Nueva Zelandia:

For Nicaragua:
Pour le Nicaragua :
عن نيكاراغوا :
尼加拉瓜 :
За Никарагуа:
Por Nicaragua:

JOSÉ ALVARADO CORREA
11 Agosto 1977¹

For the Niger:
Pour le Niger :
عن النيجر :
尼日尔 :
За Нигер:
Por el Níger:

For Nigeria:
Pour le Nigéria :
عن نيجيريا :
尼日利亚 :
За Нигерию:
Por Nigeria:

For Norway:
Pour la Norvège :
عن النرويج :
挪威 :
За Норвегию:
Por Noruega:

JOHAN ZEIER CAPPELEN

¹ 11 August 1977 — 11 août 1977.

For Oman:
Pour l'Oman :
عن عمان :
阿曼 :
За Оман:
Por Omán:

For Pakistan:
Pour le Pakistan :
عن باكستان :
巴基斯坦 :
За Пакистан:
Por el Pakistán:

For Panama:
Pour le Panama :
عن بنما :
巴拿马 :
За Панаму:
Por Panamá:

For Papua New Guinea:
Pour la Papouasie-Nouvelle-Guinée :
عن بابوا غينيا الجديدة :
巴布亚新几内亚 :
За Папуа-Новую Гвинею:
Por Papua Nueva Guinea:

For Paraguay:
Pour le Paraguay :
عن باراغواي :
巴拉圭 :
За Парагвай:
Por el Paraguay:

For Peru:
Pour le Pérou :
عن بيرو :
秘魯 :
За Перу:
Por el Perú:

For the Philippines:
Pour les Philippines :
عن الفلبين :
菲 律 宾 :
За Филиппины:
Por Filipinas:

For Poland:
Pour la Pologne :
عن بولندا :
波 兰 :
За Польшу:
Por Polonia:

EMIL WOJTASZEK

For Portugal:
Pour le Portugal :
عن البرتغال :
葡 萄 牙 :
За Португалию:
Por Portugal:

ADRIANO DE CARVALHO

For Qatar:
Pour le Qatar :
عن قطر :
卡 塔 尔 :
За Катар:
Por Qatar:

For the Republic of Korea:
Pour la République de Corée :
: عن جمهورية كوريا
大韓民國:
За Корейскую Республику:
Por la República de Corea:

For Romania:
Pour la Roumanie :
: عن رومانيا
罗马尼亚:
За Румынию:
Por Rumania:

CONSTANTIN ENE

For Rwanda:
Pour le Rwanda :
: عن رواندا
卢旺达:
За Руанду:
Por Rwanda:

For Samoa:
Pour le Samoa :
: عن ساموا
萨摩亚 :
За Самоа:
Por Samoa:

For San Marino:
Pour Saint-Marin :
: عن سان مارينو
圣马力诺:
За Сан-Марино:
Por San Marino:

For Sao Tome and Principe:

Pour Sao Tomé-et-Principe :

: عن سان تومي وبرينسيبي :

圣多美和普林西比 :

За Сан-Томе и Принсипи:

Por Santo Tomé y Príncipe:

For Saudi Arabia:

Pour l'Arabie Saoudite :

: عن المملكة العربية السعودية :

沙特阿拉伯 :

За Саудовскую Аравию:

Por Arabia Saudita:

For Senegal:

Pour le Sénégal :

: عن السنغال :

塞内加尔 :

За Сенегал:

Por el Senegal:

For Seychelles:

Pour les Seychelles :

: عن سيشيل :

塞舌尔 :

За Сейшельские острова:

Por Seychelles:

For Sierra Leone:

Pour la Sierra Leone :

: عن سيراليون :

塞拉勒窝内 :

За Сьерра-Леоне:

Por Sierra Leona:

S. GBUJAMA
12th April 1978

For Singapore:
Pour Singapour :
عن سنغافوره :
新加坡 :
За Сингапур:
Por Singapur:

For the Socialist Republic of Viet Nam:
Pour la République socialiste du Viet Nam :
عن جمهورية فيتنام الاشتراكية :
越南社会主义共和国 :
За Социалистическую Республику Вьетнам:
Por la República Socialista de Viet Nam:

For Somalia:
Pour la Somalie :
عن الصومال :
索马里 :
За Сомали:
Por Somalia:

For South Africa:
Pour l'Afrique du Sud :
عن افريقيا الجنوبية :
南非 :
За Южную Африку:
Por Sudáfrica:

For Spain:
Pour l'Espagne :
عن اسبانيا :
西班牙 :
За Испанию:
Por España:

FERNANDO BENITO MESTRE

For Sri Lanka:
Pour Sri Lanka :
عن سرى لانكا :
斯里兰卡:
За Шри Ланка:
Por Sri Lanka:

H. S. AMERASINGHE
June 8, 1977

For the Sudan:
Pour le Soudan :
عن السودان :
苏丹:
За Судан:
Por el Sudán:

For Surinam:
Pour le Surinam :
عن سورينام :
苏里南:
За Суринам:
Por Surinam:

For Swaziland:
Pour le Souaziland :
عن سوازيلند :
斯威士兰:
За Свазиленд:
Por Swazilandia:

For Sweden:
Pour la Suède :
عن السويد :
瑞典:
За Швецию:
Por Suecia:

For Switzerland:

Pour la Suisse :

: عن سويسرا :

瑞士:

За Швейцарию:

Por Suiza:

For the Syrian Arab Republic:

Pour la République arabe syrienne :

: عن الجمهورية العربية السورية :

阿拉伯叙利亚共和国:

За Сирийскую Арабскую Республику:

Por la República Árabe Siria:

MOWAFFAK ALLAF

4/8/1977¹

For Thailand:

Pour la Thaïlande :

: عن تايلند :

泰国:

За Таиланд:

Por Tailandia:

For Togo:

Pour le Togo :

: عن توغو :

多哥:

За Того:

Por el Togo:

For Tonga:

Pour les Tonga :

: عن تونغا :

汤加:

За Тонгу:

Por Tonga:

¹ 4 August 1977 — 4 août 1977.

For Trinidad and Tobago:
 Pour la Trinité-et-Tobago :
 عن ترينيداد وتوباغو :
 特立尼达和多巴哥:
 За Тринидад и Тобаго:
 Por Trinidad y Tabago:

For Tunisia:
 Pour la Tunisie :
 عن تونس :
 تونس:
 За Тунис:
 Por Túnez:

M. MESTIRI
 Le 11 mai 1978

For Turkey:
 Pour la Turquie :
 عن تركيا :
 土耳其:
 За Турцию:
 Por Turquía:

E. YAVUZLAP
 (With interpretive Statement.)

In the opinion of the Turkish Government the terms “widespread”, “long lasting” and “severe effects” contained in the Convention need to be more clearly defined. So long as this clarification is not made the Government of Turkey will be compelled to interpret itself the terms in question and consequently it reserves the right to do so as and when required.

Furthermore, the Government of Turkey believes that the difference between “military or any other hostile purposes” and “peaceful purposes” should be more clearly defined so as to prevent subjective evaluations.¹

¹ [TRANSDUCTION — TRANSLATION] Le Gouvernement turc est d'avis qu'il faudrait préciser le sens des termes « effets étendus, durables ou graves » qui figurent dans la Convention. Aussi longtemps que ces précisions manqueront, le Gouvernement turc se verra contraint de suivre sa propre interprétation à ce sujet, et il se réserve le droit de le faire de la façon et au moment qui lui conviendront.

Par ailleurs, le Gouvernement turc pense qu'il conviendrait de mieux distinguer les « fins militaires ou toutes autres fins hostiles » des « fins pacifiques », de façon à éviter toute interprétation subjective.

For Uganda:
 Pour l'Ouganda :
 : عن اوغندا
 乌干达:
 За Уганду:
 Por Uganda:

A. M. OGOLA

For the Ukrainian Soviet Socialist Republic:
 Pour la République socialiste soviétique d'Ukraine :
 : عن جمهورية اوكرانيا الاشتراكية السوفياتية
 乌克兰苏维埃社会主义共和国:
 За Украинскую Советскую Социалистическую Республику:
 Por la República Socialista Soviética de Ucrania:

G. G. SHEVEL

For the Union of Soviet Socialist Republics:
 Pour l'Union des Républiques socialistes soviétiques :
 : عن اتحادالجمهوريات الاشتراكية السوفياتية
 苏维埃社会主义共和国联盟:
 За Союз Советских Социалистических Республик:
 Por la Unión de Repúblicas Socialistas Soviéticas:

A. GROMYKO

For the United Arab Emirates:
 Pour les Emirats arabes unis :
 : عن الامارات العربية المتحدة
 阿拉伯联合酋长国:
 За Объединенные Арабские Эмираты:
 Por los Emiratos Arabes Unidos:

For the United Kingdom of Great Britain and Northern Ireland:
 Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :
 : عن المملكة المتحدة لبريطانيا العظمى وإيرلندا الشمالية
 大不列颠及北爱尔兰联合王国:
 За Соединенное Королевство Великобритании и Северной Ирландии:
 Por el Reino Unido de Gran Bretaña e Irlanda del Norte:

Lord GORONWY-ROBERTS

For the United Republic of Cameroon:

Pour la République-Unie du Cameroun :

: عن جمهورية الكاميرون المتحدة :

喀麦隆联合共和国:

За Объединенную Республику Камерун:

Por la República Unida del Camerún:

For the United Republic of Tanzania:

Pour la République-Unie de Tanzanie :

: عن جمهورية تنزانيا المتحدة :

坦桑尼亚联合共和国:

За Объединенную Республику Танзания:

Por la República Unida de Tanzania:

For the United States of America:

Pour les Etats-Unis d'Amérique :

: عن الولايات المتحدة الأمريكية :

美利坚合众国:

За Соединенные Штаты Америки:

Por los Estados Unidos de América:

CYRUS VANCE

For the Upper Volta:

Pour la Haute-Volta :

: عن فولتا العليا :

上沃尔特:

За Верхнюю Вольту:

Por el Alto Volta:

For Uruguay:

Pour l'Uruguay :

: عن اوروغواي :

乌拉圭:

За Уругвай:

Por el Uruguay:

For Venezuela:

Pour le Venezuela :

عن فنزويلا :

委內瑞拉:

За Венесуэлу:

Por Venezuela:

For Yemen:

Pour le Yémen :

عن اليمن :

也門:

За Йемен:

Por el Yemen:

ADNAN TARCICI

For Yugoslavia:

Pour la Yougoslavie :

عن يوغوسلافيا :

南斯拉夫:

За Югославию:

Por Yugoslavia:

For Zaïre:

Pour le Zaïre :

عن زائير :

扎伊尔:

За Заир:

Por el Zaïre:

MUKUNA KABONGO
28 février 1978

For Zambia:

Pour la Zambie :

عن زامبيا :

赞比亚:

За Замбию:

Por Zambia:

Annex 86

Convention on Civil Liability for Oil Pollution Damage resulting from Exploration for
and Exploitation of Seabed Mineral Resources, 1 May 1977

Convention on Civil Liability for Oil Pollution Damage Resulting from Exploration for and Exploitation of Seabed Mineral Resources, London, 1977

Done at London 1 May 1977

Not in force

Depositary: United Kingdom

Primary source citation: 16 ILM 1451 (1977) CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE RESULTING FROM EXPLORATION FOR AND EXPLOITATION OF SEABED MINERAL RESOURCES

The States Parties to this Convention,

Conscious of the dangers of oil pollution posed by the exploration for, and exploitation of, certain seabed mineral resources,

Convinced of the need to ensure that adequate compensation is available to persons who suffer damage caused by such pollution,

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

Have agreed as follows:

ARTICLE 1

For the purposes of this Convention:

1. (a) "Oil" means crude oil and natural gas liquids, whether or not such oil or liquids are mixed with or present in other substances; and

(b) "crude oil" includes crude oil treated to render it suitable for transmission, for example, by adding or removing certain fractions.

2. "Installation" means:

(a) any well or other facility, whether fixed or mobile, which is used for the purpose of exploring for, producing, treating, storing, transmitting or regaining control of the flow of crude oil from the seabed or its subsoil;

(b) any well which has been used for the purpose of exploring for, producing or regaining control of the flow of crude oil from the seabed or its subsoil and which has been abandoned after the entry into force of this Convention for the Controlling State concerned;

(c) any well which is used for the purpose of exploring for, producing or regaining control of the flow of gas or natural gas liquids from the seabed or its subsoil during the period that any such well is being drilled, including completion, or worked upon except for normal maintenance operations;

(d) any well which is used for the purpose of exploring for any mineral resources other than crude oil, gas or natural gas liquids, where such exploration involves the deep penetration of the subsoil of the seabed; and

(e) any facility which is normally used for storing crude oil from the seabed or its subsoil; which, or a substantial part of which, is located seaward of the low-water line along the coast as marked on large-scale charts officially recognized by the Controlling State; provided, however, that

i (i) where a well or a number of wells is directly connected to a platform or similar facility, the well or wells together with such platform or facility shall constitute one installation; and

(ii) a ship as defined in the International Convention on Civil Liability for Oil Pollution Damage, done at Brussels on 29 November 1969, shall not be considered to be an installation.

3. "Operator" means the person, whether licensee or not, designated as operator for the purposes of this Convention by the Controlling State, or, in the absence of such designation, the person who is in overall control of the activities carried on at the installation.

4. "Controlling State" means the State Party which exercises sovereign rights for the purpose of exploring for and exploiting the resources of the seabed and its subsoil in the area in or above which the installation is situated. In the case of an installation extending over areas in which two or more States Parties exercise such rights, these States may agree which of them shall be the Controlling State.

5. "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.

6. "Pollution damage" means loss or damage outside the installation caused by contamination resulting from the escape or discharge of oil from the installation and includes the cost of preventive measures and further loss or damage outside the installation caused by preventive measures.

7. "Preventive measures" means any reasonable measures taken by any person in relation to a particular incident to prevent or minimize pollution damage with the exception of well control measures and measures taken to protect, repair or replace an installation.

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

9. "Special Drawing Right" means Special Drawing Right as defined by the International Monetary Fund and used for its own operations and transactions.

ARTICLE 2

This Convention shall apply exclusively to pollution damage:

(a) resulting from an incident which occurred beyond the coastal low-water line at an installation under the jurisdiction of a Controlling State, and

(b) suffered in the territory, including the internal waters and territorial sea, of a State Party or in the areas in which, in accordance with international law, it has sovereign rights over natural resources, and to preventive measures, wherever taken, to prevent or minimize such pollution damage.

ARTICLE 3

1. Except as provided in paragraphs 3, 4 and 5 of this Article, the operator of the installation at the time of an incident shall be liable for any pollution damage resulting from the incident. When the incident consists of a series of occurrences, liability for pollution damage arising out of each occurrence shall attach to the operator of the installation at the time of that occurrence.

2. Where an installation has more than one operator they shall be jointly and severally liable.

3. No liability for pollution damage shall attach to the operator if he proves that the damage resulted from an act of war, hostilities, civil war, insurrection, or a natural phenomenon of an exceptional, inevitable and irresistible character.

4. No liability for pollution damage shall attach to the operator of an abandoned well if he proves that the incident which caused the damage occurred more than five years after the date on which the well was abandoned under the authority and in accordance with the requirements of the Controlling State. Where a well has been abandoned in other circumstances, the liability of the operator shall be governed by the applicable national law.

5. If the operator proves that the pollution damage resulted wholly or partly 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 operator may be exonerated wholly or partly from his liability to such person.

ARTICLE 4

1. No claim for compensation for pollution damage shall be made against the operator otherwise than in accordance with this Convention.

2. No claim for compensation for pollution damage under this Convention or otherwise may be made against the servants or agents of the operator.

3. Nothing in this Convention shall prejudice the question whether the operator liable for damage in accordance with its provisions has a right of recourse.

ARTICLE 5

1. When oil has escaped or has been discharged from two or more installations, and pollution damage results therefrom, the operators of all the installations concerned, unless exonerated under Article 3, shall be jointly and severally liable for all such damage which is not reasonably separable.

2. When oil has escaped or has been discharged from one installation as a result of an incident, and pollution damage results therefrom, and during the course of the incident there is a change of operator, all operators of the installation, unless exonerated under Article 3, shall be jointly and severally liable for all such damage which is not reasonably separable.

ARTICLE 6

1. The operator shall be entitled to limit his liability under this Convention for each installation and each incident to the amount of 30 million Special Drawing Rights until five years have elapsed from the date on which the Convention is opened for signature and to the amount of 40 million Special Drawing Rights thereafter.

2. Where operators of different installations are liable in accordance with paragraph 1 of Article 5, the liability of the operator of any one installation shall not for any one incident exceed any limit which may be applicable to him in accordance with the provisions of this Article and of Article 15.

3. Where in the case of any one installation more than one operator is liable under this Convention, the aggregate liability of all of them in respect of any one incident shall not exceed the highest amount that could be awarded against any of them, but none of them shall be liable for an amount in excess of the limit applicable to him.

4. The operator shall not be entitled to limit his liability if it is proved that the pollution damage occurred as a result of an act or omission by the operator himself, done deliberately with actual knowledge that pollution damage would result.

5. For the purpose of availing himself of the benefit of limitation to which he may be entitled under paragraph 1 of this Article, the operator 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 States Parties in which action is brought under Article 11. A fund constituted by one of the operators mentioned in paragraph 2 of Article 3 shall be deemed to be constituted by all of them. 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 State Party where the fund is constituted, and considered to be adequate by the court or other competent authority.

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

7. If before the fund is distributed the operator or any of his servants or agents or any person providing him with 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.

8. The right of subrogation provided for in paragraph 7 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.

9. Where the operator 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 paragraph 7 or 8 of this Article, had the compensation been paid before the fund was distributed, the court or other competent authority of the State Party 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.

10. An operator who has taken preventive measures shall in respect of those measures have the same rights against the fund as any other claimant.

11. The amount referred to in paragraph 1 of this Article shall be converted into the national currency of the State Party in which the fund is constituted on the basis of the value of that currency by reference to the average, during the thirty days immediately preceding the date on which the fund is constituted, of the Special Drawing Rights as published by the International Monetary Fund.

12. The insurer or other person providing financial security shall be entitled, alone or together with the operator, 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 operator. Such a fund may be constituted even where the pollution damage occurred as a result of an act or omission by the operator himself, done deliberately with actual knowledge that pollution damage would result, but the constitution of the fund shall in that case not prejudice the rights of any claimant against the operator.

ARTICLE 7

1. Where the operator, after an incident, has constituted a fund in accordance with Article 6 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 operator in respect of such claim;

(b) the court or other competent authority of any State Party shall order the release of any property belonging to the operator 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. Paragraph 1 of this Article 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 8

1. To cover his liability under this Convention, the operator shall be required to have and maintain insurance or other financial security to such amount, of such type and on such terms as the Controlling State shall specify, provided that that amount shall not be less than 22 million Special Drawing Rights until five years have elapsed from the date on which this Convention is opened for signature and not less than 35 million Special Drawing Rights thereafter. However the Controlling State may exempt the operator wholly or in part from the requirement to have and maintain such insurance or other financial security to cover his liability for pollution damage wholly caused by an act of sabotage or terrorism.

2. 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, before two months have elapsed from the date on which notice of its termination is given to the competent public authority of the Controlling State. The foregoing provision shall similarly apply to any modification which results in the insurance or security no longer satisfying the requirements of this Article.

3. Any claim for compensation for pollution damage may be brought directly against the insurer or other person providing financial security for the operator's liability for pollution damage. In such case the liability of the defendant shall be limited to the amount specified in accordance with paragraph 1 of this Article irrespective of the fact that the pollution damage occurred as a result of an act or omission by the operator himself, done deliberately with actual knowledge that pollution damage would result. The defendant may further avail himself of the defences, other than the bankruptcy or winding-up of the operator, which the operator 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 operator himself, but the defendant may not avail himself of any other defence which he might have been entitled to invoke in proceedings brought by the operator against him. The defendant shall in any event have the right to require the operator to be joined in the proceedings.

4. Any sums provided by insurance or by other financial security maintained in accordance with paragraph 1 of this Article shall be available in the first place for the satisfaction of claims under this Convention.

5. Where the operator is a State Party, the operator shall not be required to maintain insurance or other financial security to cover its liability.

ARTICLE 9

1. A Committee composed of a representative of each State Party is hereby established.

2. If a State Party considers that any of the amounts currently applicable under Article 6 or 8 is no longer adequate, or is otherwise unrealistic, it may convene a meeting of the Committee to consider the matter. States which have signed this Convention but are not yet Parties will be invited to participate in the work of the Committee as observers. The Committee may recommend to the States Parties an amendment to any of the amounts if representatives of at least three-quarters of the States Parties to this Convention vote in favour of such a recommendation. In making such a recommendation, the Committee shall take into account:

(a) any information concerning events causing or likely to cause pollution damage having a bearing on the objects of this Convention;

(b) any information on increases and decreases occurring after the entry into force of this Convention in the costs of goods and services of the kinds involved in the treatment and remedying of marine oil spillages;

(c) the availability of reliable insurance cover against the risk of liability for pollution damage.

3. Any amount recommended in accordance with paragraph 2 of this Article shall be notified by the depositary Government to all States Parties. It shall replace the amount currently applicable thirty days after its acceptance by all States Parties. A State Party which has not, within six months of such notification or such other period as has been specified in the recommendation, notified the depositary Government that it is unable to accept the recommended amount, shall be deemed to have accepted it.

4. If the recommended amount has not been accepted by all States Parties within six months, or such other period as has been specified in the recommendation, after it has been notified by the depositary Government it shall, thirty days thereafter, replace the amount currently applicable as between those States Parties which have accepted it. Any other State Party may subsequently accept the recommended amount which shall become applicable to it thirty days thereafter.

5. A State acceding to this Convention shall be bound by any recommendation of the Committee which has been unanimously accepted by States Parties. Where a recommendation has not been so accepted, an acceding State shall be deemed to have accepted it unless, at the time of its accession, that State notifies the depositary Government that it does not accept such a recommendation.

ARTICLE 10

Rights of compensation under this Convention shall be extinguished unless, within twelve months of the date on which the person suffering the damage knew or ought reasonably to have known of the damage, the claimant has in writing notified the operator of his claim or has brought an action in respect of it. However in no case shall an action be brought after four years from the date of the incident which caused the damage. Where the incident consists of a series of occurrences, the four years' period shall run from the date of the last occurrence.

ARTICLE 11

1. Actions for compensation under this Convention may be brought only in the courts of any State Party where pollution damage was suffered as a result of the incident or in the courts of the Controlling State. For the purpose of determining where the damage was suffered, damage suffered in an area in which, in accordance with international law, a State has sovereign rights over natural resources shall be deemed to have been suffered in that State.

2. Each State Party 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 6, the courts of the State Party in which the fund is constituted shall be exclusively competent to determine all matters relating to the apportionment and distribution of the fund.

ARTICLE 12

1. Any judgment given by a court with jurisdiction in accordance with Article 11, which is enforceable in the State of origin where it is no longer subject to ordinary forms of review, shall be recognized in any State Party, except:

(a) where the judgment was obtained by fraud; or

(b) where the defendant was not given reasonable notice and a fair opportunity to present his case.

2. A judgment recognized under paragraph 1 of this Article shall be enforceable in each State Party 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, nor a reconsideration of the applicable law.

ARTICLE 13

Where a State Party is the operator, such State shall be subject to suit in the jurisdictions set forth in Article 11 and shall waive all defences based on its status as a sovereign State.

ARTICLE 14

No liability shall arise under this Convention for damage caused by a nuclear incident:

(a) if the operator of a nuclear installation is liable for such damage under either the Paris Convention of 29 July 1960 on Third Party Liability in the Field of Nuclear Energy or the Vienna Convention of 21 May 1963 on Civil Liability for Nuclear Damage, or if the operator of a nuclear ship is liable for such damage under the Brussels Convention of 25 May 1962 on the Liability of Operators of Nuclear Ships; or

(b) if the operator of a nuclear installation or the operator of a nuclear ship is liable for such damage by virtue of a national law governing the liability for such damage, provided that such law is in all respects as favourable to persons who may suffer damage as, in the case of the operator of a nuclear installation, either the Paris or the Vienna Convention or, in the case of the operator of a nuclear ship, the Brussels Convention.

ARTICLE 15

1. This Convention shall not prevent a State from providing for unlimited liability or a higher limit of liability than that currently applicable under Article 6 for pollution damage caused by installations for which it is the Controlling State and suffered in that State or in another State Party; provided however that in so doing it shall not discriminate on the basis of nationality. Such provision may be based on the principle of reciprocity.

2. The courts of each State Party shall apply the law of the Controlling State in order to determine whether the operator is entitled under the provisions of this Article and paragraph 1 of Article 6 to limit his liability and, if so, the amount of such liability.

3. Nothing in this Article shall affect the amount of compensation available for pollution damage suffered in States Parties in respect of which the provision made in accordance with paragraph 1 of this Article does not apply.

4. For the purposes of this Article, pollution damage suffered in a State Party means pollution damage suffered in the territory of that State or in the areas in which, in accordance with international law, it has sovereign rights over natural resources.

ARTICLE 16

This Convention shall be open for signature at London from 1 May 1977 until 30 April 1978 by the States invited to participate in the Intergovernmental Conference on the Convention on Civil Liability for Oil Pollution Damage from Offshore Operations, held there from 20 October to 31 October 1975 and from 13 December to 17 December 1976, and shall thereafter be open for accession by such States.

ARTICLE 17

This Convention shall be subject to ratification, acceptance or approval.

ARTICLE 18

The States Parties may unanimously invite to accede to this Convention other States which have coastlines on the North Sea, the Baltic Sea or that part of the Atlantic Ocean to the north of 36° North latitude.

ARTICLE 19

The instruments of ratification, acceptance, approval and accession shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland.

ARTICLE 20

1. This Convention shall enter into force on the ninetieth day following the date of deposit of the fourth instrument of ratification, acceptance, approval or accession.
2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the fourth instrument, the Convention shall enter into force on the ninetieth day after deposit by such State of its instrument.

ARTICLE 21

A State Party may denounce this Convention at any time by means of a notice in writing addressed to the depositary Government. Any such denunciation shall take effect twelve months after the date on which the depositary Government has received such notice, or at such later date as may be specified in the notice.

ARTICLE 22

1. Any State may, at the time of ratification, acceptance, approval or accession or at any later date, declare by means of a notice in writing addressed to the depositary Government that this Convention shall apply to all or any of the territories for whose international relations it is responsible, provided that they are situated within the area defined in Article 18.
2. Such declaration shall take effect on the ninetieth day after its receipt by the depositary Government or, if on such date the Convention has not yet entered into force, from the date of its entry into force.

3. Each State Party which has made a declaration in accordance with paragraph 1 of this Article may, in accordance with Article 21, denounce this Convention in relation to all or any of the territories concerned.

ARTICLE 23

Any State Party may, after having obtained the agreement of at least one-third of the States Parties, convene a Conference of States Parties for the revision or amendment of this Convention.

ARTICLE 24

No reservation may be made to this Convention.

ARTICLE 25

The depositary Government shall inform the States referred to in Article 16 and the acceding States:

(a) of signatures to this Convention, of the deposit of instruments of ratification, acceptance, approval or accession, of the receipt of notices in accordance with Article 22, and of the receipt of notices of denunciation;

(b) of the date on which the Convention will enter into force; and

(c) of the recommendations of the Committee convened under Article 9, of the acceptances and non- acceptances of such recommendations, and of the dates on which these recommendations take effect.

ARTICLE 26

The original of this Convention, of which the English and French texts are equally authentic, shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland, which shall send certified copies thereof to the States referred to in Article 16 and the acceding States and which, upon its entry into force, shall transmit a certified copy to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Annex 87

Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment
from Pollution, 24 April 1978, 1140 UNTS 133

No. 17898

**KUWAIT, BAHRAIN, IRAN, IRAQ, OMAN, QATAR,
SAUDI ARABIA and UNITED ARAB EMIRATES**

Kuwait Regional Convention for co-operation on the protection of the marine environment from pollution. Concluded at Kuwait on 24 April 1978

Protocol to the above-mentioned Convention concerning regional co-operation in combating pollution by oil and other harmful substances in cases of emergency (with appendix). Concluded at Kuwait on 24 April 1978

Authentic texts: Arabic, English and Persian.

Registered by Kuwait on 13 July 1979.

**KOWEÏT, BAHREÏN, IRAN, IRAQ, OMAN, QATAR,
ARABIE SAOUDITE et ÉMIRATS ARABES UNIS**

Convention régionale de Koweït pour la coopération en vue de la protection du milieu marin contre la pollution. Conclue à Koweït le 24 avril 1978

Protocole à la Convention susmentionnée concernant la coopération régionale en matière de lutte contre la pollution par les hydrocarbures et autres substances nuisibles en cas de situation critique (avec annexe). Conclu à Koweït le 24 avril 1978

Textes authentiques : arabe, anglais et perse.

Enregistrés par le Koweït le 13 juillet 1979.

KUWAIT REGIONAL CONVENTION¹ FOR CO-OPERATION ON THE PROTECTION OF THE MARINE ENVIRONMENT FROM POLLUTION

The Government of the State of Bahrain, the Imperial Government of Iran, the Government of the Republic of Iraq, the Government of the State of Kuwait, the Government of the Sultanate of Oman, the Government of the State of Qatar, the Government of the Kingdom of Saudi Arabia, the Government of the United Arab Emirates,

Realizing that pollution of the marine environment in the Region shared by Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates, by oil and other harmful or noxious materials arising from human activities on land or at sea, especially through indiscriminate and uncontrolled discharge of these substances, presents a growing threat to marine life, fisheries, human health, recreational uses of beaches and other amenities,

Mindful of the special hydrographic and ecological characteristics of the marine environment of the Region and its particular vulnerability to pollution,

Conscious of the need to ensure that the processes of urban and rural development and resultant land use should be carried out in such a manner as to preserve, as far as possible, marine resources and coastal amenities, and that such development should not lead to deterioration of the marine environment,

Convinced of the need to ensure that the processes of industrial development should not, in any way, cause damage to the marine environment of the Region, jeopardize its living resources or create hazards to human health,

Recognizing the need to develop an integrated management approach to the use of the marine environment and the coastal areas which will allow the achievement of environmental and development goals in a harmonious manner,

Recognizing also the need for a carefully planned research, monitoring and assessment programme in view of the scarcity of scientific information on marine pollution in the Region,

Considering that the States sharing the Region have a special responsibility to protect its marine environment,

Aware of the importance of co-operation and co-ordination of action on a regional basis with the aim of protecting the marine environment of the Region for the benefit of all concerned, including future generations,

Bearing in mind the existing international conventions relevant to the present Convention,

¹ Came into force in respect of the following States on 1 July 1979, i.e., on the ninetieth day following the date of deposit of five instruments of ratification, acceptance, approval or accession with the Government of Kuwait, in accordance with article XXVIII (a):

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>	<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Kuwait	7 November 1978	Oman	20 March 1979
Qatar	3 January 1979	Bahrain	1 April 1979
Iraq	4 February 1979		

Have agreed as follows:

Article I. DEFINITIONS

For the purpose of the present Convention:

(a) "Marine pollution" means the introduction by man, directly or indirectly, of substances or energy into the marine environment resulting or likely to result 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) "National Authority" means the authority designated by each Contracting State as responsible for the co-ordination of national efforts for implementing the Convention and its protocols;

(c) "Organization" means the organization established by the Contracting States in accordance with article XVI;

(d) "Secretariat" means the organ of the Organization established in accordance with article XVI;

(e) "Action Plan" means the Action Plan for the Development and Protection of the Marine Environment and the Coastal Areas of Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates adopted at the Kuwait Regional Conference of Plenipotentiaries on the Protection and Development of the Marine Environment and the Coastal Areas, convened from 15 to 23 April 1978.

Article II. GEOGRAPHICAL COVERAGE

(a) The present Convention shall apply to the sea area in the Region bounded in the south by the following rhumb lines: from Ras Dharbat Ali in (16°39' N, 53°3'30" E) then to a position in (16°00' N, 53°25' E) then to a position in (17°00' N, 56°30' E) then to a position in (20°30' N, 60°00' E) then to Ras Al-Fasteh in (25°04' N, 61°25' E) (hereinafter referred to as the "Sea Area");

(b) The Sea Area shall not include internal waters of the Contracting States unless it is otherwise stated in the present Convention or in any of its protocols.

Article III. GENERAL OBLIGATIONS

(a) The Contracting States shall, individually and/or jointly, take all appropriate measures in accordance with the present Convention and those protocols in force to which they are party to prevent, abate and combat pollution of the marine environment in the Sea Area;

(b) In addition to the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency¹ opened for signature at the same time as the present Convention, the Contracting States shall co-operate in the formulation and adoption of other protocols prescribing agreed measures, procedures and standards for the implementation of the Convention;

(c) The Contracting States shall establish national standards, laws and regulations as required for the effective discharge of the obligation prescribed

¹ See p. 201 of this volume.

in paragraph (a) of this article, and shall endeavour to harmonise their national policies in this regard and for this purpose appoint the National Authority;

(d) The Contracting States shall co-operate with the competent international, regional and sub-regional organizations to establish and adopt regional standards, recommended practices and procedures to prevent, abate and combat pollution from all sources in conformity with the objectives of the present Convention, and to assist each other in fulfilling their obligations under the present Convention;

(e) The Contracting States shall use their best endeavour to ensure that the implementation of the present Convention shall not cause transformation of one type of pollution to another which could be more detrimental to the environment.

Article IV. POLLUTION FROM SHIPS

The Contracting States shall take all appropriate measures in conformity with the present Convention and the applicable rules of international law to prevent, abate and combat pollution in the Sea Area caused by intentional or accidental discharges from ships, and shall ensure effective compliance in the Sea Area with applicable international rules relating to the control of this type of pollution, including load-on-top, segregated ballast and crude oil washing procedures for tankers.

Article V. POLLUTION CAUSED BY DUMPING FROM SHIPS AND AIRCRAFT

The Contracting States shall take all appropriate measures to prevent, abate and combat pollution in the Sea Area caused by dumping of wastes and other matter from ships and aircraft, and shall ensure effective compliance in the Sea Area with applicable international rules relating to the control of this type of pollution as provided for in relevant international conventions.

Article VI. POLLUTION FROM LAND-BASED SOURCES

The Contracting States shall take all appropriate measures to prevent, abate and combat pollution caused by discharges from land reaching the Sea Area whether water-borne, air-borne, or directly from the coast including outfalls and pipelines.

Article VII. POLLUTION RESULTING FROM EXPLORATION AND EXPLOITATION OF THE BED OF THE TERRITORIAL SEA AND ITS SUB-SOIL AND THE CONTINENTAL SHELF

The Contracting States shall take all appropriate measures to prevent, abate and combat pollution in the Sea Area resulting from exploration and exploitation of the bed of the territorial sea and its sub-soil and the continental shelf, including the prevention of accidents and the combating of pollution emergencies resulting in damage to the marine environment.

Article VIII. POLLUTION FROM OTHER HUMAN ACTIVITIES

The Contracting States shall take all appropriate measures to prevent, abate and combat pollution of the Sea Area resulting from land reclamation and associated suction dredging and coastal dredging.

Article IX. CO-OPERATION IN DEALING WITH POLLUTION EMERGENCIES

(a) The Contracting States shall, individually and/or jointly, take all necessary measures, including those to ensure that adequate equipment and qualified personnel are readily available, to deal with pollution emergencies in the Sea Area, whatever the cause of such emergencies, and to reduce or eliminate damage resulting therefrom;

(b) Any Contracting State which becomes aware of any pollution emergency in the Sea Area shall, without delay, notify the Organization referred to under article XVI and, through the secretariat, any Contracting State likely to be affected by such emergency.

Article X. SCIENTIFIC AND TECHNOLOGICAL CO-OPERATION

(a) The Contracting States shall co-operate directly, or, where appropriate, through competent international and regional organizations, in the field of scientific research, monitoring and assessment concerning pollution in the Sea Area, and shall exchange data as well as other scientific information for the purpose of the present Convention and any of its protocols;

(b) The Contracting States shall co-operate further to develop and co-ordinate national research and monitoring programmes relating to all types of pollution in the Sea Area and to establish in co-operation with competent regional or international organizations, a regional network of such programmes to ensure compatible results. For this purpose, each Contracting State shall designate the National Authority responsible for pollution research and monitoring within the areas under its national jurisdiction. The Contracting States shall participate in international arrangements for pollution research and monitoring in areas beyond their national jurisdiction.

Article XI. ENVIRONMENTAL ASSESSMENT

(a) Each Contracting State shall endeavour to include an assessment of the potential environmental effects in any planning activity entailing projects within its territory, particularly in the coastal areas, which may cause significant risks of pollution in the Sea Area;

(b) The Contracting States may, in consultation with the secretariat, develop procedures for dissemination of information of the assessment of the activities referred to in paragraph (a) above;

(c) The Contracting States undertake to develop, individually or jointly, technical and other guidelines in accordance with standard scientific practice to assist the planning of their development projects in such a way as to minimize their harmful impact on the marine environment. In this regard international standards may be used where appropriate.

Article XII. TECHNICAL AND OTHER ASSISTANCE

The Contracting States shall co-operate directly or through competent regional or international organizations in the development of programmes of technical and other assistance in fields relating to marine pollution in co-ordination with the Organization referred to in article XVI.

Article XIII. LIABILITY AND COMPENSATION

The Contracting States undertake to co-operate in the formulation and adoption of appropriate rules and procedures for the determination of:

- (a) Civil liability and compensation for damage resulting from pollution of the marine environment, bearing in mind applicable international rules and procedures relating to those matters; and
- (b) Liability and compensation for damage resulting from violation of obligations under the present Convention and its protocols.

Article XIV. SOVEREIGN IMMUNITY

Warships or other ships owned or operated by a State, and used only on Government non-commercial service, shall be exempted from the application of the provisions of the present Convention. Each Contracting State shall, as far as possible, ensure that its warships or other ships owned or operated by that State, and used only on Government non-commercial service, shall comply with the present Convention in the prevention of pollution to the marine environment.

Article XV. DISCLAIMER

Nothing in the present Convention shall prejudice or affect the rights or claims of any Contracting State in regard to the nature or extent of its maritime jurisdiction which may be established in conformity with international law.

Article XVI. REGIONAL ORGANIZATION FOR THE PROTECTION OF THE MARINE ENVIRONMENT

(a) The Contracting States hereby establish a Regional Organization for the Protection of the Marine Environment, the permanent headquarters of which shall be located in Kuwait.

(b) The Organization shall consist of the following organs:

- (i) A Council which shall be comprised of the Contracting States and shall perform the functions set forth in paragraph (d) of article XVII;
- (ii) A Secretariat which shall perform the functions set forth in paragraph (a) of article XVIII; and
- (iii) A Judicial Commission for the Settlement of Disputes whose composition, terms of reference and rules of procedure shall be established at the first meeting of the Council.

Article XVII. COUNCIL

(a) The meetings of the Council shall be convened in accordance with paragraph (a) of article XVIII and paragraph (b) of article XXX. The Council shall hold ordinary meetings once a year. Extraordinary meetings of the Council shall be held upon the request of at least one Contracting State endorsed by at least one other Contracting State, or upon the request of the Executive Secretary endorsed by at least two Contracting States. Meetings of the Council shall be convened at the headquarters of the Organization or at any other place agreed upon by consultation amongst the Contracting States. Three fourths of the Contracting States shall constitute a quorum.

(b) The Chairmanship of the Council shall be given to each Contracting State in turn in alphabetical order of the names of the States in the English language. The Chairman shall serve for a period of one year and cannot during the period of chairmanship serve as a representative of his State. Should the chairmanship fall vacant, the Contracting State chairing the Council shall designate a successor to remain in office until the term of chairmanship of that Contracting State expires.

(c) The voting procedure in the Council shall be as follows:

- (i) Each Contracting State shall have one vote;
- (ii) Decisions on substantive matters shall be taken by a unanimous vote of the Contracting States present and voting;
- (iii) Decisions on procedural matters shall be taken by three-fourths majority vote of the Contracting States present and voting.

(d) The functions of the Council shall be:

- (i) To keep under review the implementation of the Convention and its protocols, and the Action Plan referred to in paragraph (e) of article I;
- (ii) To review and evaluate the state of marine pollution and its effects on the Sea Area on the basis of reports provided by the Contracting States and the competent international or regional organizations;
- (iii) To adopt, review and amend as required in accordance with procedures established in article XXI, the annexes to the Convention and to its protocols;
- (iv) To receive and to consider reports submitted by the Contracting States under articles IX and XXIII;
- (v) To consider reports prepared by the secretariat on questions relating to the Convention and to matters relevant to the administration of the Organization;
- (vi) To make recommendations regarding the adoption of any additional protocols or any amendments to the Convention or to its protocols in accordance with articles XIX and XX;
- (vii) To establish subsidiary bodies and *ad hoc* working groups as required to consider any matters related to the Convention and its protocols and annexes to the Convention and its protocols;
- (viii) To appoint an Executive Secretary and to make provision for the appointment by the Executive Secretary of such other personnel as may be necessary;
- (ix) To review periodically the functions of the Secretariat;
- (x) To consider and to undertake any additional action that may be required for the achievement of the purposes of the Convention and its protocols.

Article XVIII. SECRETARIAT

(a) The Secretariat shall be comprised of an Executive Secretary and the personnel necessary to perform the following functions:

- (i) To convene and to prepare the meetings of the Council and its subsidiary bodies and *ad hoc* working groups as referred to in article XVII, and conferences as referred to in articles XIX and XX;
- (ii) To transmit to the Contracting States notifications, reports and other information received in accordance with articles IX and XXIII;
- (iii) To consider enquiries by, and information from, the Contracting States and to consult with them on questions relating to the Convention and its protocols and annexes thereto;
- (iv) To prepare reports on matters relating to the Convention and to the administration of the Organization;
- (v) To establish, maintain and disseminate an up-to-date collection of national laws of all States concerned relevant to the protection of the marine environment;
- (vi) To arrange, upon request, for the provision of technical assistance and advice for the drafting of appropriate national legislation for the effective implementation of the Convention and its protocols;
- (vii) To arrange for training programmes in areas related to the implementation of the Convention and its protocols;
- (viii) To carry out its assignments under the protocols to the Convention;
- (ix) To perform such other functions as may be assigned to it by the Council for the implementation of the Convention and its protocols.

(b) The Executive Secretary shall be the chief administrative official of the Organization and shall perform the functions that are necessary for the administration of the present Convention, the work of the Secretariat and other tasks entrusted to the Executive Secretary by the Council and as provided for in its rules of procedure and financial rules.

Article XIX. ADOPTION OF ADDITIONAL PROTOCOLS

Any Contracting State may propose additional protocols to the present Convention pursuant to paragraph (b) of article III at a diplomatic conference of the Contracting States to be convened by the Secretariat at the request of at least three Contracting States. Additional protocols shall be adopted by a unanimous vote of the Contracting States present and voting.

Article XX. AMENDMENTS TO THE CONVENTION AND ITS PROTOCOLS

a) Any Contracting State to the present Convention or to any of its protocols may propose amendments to the Convention or to the protocol concerned at a diplomatic conference to be convened by the Secretariat at the request of at least three Contracting States. Amendments to the Convention and its protocols shall be adopted by a unanimous vote of the Contracting States present and voting.

b) Amendments to the Convention or any protocol adopted by a diplomatic conference shall be submitted by the Depositary for acceptance by all Contracting States. Acceptance of amendments to the Convention or to any protocol shall be notified to the Depositary in writing. Amendments adopted in accordance with this article shall enter into force for all Contracting States, except those

which have notified the Depositary of a different intention, on the thirtieth day following the receipt by the Depositary of notification of their acceptance by at least three fourths of the Contracting States to the Convention or any protocol concerned as the case may be;

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

Article XXI. ANNEXES AND AMENDMENTS TO ANNEXES

a) Annexes to the Convention or to any protocol shall form an integral part of the Convention or such protocol;

b) 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 the Convention or to any protocol:

- (i) Any Contracting State to the Convention or to a protocol may propose amendments to the annexes to the instrument in question at the meetings of the Council referred to in article XVII;
- (ii) Such amendments shall be adopted at such meetings by a unanimous vote;
- (iii) The Depositary referred to in article XXX shall communicate amendments so adopted to all Contracting States without delay;
- (iv) Any Contracting State which has a different intention with respect to an amendment to the annexes to the Convention or to any protocol shall notify the Depositary in writing within a period determined by the Contracting States concerned when adopting the amendment;
- (v) The Depositary shall notify all Contracting States without delay of any notification received pursuant to the preceding sub-paragraph;
- (vi) On the expiry of the period referred to in sub-paragraph (iv) above, the amendment to the annex shall become effective for all Contracting States to the Convention or to the protocol concerned which have not submitted a notification in accordance with the provisions of that sub-paragraph.

c) The adoption and entry into force of a new annex to the Convention or to any protocol shall be subject to the same procedure as for the adoption and entry into force of an amendment to an annex in accordance with the provisions of this article, 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.

Article XXII. RULES OF PROCEDURE AND FINANCIAL RULES

(a) The Council shall, at its first meeting, adopt its own rules;

(b) The Council shall adopt financial rules to determine, in particular, the financial participation of the Contracting States.

Article XXIII. REPORTS

Each Contracting State shall submit to the Secretariat reports on measures adopted in implementation of the provisions of the Convention and its protocols in such form and at such intervals as may be determined by the Council.

Article XXIV. COMPLIANCE CONTROL

The Contracting States shall co-operate in the development of procedures for the effective application of the Convention and its protocols, including detection of violations, using all appropriate and practicable measures of detection and environmental monitoring, including adequate procedures for reporting and accumulation of evidence.

Article XXV. SETTLEMENT OF DISPUTES

a) In case of a dispute as to the interpretation or application of this Convention or its protocols, the Contracting States concerned shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

b) If the Contracting States concerned cannot settle the dispute through the means mentioned in paragraph (a) of this article, the dispute shall be submitted to the Judicial Commission for the Settlement of Disputes referred to in paragraph (b) (iii) of article XVI.

Article XXVI. SIGNATURE

The present Convention together with the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency shall be open for signature in Kuwait from 24 April to 23 July 1978 by any State invited as a participant in the Kuwait Regional Conference of Plenipotentiaries on the Protection and Development of the Marine Environment and the Coastal Areas, convened from 15 to 23 April 1978 for the purpose of adopting the Convention and the Protocol.

Article XXVII. RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION

a) The present Convention together with the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency and any other protocol thereto shall be subject to ratification, acceptance, or approval by the States referred to in article XXVI.

b) As from 24 July 1978, this Convention together with the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency shall be open for accession by the States referred to in article XXVI.

c) Any State which has ratified, accepted, approved or acceded to the present Convention shall be considered as having ratified, accepted, approved or acceded to the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency;

d) Instruments of ratification, acceptance, approval or accession shall be deposited with the Government of Kuwait which will assume the functions of Depositary.

Article XXVIII. ENTRY INTO FORCE

a) The present Convention together with the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency shall enter into force on the ninetieth day following the

date of deposit of at least five instruments of ratification, acceptance or approval of, or accession to, the Convention;

b) Any other protocol to this Convention, except as otherwise provided in such protocol, shall enter into force on the ninetieth day following the date of deposit of at least five instruments of ratification, acceptance or approval of, or accession to, such protocol;

c) After the date of deposit of five instruments of ratification, acceptance or approval of, or accession to, this Convention or any other protocol, this Convention or any such protocol shall enter into force with respect to any State on the ninetieth day following the date of deposit by that State of the instrument of ratification, acceptance, approval or accession.

Article XXIX. WITHDRAWAL

a) At any time after five years from the date of entry into force of this Convention, any Contracting State may withdraw from this Convention by giving written notification of withdrawal to the Depositary;

b) Except as may be otherwise provided in any other protocol to the Convention, any Contracting State may, at any time after five years from the date of entry into force of such protocol, withdraw from such protocol by giving written notification of withdrawal to the Depositary;

c) Withdrawal shall take effect ninety days after the date on which notification of withdrawal is received by the Depositary;

d) Any Contracting State which withdraws from the Convention shall be considered as also having withdrawn from any protocol to which it was a party;

e) Any Contracting State which withdraws from the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency shall be considered as also having withdrawn from the Convention.

Article XXX. RESPONSIBILITIES OF THE DEPOSITARY

a) The Depositary shall inform the Contracting States and the Secretariat of the following:

- (i) Signature of this Convention and of any protocol thereto, and of the deposit of the instruments of ratification, acceptance, approval or accession in accordance with article XXVII;
- (ii) Date on which Convention and any protocol will enter into force in accordance with the provisions of article XXVIII;
- (iii) Notification of a different intention made in accordance with articles XX and XXI;
- (iv) Notification of withdrawal made in accordance with article XXIX;
- (v) Amendments adopted with respect to the Convention and to any protocol, their acceptance by the Contracting State and the date of entry into force of those amendments in accordance with the provisions of article XX;
- (vi) Adoption of new annexes and of the amendment of any annex in accordance with article XXI;

b) The Depositary shall call the first meeting of the Council within six months of the date on which the Convention enters into force.

The original of this Convention, of any protocol thereto, of any annex to the Convention or to a protocol, or of any amendment to the Convention, to a protocol or to an annex of the Convention or of a protocol shall be deposited with the Depositary, the Government of Kuwait who shall send copies thereof to all States concerned and shall register all such instruments and all subsequent actions in respect of them with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations.

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

DONE at Kuwait this twenty-fourth day of April, in the year one thousand nine hundred and seventy-eight, in the Arabic, English and Persian languages, the three texts being equally authentic. In case of a dispute as to the interpretation or application of the Convention or its protocols, the English text shall be dispositively authoritative.

Annex 88

Convention on the Physical Protection of Nuclear Material, 26 October 1979, 1456 UNTS 125

No. 24631

MULTILATERAL

**Convention on the physical protection of nuclear material
(with annexes). Adopted at Vienna on 26 October 1979
and opened for signature at Vienna and New York on
3 March 1980**

Authentic texts: Arabic, Chinese, English, French, Russian and Spanish.

Registered by the International Atomic Energy Agency on 23 February 1987.

MULTILATÉRAL

**Convention sur la protection physique des matières nucléaires
(avec annexes). Adoptée à Vienne le 26 octobre 1979 et
ouverte à la signature à Vienne et à New York le 3 mars
1980**

Textes authentiques : arabe, chinois, anglais, français, russe et espagnol.

Enregistrée par l'Agence internationale de l'énergie atomique le 23 février 1987.

CONVENTION¹ ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL

The States Parties to this Convention,

Recognizing the right of all States to develop and apply nuclear energy for peaceful purposes and their legitimate interests in the potential benefits to be derived from the peaceful application of nuclear energy,

Convinced of the need for facilitating international co-operation in the peaceful application of nuclear energy,

Desiring to avert the potential dangers posed by the unlawful taking and use of nuclear material,

Convinced that offences relating to nuclear material are a matter of grave concern and that there is an urgent need to adopt appropriate and effective measures to ensure the prevention, detection and punishment of such offences,

Aware of the need for international co-operation to establish, in conformity with the national law of each State Party and with this Convention, effective measures for the physical protection of nuclear material,

Convinced that this Convention should facilitate the safe transfer of nuclear material,

Stressing also the importance of the physical protection of nuclear material in domestic use, storage and transport,

Recognizing the importance of effective physical protection of nuclear material used for military purposes, and understanding that such material is and will continue to be accorded stringent physical protection,

Have agreed as follows:

¹ Came into force on 8 February 1987, i.e., the thirtieth day following the date of deposit with the Director-General of the International Atomic Energy Agency of the twenty-first instrument of ratification, acceptance or approval, in accordance with article 19 (1):

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Brazil	17 October 1985
Bulgaria*	10 April 1984
Canada	21 March 1986
Czechoslovakia*	23 April 1982
German Democratic Republic*	5 February 1981
Guatemala*	23 April 1985
Hungary*	4 May 1984
Indonesia*	5 November 1986
Liechtenstein	25 November 1986
Mongolia*	28 May 1986
Norway	15 August 1985
Paraguay	6 February 1985
Philippines	22 September 1981
Poland*	5 October 1983
Republic of Korea*	7 April 1982
Sweden	1 August 1980
Switzerland	9 January 1987
Turkey*	27 February 1985
Union of Soviet Socialist Republics*	25 May 1983
United States of America	13 December 1982
Yugoslavia	14 May 1986

* See p. 186 of this volume for the texts of the reservations made upon ratification.

Article 1. For the purposes of this Convention:

(a) “Nuclear material” means plutonium except that with isotopic concentration exceeding 80% in plutonium-238; uranium-233; uranium enriched in the isotopes 235 or 233; uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore-residue; any material containing one or more of the foregoing;

(b) “Uranium enriched in the isotope 235 or 233” means uranium containing the isotopes 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature;

(c) “International nuclear transport” means the carriage of a consignment of nuclear material by any means of transportation intended to go beyond the territory of the State where the shipment originates beginning with the departure from a facility of the shipper in that State and ending with the arrival at a facility of the receiver within the State of ultimate destination.

Article 2. 1. This Convention shall apply to nuclear material used for peaceful purposes while in international nuclear transport.

2. With the exception of articles 3 and 4 and paragraph 3 of article 5, this Convention shall also apply to nuclear material used for peaceful purposes while in domestic use, storage and transport.

3. Apart from the commitments expressly undertaken by States Parties in the articles covered by paragraph 2 with respect to nuclear material used for peaceful purposes while in domestic use, storage and transport, nothing in this Convention shall be interpreted as affecting the sovereign rights of a State regarding the domestic use, storage and transport of such nuclear material.

Article 3. Each State Party shall take appropriate steps within the framework of its national law and consistent with international law to ensure as far as practicable that, during international nuclear transport, nuclear material within its territory, or on board a ship or aircraft under its jurisdiction insofar as such ship or aircraft is engaged in the transport to or from that State, is protected at the levels described in Annex I.

Article 4. 1. Each State Party shall not export or authorize the export of nuclear material unless the State Party has received assurances that such material will be protected during the international nuclear transport at the levels described in Annex I.

2. Each State Party shall not import or authorize the import of nuclear material from a State not party to this Convention unless the State Party has received assurances that such material will during the international nuclear transport be protected at the levels described in Annex I.

3. A State Party shall not allow the transit of its territory by land or internal waterways or through its airports or seaports of nuclear material between States that are not parties to this Convention unless the State Party has received assurances as far as practicable that this nuclear material will be protected during international nuclear transport at the levels described in Annex I.

4. Each State Party shall apply within the framework of its national law the levels of physical protection described in Annex I to nuclear material being transported from a part of that State to another part of the same State through international waters or airspace.

5. The State Party responsible for receiving assurances that the nuclear material will be protected at the levels described in Annex I according to paragraphs 1 to 3 shall

identify and inform in advance States which the nuclear material is expected to transit by land or internal waterways, or whose airports or seaports it is expected to enter.

6. The responsibility for obtaining assurances referred to in paragraph 1 may be transferred, by mutual agreement, to the State Party involved in the transport as the importing State.

7. Nothing in this article shall be interpreted as in any way affecting the territorial sovereignty and jurisdiction of a State, including that over its airspace and territorial sea.

Article 5. 1. States Parties shall identify and make known to each other directly or through the International Atomic Energy Agency their central authority and point of contact having responsibility for physical protection of nuclear material and for co-ordinating recovery and response operations in the event of any unauthorized removal, use or alteration of nuclear material or in the event of credible threat thereof.

2. In the case of theft, robbery or any other unlawful taking of nuclear material or of credible threat thereof, States Parties shall, in accordance with their national law, provide co-operation and assistance to the maximum feasible extent in the recovery and protection of such material to any State that so requests. In particular:

(a) A State Party shall take appropriate steps to inform as soon as possible other States, which appear to it to be concerned, of any theft, robbery or other unlawful taking of nuclear material or credible threat thereof and to inform, where appropriate, international organizations.

(b) As appropriate, the States Parties concerned shall exchange information with each other or international organizations with a view to protecting threatened nuclear material, verifying the integrity of the shipping container, or recovering unlawfully taken nuclear material and shall:

- (i) Co-ordinate their efforts through diplomatic and other agreed channels;
- (ii) Render assistance, if requested;
- (iii) Ensure the return of nuclear material stolen or missing as a consequence of the above-mentioned events.

The means of implementation of this co-operation shall be determined by the States Parties concerned.

3. States Parties shall co-operate and consult as appropriate, with each other directly or through international organizations, with a view to obtaining guidance on the design, maintenance and improvement of systems of physical protection of nuclear material in international transport.

Article 6. 1. States Parties shall take appropriate measures consistent with their national law to protect the confidentiality of any information which they receive in confidence by virtue of the provisions of this Convention from another State Party or through participation in an activity carried out for the implementation of this Convention. If States Parties provide information to international organizations in confidence, steps shall be taken to ensure that the confidentiality of such information is protected.

2. States Parties shall not be required by this Convention to provide any information which they are not permitted to communicate pursuant to national law or which would jeopardize the security of the State concerned or the physical protection of nuclear material.

Article 7. 1. The intentional commission of:

(a) An act without lawful authority which constitutes the receipt, possession, use, transfer, alteration, disposal or dispersal of nuclear material and which causes or is likely to cause death or serious injury to any person or substantial damage to property;

- (b) A theft or robbery of nuclear material;
- (c) An embezzlement or fraudulent obtaining of nuclear material;
- (d) An act constituting a demand for nuclear material by threat or use of force or by any other form of intimidation;
- (e) A threat:
 - (i) To use nuclear material to cause death or serious injury to any person or substantial property damage, or
 - (ii) To commit an offence described in sub-paragraph (b) in order to compel a natural or legal person, international organization or State to do or to refrain from doing any act;
- (f) An attempt to commit any offence described in paragraphs (a), (b) or (c); and
- (g) An act which constitutes participation in any offence described in paragraphs (a) to (f)

shall be made a punishable offence by each State Party under its national law.

2. Each State Party shall make the offences described in this article punishable by appropriate penalties which take into account their grave nature.

Article 8. 1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 7 in the following cases:

- (a) When the offence is committed in the territory of that State or on board a ship or aircraft registered in that State;
- (b) When the alleged offender is a national of that State.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over these offences in cases where the alleged offender is present in its territory and it does not extradite him pursuant to article 11 to any of the States mentioned in paragraph 1.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

4. In addition to the States Parties mentioned in paragraphs 1 and 2, each State Party may, consistent with international law, establish its jurisdiction over the offences set forth in article 7 when it is involved in international nuclear transport as the exporting or importing State.

Article 9. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the alleged offender is present shall take appropriate measures, including detention, under its national law to ensure his presence for the purpose of prosecution or extradition. Measures taken according to this article shall be notified without delay to the States required to establish jurisdiction pursuant to article 8 and, where appropriate, all other States concerned.

Article 10. The State Party in whose territory the alleged offender is present shall, if it does not extradite him, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State.

Article 11. 1. The offences in article 7 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include those offences as extraditable offences in every future extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of those offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize those offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. Each of the offences shall be treated, for the purpose of extradition between States Parties, as if it had been committed not only in the place in which it occurred but also in the territories of the States Parties required to establish their jurisdiction in accordance with paragraph 1 of article 8.

Article 12. Any person regarding whom proceedings are being carried out in connection with any of the offences set forth in article 7 shall be guaranteed fair treatment at all stages of the proceedings.

Article 13. 1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences set forth in article 7, including the supply of evidence at their disposal necessary for the proceedings. The law of the State requested shall apply in all cases.

2. The provisions of paragraph 1 shall not affect obligations under any other treaty, bilateral or multilateral, which governs or will govern, in whole or in part, mutual assistance in criminal matters.

Article 14. 1. Each State Party shall inform the depositary of its laws and regulations which give effect to this Convention. The depositary shall communicate such information periodically to all States Parties.

2. The State Party where an alleged offender is prosecuted shall, wherever practicable, first communicate the final outcome of the proceedings to the States directly concerned. The State Party shall also communicate the final outcome to the depositary who shall inform all States.

3. Where an offence involves nuclear material used for peaceful purposes in domestic use, storage or transport, and both the alleged offender and the nuclear material remain in the territory of the State Party in which the offence was committed, nothing in this Convention shall be interpreted as requiring that State Party to provide information concerning criminal proceedings arising out of such an offence.

Article 15. The Annexes constitute an integral part of this Convention.

Article 16. 1. A conference of States Parties shall be convened by the depositary five years after the entry into force of this Convention to review the implementation of the Convention and its adequacy as concerns the preamble, the whole of the operative part and the annexes in the light of the then prevailing situation.

2. At intervals of not less than five years thereafter, the majority of States Parties may obtain, by submitting a proposal to this effect to the depositary, the convening of further conferences with the same objective.

Article 17. 1. In the event of a dispute between two or more States Parties concerning the interpretation or application of this Convention, such States Parties shall consult with a view to the settlement of the dispute by negotiation, or by any other peaceful means of settling disputes acceptable to all parties to the dispute.

2. Any dispute of this character which cannot be settled in the manner prescribed in paragraph 1 shall, at the request of any party to such dispute, be submitted to arbitration or referred to the International Court of Justice for decision. Where a dispute is submitted to arbitration, if, within six months from the date of the request, the parties to the dispute are unable to agree on the organization of the arbitration, a party may request the President of the International Court of Justice or the Secretary-General of the United Nations to appoint one or more arbitrators. In case of conflicting requests by the parties to the dispute, the request to the Secretary-General of the United Nations shall have priority.

3. Each State Party may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by either or both of the dispute settlement procedures provided for in paragraph 2. The other States Parties shall not be bound by a dispute settlement procedure provided for in paragraph 2, with respect to a State Party which has made a reservation to that procedure.

4. Any State Party which has made a reservation in accordance with paragraph 3 may at any time withdraw that reservation by notification to the depositary.

Article 18. 1. This Convention shall be open for signature by all States at the Headquarters of the International Atomic Energy Agency in Vienna and at the Headquarters of the United Nations in New York from 3 March 1980 until its entry into force.

2. This Convention is subject to ratification, acceptance or approval by the signatory States.

3. After its entry into force, this Convention will be open for accession by all States.

4. (a) This Convention shall be open for signature or accession by international organizations and regional organizations of an integration or other nature, provided that any such organization is constituted by sovereign States and has competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.

(b) In matters within their competence, such organizations shall, on their own behalf, exercise the rights and fulfil the responsibilities which this Convention attributes to States Parties.

(c) When becoming party to this Convention such an organization shall communicate to the depositary a declaration indicating which States are members thereof and which articles of this Convention do not apply to it.

(d) Such an organization shall not hold any vote additional to those of its Member States.

5. Instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.

Article 19. 1. This Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-first instrument of ratification, acceptance or approval with the depositary.

2. For each State ratifying, accepting, approving or acceding to the Convention after the date of deposit of the twenty-first instrument of ratification, acceptance or approval, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 20. 1. Without prejudice to article 16 a State Party may propose amendments to this Convention. The proposed amendment shall be submitted to the depositary who shall circulate it immediately to all States Parties. If a majority of States Parties

request the depositary to convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference to begin not sooner than thirty days after the invitations are issued. Any amendment adopted at the conference by a two-thirds majority of all States Parties shall be promptly circulated by the depositary to all States Parties.

2. The amendment shall enter into force for each State Party that deposits its instrument of ratification, acceptance or approval of the amendment on the thirtieth day after the date on which two thirds of the States Parties have deposited their instruments of ratification, acceptance or approval with the depositary. Thereafter, the amendment shall enter into force for any other State Party on the day on which that State Party deposits its instrument of ratification, acceptance or approval of the amendment.

Article 21. 1. Any State Party may denounce this Convention by written notification to the depositary.

2. Denunciation shall take effect one hundred and eighty days following the date on which notification is received by the depositary.

Article 22. The depositary shall promptly notify all States of:

- (a) Each signature of this Convention;
- (b) Each deposit of an instrument of ratification, acceptance, approval or accession;
- (c) Any reservation or withdrawal in accordance with article 17;
- (d) Any communication made by an organization in accordance with paragraph 4(c) of article 18;
- (e) The entry into force of this Convention;
- (f) The entry into force of any amendment to this Convention; and
- (g) Any denunciation made under article 21.

Article 23. The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Director General of the International Atomic Energy Agency who shall send certified copies thereof to all States.

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this Convention, opened for signature at Vienna and at New York on 3 March 1980.

ANNEX I

LEVELS OF PHYSICAL PROTECTION TO BE APPLIED IN INTERNATIONAL TRANSPORT OF NUCLEAR MATERIAL AS CATEGORIZED IN ANNEX II

1. Levels of physical protection for nuclear material during storage incidental to international nuclear transport include:

- (a) For Category III materials, storage within an area to which access is controlled;
- (b) For Category II materials, storage within an area under constant surveillance by guards or electronic devices, surrounded by a physical barrier with a limited number of points of entry under appropriate control or any area with an equivalent level of physical protection;
- (c) For Category I material, storage within a protected area as defined for Category II above, to which, in addition, access is restricted to persons whose trustworthiness has been determined, and which is under surveillance by guards who are in close communication with appropriate response forces. Specific measures taken in this context should have as their object the detection and prevention of any assault, unauthorized access or unauthorized removal of material.

2. Levels of physical protection for nuclear material during international transport include:

(a) For Category II and [Category] III materials, transportation shall take place under special precautions including prior arrangements among sender, receiver, and carrier, and prior agreement between natural or legal persons subject to the jurisdiction and regulation of exporting and importing States, specifying time, place and procedures for transferring transport responsibility;

(b) For Category I materials, transportation shall take place under special precautions identified above for transportation of Category II and [Category] III materials, and in addition, under constant surveillance by escorts and under conditions which assure close communication with appropriate response forces;

(c) For natural uranium other than in the form of ore or ore-residue, transportation protection for quantities exceeding 500 kilograms U shall include advance notification of shipment specifying mode of transport, expected time of arrival and confirmation of receipt of shipment.

ANNEX II

TABLE. CATEGORIZATION OF NUCLEAR MATERIAL

Material	Form	Category		
		I	II	III ^f
1. Plutonium ^a	Unirradiated ^b	2 kg or more	Less than 2 kg but more than 500 g	500 g or less but more than 15 g
2. Uranium-235	Unirradiated ^b —uranium enriched to 20% ²³⁵ U or more —uranium enriched to 10% ²³⁵ U but less than 20% —uranium enriched above natural, but less than 10% ²³⁵ U	5 kg or more	Less than 5 kg but more than 1 kg 10 kg or more	1 kg or less but more than 15 g Less than 10 kg but more than 1 kg 10 kg or more
3. Uranium-233	Unirradiated ^b	2 kg or more	Less than 2 kg but more than 500 g	500 g or less but more than 15 g
4. Irradiated fuel			Depleted or natural uranium, thorium or low-enriched fuel (less than 10% fissile content) ^{d, e}	

^a All plutonium except that with isotopic concentration exceeding 80% in plutonium-238.

^b Material not irradiated in a reactor or material irradiated in a reactor but with a radiation level equal to or less than 100 rads/hour at one metre unshielded.

^c Quantities not falling in Category III and natural uranium should be protected in accordance with prudent management practice.

^d Although this level of protection is recommended, it would be open to States, upon evaluation of the specific circumstances, to assign a different category of physical protection.

^e Other fuel which by virtue of its original fissile material content is classified as Category I and [Category] II before irradiation may be reduced one category level while the radiation level from the fuel exceeds 100 rads/hour at one metre unshielded.

[For the signature pages, see p. 161 of this volume.]

Angola:

Angola :

أنغولا;

安哥拉;

АНГОЛЫ:

Angola:

Argentina:

Argentine :

الأرجنتين

阿根廷

АРГЕНТИНЫ:

Argentina:

[J. C. M. BELTRAMINO]¹

Australia:

Australie :

أستراليا

澳大利亚

Австралии:

Australia:

[A. D. CAMPBELL]

Austria:

Autriche :

النمسا

奥地利

Австрии:

Austria:

F. HOESS

¹ See p. 179 of this volume for the texts of the reservations and declarations made upon signature — Voir p. 179 du présent volume pour les textes des réserves et déclarations faites lors de la signature.

² Names of signatories appearing between brackets were not legible and have been supplied by the International Atomic Energy Agency — Les noms des signataires donnés entre crochets étaient illisibles et ont été fournis par l'Agence internationale de l'énergie atomique.

Belgium:
Belgique :

بلجیکا

比利时:

Бельгии:

Bélgica:

[L. SMOLDEREN]

Benin:
Bénin :

بنين

贝宁

Бенина:

Benin:

Botswana:
Botswana :

بوتسوانا

博茨瓦纳

Ботсваны:

Botswana:

Brazil:
Brésil :

البرازيل

巴西

Бразилии:

Brasil:

[P. R. BARTHEL-ROSA]
Ad referendum National Congress¹

¹ *Ad referendum* Congrès national.

Bulgaria:
Bulgarie :

بلغاريا

保加利亚

Болгарии:
Bulgaria:

[S. D. GEORGIEV]¹

Burma:
Birmanie :

بورما

缅甸

Бирмы:
Birmania:

Canada:
Canada :

كندا

加拿大

Канады:
Canadá:

[M. COPITHORNE]

Cape Verde:
Cap-Vert :

جزيرة الرأس الاخضر

佛得角

Островов Зеленого Мыса:
Cabo Verde:

¹ See p. 179 of this volume for the texts of the reservations and declarations made upon signature — Voir p. 179 du présent volume pour les textes des réserves et déclarations faites lors de la signature.

Czechoslovakia:
Tchécoslovaquie :

جيكوسلواكيا .

捷克斯洛伐克

Чехословакии:
Checoslovaquia:

[E. KEBLUŠEK]¹

Democratic Kampuchea:
Kampuchea démocratique :

كمبوديا الديمقراطية

民主柬埔寨

Демократической Кампучии:
Kampuchea Democrética:

Denmark:
Danemark :

الدنمارك

丹麦

Дании:
Dinamarca:

[J. STENBAEK HANSEN]

Djibouti:
Djibouti :

جيبوتي

吉布提

Джибути:
Djibouti:

¹ See p. 179 of this volume for the texts of the reservations and declarations made upon signature — Voir p. 179 du présent volume pour les textes des réserves et déclarations faites lors de la signature.

Dominica:
 Dominique :
 دومينيكا

多米尼加:
 Доминика:
 Dominica:

Dominican Republic:
 République dominicaine :
 جمهورية الدومينيكان

多米尼加共和国

Доминиканская Республика:
 República Dominicana:

[J. J. GARCIA]

Ecuador:
 Equateur :
 إكوادور

厄瓜多尔:

Эквадора:
 Ecuador:

[M. A. ALBORNOZ]
 Ambassador¹

Finland:
 Finlande :
 فنلندا

芬兰:

Финляндии:
 Finlandia:

[B. O. ALHOLM]

¹ Ambassadeur.

France:

France :

فرنسا

法国

Франции:

Francia:

[W. DE PEYSTER]¹

Sous réserve de ratification avec les réserves exprimées dans la note ci-jointe en date de ce jour².

German Democratic Republic:

République démocratique allemande :

جمهورية ألمانيا الديمقراطية :

德意志民主共和国 :

Германской Демократической Республики:

República Democrática Alemana:

[G. SITZLACK]¹

Germany, Federal Republic of:

Allemagne, République fédérale d' :

جمهورية ألمانيا الاتحادية :

德意志联邦共和国 :

Германии, Федеративной Республики:

Alemania, República Federal de:

[J. HOFFMAN]

Ghana:

Ghana :

غانا

加纳 :

Гана:

Ghana:

¹ See p. 179 of this volume for the texts of the reservations and declarations made upon signature — Voir p. 179 du présent volume pour les textes des réserves et déclarations faites lors de la signature.

² Subject to ratification with reservations expressed in the note herewith dated as today.

Greece:

Grèce :

اليونان

希腊 :

Греция:

Grecia:

[G. P. KAPSAMBELIS]

Grenada:

Grenade :

غرينادا :

格林纳达 :

Гренада:

Granada:

Guatemala:

Guatemala :

غواتيمالا

危地马拉 :

Гватемала:

Guatemala:

[J. F. GONZALES NÁJERA]

Guyana:

Guyane :

غيانا

圭亚那 :

Гайана:

Guyana:

Haïti:

Haïti :

هايتي

海地 :

Гаити:

Haïti:

[G. COLIMON]

Hungary:
Hongrie :

المجر (هنغاريا)

匈牙利

Венгрии:
Hungria:

[Z. FODOR]¹

Iceland:
Islande :

إيسلندا

冰島

Исландии:
Islandia:

India:
Inde :

الهند

印度

Индии:
India:

Indonesia:
Indonésie :

إندونيسيا

印度尼西亚

Индонезии:
Indonesia:

[ARTATI SURDIDJO]

¹ See p. 179 of this volume for the texts of the reservations and declarations made upon signature — Voir p. 179 du présent volume pour les textes des réserves et déclarations faites lors de la signature.

Ireland:
Irlande :

أيرلندا

爱尔兰

Ирландии:
Irlanda:

[T. O'SULLIVAN]

Israel:
Israël :

إسرائيل

以色列

Израиля:
Israel:

[S. KATZ]¹

Italy:
Italie :

إيطاليا

意大利

Италии:
Italia:

[L. M. FONTANA GIUSTI]¹

Avec les réserves dont à la note 1788².

Ivory Coast:
Côte-d'Ivoire :

ساحل العاج

象牙海岸

Берега Слоновой Кости:
Costa de Marfil:

¹ See p. 179 of this volume for the texts of the reservations and declarations made upon signature — Voir p. 179 du présent volume pour les textes des réserves et déclarations faites lors de la signature.

² With reservations as in note 1788.

Liechtenstein:
Liechtenstein :

ليختنشتاين

列支敦士登

Лихтенштейна:
Liechtenstein:

[T. WERNLY]

Luxembourg:
Luxembourg :

لوكسمبورغ

卢森堡

Люксембурга:
Luxemburgo:

[E. MOLITOR]

Mongolia:
Mongolie :

منغوليا

蒙古

Монголии:
Mongolia:

[GENDENGIN NYAMDOO]¹
1986.01.23

Morocco:
Maroc :

المغرب

摩洛哥

Марокко:
Marruecos:

[M. MRANI ZENTAR]
Le 25/7/1980

¹ See p. 179 of this volume for the texts of the reservations and declarations made upon signature — Voir p. 179 du présent volume pour les textes des réserves et déclarations faites lors de la signature.

Nepal:
Népal :

نيپال

尼泊尔

Непала:
Nepal:

Netherlands:
Pays-Bas :

هولندا

荷兰

Нидерландов:
Países Bajos:

[P. J. HANSEN]

Niger:
Niger :

النيجر

尼日尔

Нигера:
Niger:

[M. SANDI YACOUBA]

Nigeria:
Nigéria :

نيجيريا

尼日利亚

Нигерии:
Nigeria:

Norway:
Norvège :

النرويج

挪威

Норвегии:
Noruega:

[E. F. OFSTAD]

Oman:

Oman :

عمان

阿曼

Омана:

Omán:

Pakistan:

Pakistan :

الباكستان

巴基斯坦

Пакистан:

Pakistán:

Panama:

Panama :

پاناما

巴拿马

Панама:

Panamá:

[E. KOREF]

Papua New Guinea:

Papouasie-Nouvelle-Guinée :

بابوا غينيا الجديدة

巴布亚新几内亚

Папуа Новой Гвинеи:

Papua Nueva Guinea:

Paraguay:

Paraguay :

پاراگوای

巴拉圭

Парагвая:

Paraguay:

[L. G. ARI]

Peru:
Pérou :

پيرو

秘鲁

Перу:
Perú:

Philippines:
Philippines :

الفليبين

菲律宾

Филиппин:
Filipinas:

[D. L. SIAZON Jr.]

Poland:
Pologne :

بولندا

波兰

Польша:
Polonia:

[F. ADAMKIEWICZ]¹

Portugal:
Portugal :

البرتغال

葡萄牙

Португалии:
Portugal:

[S. CASTELLO-BRANCO]

¹ See p. 179 of this volume for the texts of the reservations and declarations made upon signature — Voir p. 179 du présent volume pour les textes des réserves et déclarations faites lors de la signature.

Qatar:
Qatar :

قطر

卡塔尔

Катар:
Qatar:

Republic of Korea:
République de Corée :

جمهورية كوريا

大韩民国

Корейской Республики:
República de Corea:

[MYUNG WON SHIM]¹

Romania:
Roumanie :

رومانيا

罗马尼亚

Румынии:
Rumania:

[O. GROZA]¹

Avec une réserve à l'article 17 et une déclaration sur l'article 18, point 4 (la note n° 1772 du 23 décembre 1980)².

Rwanda:
Rwanda :

رواندا

卢旺达

Руанды:
Rwanda:

¹ See p. 179 of this volume for the texts of the reservations and declarations made upon signature — Voir p. 179 du présent volume pour les textes des réserves et déclarations faites lors de la signature.

² With a reservation to article 17 and a declaration regarding article 18 (4) (Note No. 1772 of 23 December 1980).

South Africa:
Afrique du Sud :

جنوب افريقيا

南非

Южной Африки:
Sudáfrica:

[W. R. RETIEF]¹

Spain:
Espagne :

اسپانيا

西班牙

Испании:
Espanña:

[E. S. DE PUGA Y VILLEGAS]¹

Con una reserva al párrafo 3° del artículo 17 según el texto mismo de poder de esta firma².

7 de abril 1986³

Sweden:
Suède :

السويد

瑞典

Швеции:
Suecia:

[C. WOLLIN]

Switzerland:
Suisse :

سويسرا

瑞士

Швейцарии:
Suíza:

[T. WERNLY]

¹ See p. 179 of this volume for the texts of the reservations and declarations made upon signature — Voir p. 179 du présent volume pour les textes des réserves et déclarations faites lors de la signature.

² This signature is accompanied by a reservation to article 17, paragraph 3, of the text of the document conferring full powers on the signatory — La présente signature est assortie d'une réserve au paragraphe 3 de l'article 17 au texte de l'acte conférant pleins pouvoirs au signataire.

³ 7 April 1986 — 7 avril 1986.

Tunisia:
Tunisie :

تونس

突尼斯

Туниса:
Túnez:

Turkey:
Turquie :

تركيا

土耳其

Турции:
Turquía:

[E. BARUTÇU]¹

Ukrainian Soviet Socialist Republic:
République socialiste soviétique d'Ukraine :

جمهورية أوكرانيا السوفيتية

乌克兰苏维埃社会主义共和国

Украинской Советской Социалистической Республики:
República Socialista Soviética de Ucrania:

Union of Soviet Socialist Republics:
Union swa Républiques socialistes soviétiques :

اتحاد الجمهوريات السوفيتية

苏维埃社会主义共和国联盟

Союза Советских Социалистических Республик:
Unión de Repúblicas Socialistas Soviéticas:

[O. CHLESTOW]¹

С оговоркой².

¹ See p. 179 of this volume for the texts of the reservations and declarations made upon signature — Voir p. 179 du présent volume pour les textes des réserves et déclarations faites lors de la signature.

² With reservation — Avec réserve.

United Arab Emirates:
Emirats arabes unis :

الإمارات العربية المتحدة

·阿拉伯联合酋长国

Объединенных Арабских Эмиратов:
Emiratos Árabes Unidos:

United Kingdom of Great Britain and Northern Ireland:
Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :

المملكة البريطانية المتحدة و أيرلندا الشمالية

大不列颠及北爱尔兰联合王国

Соединенного Королевства Великобритании
и Северной Ирландии:

Reino Unido de Gran Bretaña e Irlanda del Norte:

[R. I. T. CROMARTIE]

United States of America:
Etats-Unis d'Amérique :

الولايات المتحدة الأمريكية

美利坚合众国

Соединенные Штаты Америки:
Estados Unidos de América:

[R. KIRK]

[R. BETTAUER]

Upper Volta:
Haute-Volta :

التوتواليا العليا

上沃尔特

Верхняя Вольта:
Alto Volta:

Yugoslavia:
Yougoslavie :

يوغوسلافيا

南斯拉夫

Югославии:
Yugoslavia:

[N. PRIBIĆEVIĆ]

Zaire:

Zaire :

زائير

扎伊尔

Заира:

Zaire:

European Atomic Energy Community:

Communauté Européenne de l'énergie atomique :

الاتحاد الأوروبي للطاقة الذرية

欧洲原子能共同体 :

Европейского Сообщества по Атомной Энергии:

Comunidad Europea de Energía Atómica:

[G. SCHUSTER]¹

¹ See p. 179 of this volume for the texts of the reservations and declarations made upon signature — Voir p. 179 du présent volume pour les textes des réserves et déclarations faites lors de la signature.

RESERVATIONS AND DECLARATIONS MADE UPON SIGNATURE

RÉSERVES ET DÉCLARATIONS FAITES LORS DE LA SIGNATURE

*ARGENTINA**ARGENTINE*

[SPANISH TEXT — TEXTE ESPAGNOL]

“De acuerdo con lo prescripto en el párrafo 3 del artículo 17, la República Argentina no se considera obligada por ninguno de los procedimientos de solución de controversias establecidos en el artículo 17, párrafo 2, de la Convención.”

[TRANSLATION]¹[TRADUCTION]¹

In accordance with the provision of Article 17.3, the Republic of Argentina does not consider itself bound by any of the arbitration procedures laid down in Article 17.2 of the Convention.

La République argentine, conformément au paragraphe 3 de l'article 17, ne se considère pas liée par l'une quelconque des procédures de règlement des différends énoncées au paragraphe 2 de l'article 17 de la Convention.

*BULGARIA**BULGARIE*

[BULGARIAN TEXT — TEXTE BULGARE]

“... Народна република България не се счита обвързана с параграф 2 на член 17 от Конвенцията.”

[TRANSLATION]¹[TRADUCTION]¹

... the People's Republic of Bulgaria does not consider itself bound by Article 17, paragraph 2, of the said Convention.

... la République populaire de Bulgarie ne se considère pas liée au paragraphe 2, de l'Article 17 de ladite Convention.

*CZECHOSLOVAKIA**TCHÉCOSLOVAQUIE*

[CZECH TEXT — TEXTE TCHÈQUE]

“... svým zmocněncem a uděluji mu plnou moc, aby podepsal shora uvedenou Úmluvu s výhradou ratifikace a s výhradou k článku 17 odstavec 2, podle článku 17 odstavec 3, Úmluvy.”

[TRANSLATION]¹[TRADUCTION]¹

... subject to ratification and subject to Article 17, paragraph 2, under Article 17, paragraph 3 of the Convention.

... sous réserve de ratification et sous réserve du paragraphe 2 de l'article 17, en application du paragraphe 3 de l'article 17 de la Convention.

¹ Translation supplied by the International Atomic Energy Agency.

¹ Traduction fournie par l'Agence internationale de l'énergie atomique.

FRANCE

[TRANSLATION¹ — TRADUCTION²]

Recalling its statement contained in document CPNM/90* of 25 October 1979, the French Government declares that the jurisdiction referred to in Article 8, paragraph 4 may not be invoked against it, since the criterion of jurisdiction based on involvement in international nuclear transport as the exporting or importing State is not expressly recognized in international law and is not provided for in French national legislation.

In accordance with Article 17, paragraph 3, France declares that it does not accept the competence of the International Court of Justice in the settlement of the disputes referred to in paragraph 2 of this article, nor that of the President of the International Court of Justice to appoint one or more arbitrators.

GERMAN DEMOCRATIC REPUBLIC

“The German Democratic Republic declares, in accordance with paragraph 3 of Article 17 of the Convention, that it does not consider itself bound by the dispute settlement procedures provided for in paragraph 2 of Article 17.”

* The French statement regarding Article 6 *bis* (document CPNM/87) reads: “. . . This provision introduces new elements to the field of criminal jurisdiction, necessitating a thorough examination of their legal implications. . . .” (document CPNM/90)

¹ Translation supplied by the International Atomic Energy Agency.

² Traduction fournie par l'Agence internationale de l'énergie atomique.

FRANCE

« Se référant à sa déclaration contenue dans le document CPNM/90* du 25 octobre 1979, le Gouvernement français déclare que la compétence prévue à l'article 8, paragraphe 4, ne peut lui être opposée, le critère de compétence fondé sur la participation à un transport nucléaire international en tant qu'Etat importateur ou exportateur de matières nucléaires n'étant pas expressément reconnu par le droit international et n'étant pas prévu par sa législation interne.

En application de l'article 17, paragraphe 3, la France déclare qu'elle n'accepte pas la compétence de la Cour internationale de Justice pour statuer sur les différends visés au paragraphe 2 de cet article, ni celle du Président de la Cour internationale de Justice pour procéder à la désignation d'un ou plusieurs arbitres. »

RÉPUBLIQUE DÉMOCRATIQUE
ALLEMANDE[TRADUCTION¹ — TRANSLATION²]

La République démocratique allemande déclare, conformément au paragraphe 3 de l'article 17 de la Convention, qu'elle ne se considère pas liée par les procédures de règlement des différends énoncées au paragraphe 2 de l'article 17.

* La déclaration française à propos de l'article 6 *bis* (référé : document CPNM/87) est rédigée comme suit : “. . . Cette disposition apporte en effet des éléments nouveaux dans le domaine de la compétence pénale, qui nécessitent un examen approfondi en ce qui concerne leurs implications juridiques. . . .”

¹ Traduction fournie par l'Agence internationale de l'énergie atomique.

² Translation supplied by the International Atomic Energy Agency.

[TRANSLATION]¹

... The Hungarian People's Republic does not consider itself bound by Article 17, paragraph 2, of the Convention, which provides that 'any dispute of this character which cannot be settled in the manner prescribed in paragraph 1 shall, at the request of any party to such dispute, be submitted to arbitration or referred to the International Court of Justice for decision'.

ISRAEL

"In accordance with Article 17, paragraph 3, Israel declares that it does not consider itself bound by the dispute settlement procedures provided for in paragraph 2 of Article 17."

ITALY

"1) *In connection with Article 4.2*

"Italy considers that if assurances as to the levels of physical protection described in annex I have not been received in good time the importing state party may take appropriate bilateral steps as far as practicable to assure itself that the transport will take place in compliance with the aforesaid levels.

"2) *In connection with Article 10*

"The last words 'through proceedings in accordance with the laws of the state' are to be considered as referring to the whole Article 10.

[TRADUCTION]¹

La République populaire hongroise ne se considère pas liée par le paragraphe 2 de l'article 17 de la Convention suivant lequel « tout différend de cette nature qui ne peut être réglé de la manière prescrite au paragraphe 1 est, à la demande de toute partie à ce différend, soumis à arbitrage ou renvoyé à la Cour internationale de Justice pour décision ».

ISRAËL

[TRADUCTION¹ — TRANSLATION²]

En application du paragraphe 3 de l'article 17, Israël déclare qu'il ne se considère pas lié par les procédures de règlement des différends énoncées au paragraphe 2 de l'article 17.

ITALIE

[TRADUCTION¹ — TRANSLATION²]1) *A propos du paragraphe 2 de l'article 4*

L'Italie estime que si des assurances quant aux niveaux de protection physique décrites à l'annexe I ne sont pas reçues à temps, l'Etat partie importateur peut prendre dans toute la mesure du possible des mesures bilatérales appropriées pour s'assurer que le transport aura lieu conformément aux niveaux susmentionnés.

2) *A propos de l'article 10*

Les derniers mots « selon une procédure conforme à la législation dudit Etat » doivent être considérés comme se rapportant à l'article 10 tout entier.

¹ Translation supplied by the International Atomic Energy.

¹ Traduction fournie par l'Agence internationale de l'énergie atomique.

² Translation supplied by the International Atomic Energy Agency.

“Italy considers that international co-operation and assistance for physical protection and recovery of nuclear materials as well as criminal rules and extradition will apply also to the domestic use, storage and transport of nuclear material used for peaceful purposes. Italy also considers that no provision contained in this convention shall be interpreted as precluding the possibility to widen the scope of the convention at the review conference foreseen in Article 16.”

L'Italie considère que la coopération et l'assistance internationales en vue de la protection physique et de la récupération de matières nucléaires ainsi que les règles de droit pénal et la procédure d'extradition s'appliquent aussi à l'utilisation, au stockage et au transport sur le territoire national des matières nucléaires utilisées à des fins pacifiques. L'Italie considère en outre qu'aucune disposition de la Convention ne doit être interprétée comme excluant un élargissement éventuel de la portée de la Convention par la Conférence des Parties prévue à l'article 16.

MONGOLIA

MONGOLIE

[MONGOLIAN TEXT — TEXTE MONGOL]

«Бугд Найрамдах Монгол Ард Улс Конвенцийг тайлбарлах, даган мердех талаар гарсан маргааныг маргаанд оролцогч талуудын аль нэгний хусэлтээр хендленгийн шуухэд буюу олон улсын шуухэд шилжуулэхээр Конвенцийн 17 дугаар зүйлийн 2 дугаарт заасныг еертее холбогдолгүй гэж үзэж байна».

[TRANSLATION]¹

[TRADUCTION]¹

“... does not consider itself bound by the provisions of paragraph 2 Article 17 of the Convention, whereby disputes arising out of the interpretation or application of the Convention could be submitted to arbitration or referred to the International Court of Justice for decision at the request of any party to the dispute.”

... ne s'estime pas liée par les dispositions du paragraphe 2 de l'article 17, selon lesquelles tout différend concernant l'interprétation ou l'application de la Convention est, à la demande de toute partie à ce différend, soumis à arbitrage ou renvoyé à la Cour internationale de Justice pour décision.

POLAND

POLOGNE

[TRANSLATION¹ — TRADUCTION²]

The Polish People's Republic does not consider itself bound by the procedure for settlement of disputes laid down in Article 17.2 of the Convention.

« La République populaire de Pologne ne se considère pas liée par la procédure de règlement des différends énoncée au paragraphe 2 de l'article 17 de la Convention. »

REPUBLIC OF KOREA

RÉPUBLIQUE DE CORÉE

[TRADUCTION¹ — TRANSLATION²]

“... the Government of the Republic of Korea does not consider itself bound by the dispute settlement procedures provided for in Paragraph 2 of Article 17.”

... le Gouvernement de la République de Corée ne se considère pas lié par les procédures de règlement des différends énoncées au paragraphe 2 de l'article 17.

¹ Translation supplied by the International Atomic Energy Agency.

² Traduction fournie par l'Agence internationale de l'énergie atomique.

¹ Traduction fournie par l'Agence internationale de l'énergie atomique.

² Translation supplied by the International Atomic Energy Agency.

ROMANIA

[TRANSLATION¹ — TRADUCTION²]

The Socialist Republic of Romania declares that it does not consider itself bound by the provisions of Article 17, paragraph 2, of the Convention on the Physical Protection of Nuclear Material, which state that any dispute concerning the interpretation or application of the Convention which cannot be settled by negotiation or by any other peaceful means of settling disputes shall, at the request of any party to such dispute, be submitted to arbitration or referred to the International Court of Justice for decision.

The Socialist Republic of Romania considers that such disputes can be submitted to arbitration or to the International Court of Justice only with the consent of all parties to the dispute in each individual case.

In signing the Convention on the Physical Protection of Nuclear Material, the Socialist Republic of Romania declares that, in its interpretation, the provisions of Article 18, paragraph 4, refer exclusively to organizations to which the Member States have transferred competence to negotiate, conclude and apply international agreements on their behalf and to exercise the rights and fulfil the responsibilities entailed by such agreements including the right to vote.

SOUTH AFRICA

“In accordance with Article 17, paragraph 3, the Republic of South Africa declares that it does not consider itself bound by the dispute settlement procedures provided for in paragraph 2 of Article 17.”

¹ Translation supplied by the International Atomic Energy Agency.

ROUMANIE

« La République socialiste de Roumanie déclare qu'elle ne se considère pas liée par les dispositions du paragraphe 2 de l'article 17 de la Convention sur la protection physique des matières nucléaires suivant lesquelles tout différend concernant l'interprétation ou l'application de la Convention qui ne peut pas être réglé par voie de négociation ou par tout autre moyen de règlement pacifique des différends, à la demande de toute partie au différend, sera soumis à arbitrage ou renvoyé à la Cour internationale de Justice pour décision.

La République socialiste de Roumanie estime que de pareils différends pourraient être soumis à arbitrage ou à la Cour internationale de Justice seulement avec le consentement de toutes les parties en litige pour chaque cas séparément.

En signant la Convention sur la protection physique des matières nucléaires, la République socialiste de Roumanie déclare que, selon son interprétation, les dispositions de l'article 18, point 4, se réfèrent en exclusivité à des organisations auxquelles les Etats Membres ont transféré la compétence pour négocier, conclure et appliquer en leur propre nom des accords internationaux et pour exercer les droits et obligations dérivant desdits accords, y compris le droit de vote. »

AFRIQUE DU SUD

[TRADUCTION¹ — TRANSLATION²]

Conformément au paragraphe 3 de l'Article 17, la République d'Afrique du Sud déclare qu'elle ne se considère pas liée par les procédures de règlement des différends visées au paragraphe 2 de l'Article 17.

¹ Traduction fournie par l'Agence internationale de l'énergie atomique.

² Translation supplied by the International Atomic Energy Agency.

SPAIN

ESPAGNE

[SPANISH TEXT — TEXTE ESPAGNOL]

“... de conformidad con el párrafo 3 del artículo 17 de la Convención, que no se considera obligado por el procedimiento para la solución de controversias estipulado en el párrafo 2º del citado artículo 17.”

[TRANSLATION]¹[TRADUCTION]¹

... in accordance with paragraph 3 of article 17 of the Convention, Spain does not consider itself bound by the procedure for the settlement of disputes stipulated in paragraph 2 of Article 17.

... conformément au paragraphe 3 de l'article 17 de la Convention, ne se considère pas liée par la procédure de règlement des différends énoncée au paragraphe 2 dudit article 17.

TURKEY

TURQUIE

[TRADUCTION¹ — TRANSLATION²]

“Turkey, in accordance with Article 17, paragraph 3, of the Convention does not consider itself bound by Article 17, paragraph 2, of the Convention.”

En application du paragraphe 3 de l'article 17 de la Convention, la Turquie déclare qu'elle ne se considère pas liée par le paragraphe 2 de l'article 17 de la Convention.

UNION OF SOVIET SOCIALIST
REPUBLICSUNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES

[RUSSIAN TEXT — TEXTE RUSSE]

«Союз Советских Социалистических Республик не считает себя связанным положениями пункта 2 статьи 17 Конвенции о том, что любой спор относительно толкования или применения настоящей Конвенции должен передаваться в арбитраж или направляться в Международный суд по просьбе любой стороны, участвующей в таком споре».

[TRANSLATION]¹[TRADUCTION]¹

The Union of Soviet Socialist Republics does not consider itself bound by the provisions of Article 17, paragraph 2, of the Convention that any dispute concerning the interpretation or application of the Convention shall be submitted to arbitration or referred to the International Court of Justice at the request of any party to such dispute.

L'Union des Républiques socialistes soviétiques ne se considère pas liée par les dispositions du paragraphe 2 de l'article 17 de la Convention suivant lesquelles tout différend concernant l'interprétation ou l'application de la Convention est, à la demande de toute partie à ce différend, soumis à arbitrage ou renvoyé à la Cour internationale de Justice.

¹ Translation supplied by the International Atomic Energy Agency.

¹ Traduction fournie par l'Agence internationale de l'énergie atomique.

² Translation supplied by the International Atomic Energy Agency.

*EUROPEAN ATOMIC ENERGY
COMMUNITY*

“At present the following States are members of the European Atomic Energy Community: Belgium, Denmark, France, the Federal Republic of Germany, Ireland, Italy, Luxembourg, the Netherlands and the United Kingdom.

“In signing the Convention, the Community declares that, when it has deposited the instrument of approval or acceptance pursuant to Article 18 and the Convention has entered into force for the Community pursuant to Article 19, Articles 7 to 13 of the Convention will not apply to it.

“Furthermore, the Community declares that, because under Article 34 of the Statute of the International Court of Justice only States may be parties in cases before the Court, it can only be bound by the arbitration procedure set out in Article 17(2).”

*COMMUNAUTÉ EUROPÉENNE
DE L'ÉNERGIE ATOMIQUE*

[TRADUCTION¹ — TRANSLATION²]

Les Etats suivants sont actuellement membres de la Communauté européenne de l'énergie atomique : Belgique, Danemark, République fédérale d'Allemagne, France, Irlande, Italie, Luxembourg, Pays-Bas et Royaume-Uni.

En signant la Convention, la Communauté déclare que lorsqu'elle aura déposé son instrument d'approbation ou d'acceptation conformément à l'article 18 et que la Convention sera entrée en vigueur pour elle conformément à l'article 19, les articles 7 à 13 de la Convention ne lui seront pas applicables.

La Communauté déclare en outre que, l'Article 34 de Statut de la Cour internationale de Justice prévoyant que seuls les Etats peuvent être parties dans les affaires soumises à la Cour, elle ne peut être liée que par la procédure d'arbitrage définie à l'article 17, paragraphe 2.

¹ Traduction fournie par l'Agence internationale de l'énergie atomique.

² Translation supplied by the International Atomic Energy Agency.

RESERVATIONS AND DECLARATIONS MADE UPON RATIFICATION

BULGARIA

[Confirming the reservation made upon signature. For the text, see p. 179 of this volume.]

CZECHOSLOVAKIA

[Confirming the reservation made upon signature. For the text, see p. 179 of this volume.]

GERMAN DEMOCRATIC REPUBLIC

[GERMAN TEXT — TEXTE ALLEMAND]

„Die Deutsche Demokratische Republik erklärt in Übereinstimmung mit Artikel 17 Absatz 3 der Konvention, daß sie die in Artikel 17 Absatz 2 vorgesehenen Streitbeilegungsverfahren für sich nicht als bindend betrachtet.“

[TRANSLATION]¹

The German Democratic Republic declares, in accordance with paragraph 3 of Article 17 of the Convention, that it does not consider itself bound by the dispute settlement procedures provided for in paragraph 2 of Article 17.

GUATEMALA

[SPANISH TEXT — TEXTE ESPAGNOL]

“La República de Guatemala no se considera obligada por ninguno de los procedimientos para la solución de controversias estipulados en el párrafo 2 del Artículo 17 de la Convención, que consisten en sometimiento a arbitraje o remisión a la Corte Internacional de Justicia para que decida.”

[TRANSLATION]¹

The Republic of Guatemala does not consider itself bound by any of the dispute settlement procedures set out in paragraph 2 of Article 17 of the Convention, which provide for the submission of disputes to arbitration or their referral to the International Court of Justice for decision.

¹ Translation supplied by the International Atomic Energy Agency.

RÉSERVES ET DÉCLARATIONS FAITES LORS DE LA RATIFICATION

BULGARIE

[Avec confirmation de la réserve faite lors de la signature. Pour le texte, voir p. 179 du présent volume.]

TCHÉCOSLOVAQUIE

[Avec confirmation de la réserve faite lors de la signature. Pour le texte, voir p. 179 du présent volume.]

RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE

[TRADUCTION]¹

La République démocratique allemande déclare, conformément au paragraphe 3 de l'article 17 de la Convention, qu'elle ne se considère pas liée par les procédures de règlement des différends énoncées au paragraphe 2 de l'article 17.

GUATEMALA

[TRADUCTION]¹

La République du Guatemala ne se considère pas liée par l'une quelconque des procédures de règlement des différends énoncées au paragraphe 2 de l'article 17 de la Convention, qui prévoit de soumettre les différends à arbitrage ou de les renvoyer à la Cour internationale de Justice pour décision.

¹ Traduction fournie par l'Agence internationale de l'énergie atomique.

HUNGARY

[*Confirming the reservation made upon signature. For the text, see p. 180 of this volume.*]

HONGRIE

[*Avec confirmation de la réserve faite lors de la signature. Pour le texte, voir p. 180 du présent volume.*]

INDONESIA

[INDONESIAN TEXT — TEXTE INDONÉSISIEN]

“Pemerintah Republik Indonesia menyatakan dirinya tidak terikat oleh ketentuan-ketentuan Pasal 17 Ayat 2 Konvensi ini dan menentukan sikap bahwa setiap perselisihan yang menyangkut penafsiran dan pelaksanaan Konvensi hanya dapat diserahkan kepada arbitrase atau Mahkamah Internasional dengan persetujuan dari semua pihak yang berselisih”.

INDONÉSIE

[TRADUCTION]¹

“The Government of the Republic of Indonesia does not consider itself bound by the Provision of Article 17 paragraph 2 of this Convention and takes the position that any dispute relating to the interpretation or application of the Convention may only be submitted to arbitration or to the International Court of Justice with the agreement of all the parties to the dispute.”

Le Gouvernement de la République d'Indonésie ne s'estime pas lié par les dispositions du paragraphe 2 de l'article 17 de la Convention et considère que tout différend concernant l'interprétation ou l'application de la Convention ne peut qu'être soumis à arbitrage ou renvoyé à la Cour internationale de Justice avec l'accord de toutes les parties au différend.

MONGOLIA

[*Confirming the reservations made upon signature. For the text, see p. 182 of this volume.*]

MONGOLIE

[*Avec confirmation de la réserve faite lors de la signature. Pour le texte, voir p. 182 du présent volume.*]

POLAND

[*Confirming the reservation made upon signature. For the text, see p. 182 of this volume.*]

POLOGNE

[*Avec confirmation de la réserve faite lors de la signature. Pour le texte, voir p. 182 du présent volume.*]

REPUBLIC OF KOREA

[*Confirming the reservation made upon signature. For the text, see p. 182 of this volume.*]

RÉPUBLIQUE DE CORÉE

[*Avec confirmation de la réserve faite lors de la signature. Pour le texte, voir p. 182 du présent volume.*]

¹ Translation supplied by the International Atomic Energy Agency.

¹ Traduction fournie par l'Agence internationale de l'énergie atomique.

TURKEY

[Confirming the reservation made upon signature. For the text, see p. 179 of this volume.]

*UNION OF SOVIET SOCIALIST
REPUBLICS*

[Confirming the reservation made upon signature. For the text, see p. 179 of this volume.]

TURQUIE

[Avec confirmation de la réserve faite lors de la signature. Pour le texte, voir p. 179 du présent volume.]

*UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES*

[Avec confirmation de la réserve faite lors de la signature. Pour le texte, voir p. 179 du présent volume.]

Annex 89

Convention on long-range transboundary air pollution, 13 November 1979, 1302 UNTS

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CONVENTION
on long-range transboundary air pollution

THE PARTIES TO THE PRESENT CONVENTION,

DETERMINED to promote relations and cooperation in the field of environmental protection,

AWARE of the significance of the activities of the United Nations Economic Commission for Europe in strengthening such relations and cooperation, particularly in the field of air pollution including long-range transport of air pollutants,

RECOGNIZING the contribution of the Economic Commission for Europe to the multilateral implementation of the pertinent provisions of the Final Act of the Conference on security and cooperation in Europe,

COGNIZANT of the references in the chapter on environment of the Final Act of the Conference on security and cooperation in Europe calling for cooperation to control air pollution and its effects, including long-range transport of air pollutants, and to the development through international cooperation of an extensive programme for the monitoring and evaluation of long-range transport of air pollutants, starting with sulphur dioxide and with possible extension to other pollutants,

CONSIDERING the pertinent provisions of the Declaration of the United Nations Conference on the human environment, and in particular principle 21, which expresses the common conviction 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,

RECOGNIZING the existence of possible adverse effects, in the short and long term, of air pollution including transboundary air pollution,

CONCERNED that a rise in the level of emissions of air pollutants within the region as forecast may increase such adverse effects,

RECOGNIZING the need to study the implications of the long-range transport of air pollutants and the need to seek solutions for the problems identified,

AFFIRMING their willingness to reinforce active international cooperation to develop appropriate national policies and by means of exchange of information, consultation, research and monitoring, to coordinate national action for combating air pollution including long-range transboundary air pollution,

HAVE AGREED as follows:

Definitions

Article 1

For the purposes of the present Convention:

- (a) 'air pollution' means the introduction by man, directly or indirectly, of substances or energy into the air resulting in deleterious effects of such a nature as to endanger human health, harm living resources and ecosystems and material property and impair or interfere with amenities and other legitimate uses of the environment, and 'air pollutants' shall be construed accordingly;
- (b) 'long-range transboundary air pollution' means air pollution whose physical origin is situated wholly or in part within the area under the national jurisdiction of one State and which has adverse effects in the area under the jurisdiction of another State at such a distance that it is not generally possible to distinguish the contribution of individual emission sources or groups of sources.

Fundamental principles

Article 2

The Contracting Parties, taking due account of the facts and problems involved, are determined to protect man and his environment against air pollution and shall endeavour to limit and, as far as possible, gradually reduce and prevent air pollution including long-range transboundary air pollution.

Article 3

The Contracting Parties, within the framework of the present Convention, shall, by means of exchanges of information, consultation, research and monitoring, develop without undue delay policies and strategies which shall serve as a means of combating the discharge of air pollutants, taking into account efforts already made at national and international level.

Article 4

The Contracting Parties shall exchange information on and review their policies, scientific activities and

technical measures aimed at combating, as far as possible, the discharge of air pollutants which may have adverse effects, thereby contributing to the reduction of air pollution including long-range transboundary air pollution.

Article 5

Consultations shall be held, upon request, at an early stage between, on the one hand, Contracting Parties which are actually affected by or exposed to a significant risk of long-range transboundary air pollution and, on the other hand, Contracting Parties within which and subject to whose jurisdiction a significant contribution to long-range transboundary air pollution originates, or could originate, in connexion with activities carried on or contemplated therein.

Air-quality management

Article 6

Taking into account Articles 2 to 5, the on-going research, exchange of information and monitoring and the results thereof, the cost and effectiveness of local and other remedies and in order to combat air pollution, in particular that originating from new or rebuilt installations, each Contracting Party undertakes to develop the best policies and strategies including air-quality management systems and, as part of them, control measures compatible with balanced development, in particular by using the best available technology which is economically feasible and low- and non-waste technology.

Research and development

Article 7

The Contracting Parties, as appropriate to their needs, shall initiate and cooperate in the conduct of research into and/or development of:

- (a) existing and proposed technologies for reducing emissions of sulphur compounds and other major air pollutants, including technical and economic feasibility, and environmental consequences;

- (b) instrumentation and other techniques for monitoring and measuring emission rates and ambient concentrations of air pollutants;
- (c) improved models for a better understanding of the transmission of long-range transboundary air pollutants;
- (d) the effects of sulphur compounds and other major air pollutants on human health and the environment, including agriculture, forestry, materials, aquatic and other natural ecosystems and visibility, with a view to establishing a scientific basis for dose/effect relationships designed to protect the environment;
- (e) meteorological and physico-chemical data relating to the processes during transmission;
- (f) physico-chemical and biological data relating to the effects of long-range transboundary air pollution and the extent of the damage ⁽¹⁾ which these data indicate can be attributed to long-range transboundary air pollution;
- (g) national, sub-regional and regional policies and strategies for the control of sulphur compounds and other major air pollutants.
- (e) the economic, social and environmental assessment of alternative measures for attaining environmental objectives, including the reduction of long-range transboundary air pollution;
- (f) education and training programmes related to the environmental aspects of pollution by sulphur compounds and other major air pollutants.

Implementation and further development of the cooperative programme for the monitoring and evaluation of the long-range transmission of air pollutants in Europe

Article 9

The Contracting Parties stress the need for the implementation of the existing 'cooperative programme for the monitoring and evaluation of the long-range transmission of air pollutants in Europe' (hereinafter referred to as EMEP) and, with regard to the further development of this programme, agree to emphasize:

Exchange of information

Article 8

The Contracting Parties, within the framework of the Executive Body referred to in Article 10 and bilaterally, shall, in their common interests, exchange available information on:

- (a) data on emissions at periods of time to be agreed upon, of agreed air pollutants, starting with sulphur dioxide, coming from grid-units of agreed size, or on the fluxes of agreed air pollutants, starting with sulphur dioxide, across national borders, at distances and at periods of time to be agreed upon;
- (b) major changes in national policies and in general industrial development, and their potential impact, which would be likely to cause significant changes in long-range transboundary air pollution;
- (c) control technologies for reducing air pollution relevant to long-range transboundary air pollution;
- (d) the projected cost of the emission control of sulphur compounds and other major air pollutants on a national scale;
- (a) the desirability of Contracting Parties joining in and fully implementing EMEP which, as a first step, is based on the monitoring of sulphur dioxide and related substances;
- (b) the need to use comparable or standardized procedures for monitoring whenever possible;
- (c) the desirability of basing the monitoring programme on the framework of both national and international programmes. The establishment of monitoring stations and the collection of data shall be carried out under the national jurisdiction of the country in which the monitoring stations are located;
- (d) the desirability of establishing a framework for a cooperative environmental monitoring programme, based on and taking into account present and future national, sub-regional, regional and other international programmes;

⁽¹⁾ The present Convention does not contain a rule on State liability as to damage.

- (e) the need to exchange data on emissions at periods of time to be agreed upon, of agreed air pollutants, starting with sulphur dioxide, coming from grid-units of agreed size; or on the fluxes of agreed air pollutants, starting with sulphur dioxide, across national borders, at distances and at periods of time to be agreed upon. The method, including the model, used to determine the fluxes, as well as the method, including the model, used to determine the transmission of air pollutants based on the emissions per grid-unit, shall be made available and periodically reviewed, in order to improve the methods and the models;
- (f) their willingness to continue the exchange and periodic updating of national data on total emissions of agreed air pollutants, starting with sulphur dioxide;
- (g) the need to provide meteorological and physico-chemical data relating to processes during transmission;
- (h) the need to monitor chemical components in other media such as water, soil and vegetation, as well as a similar monitoring programme to record effects on health and environment;
- (i) the desirability of extending the national EMEP networks to make them operational for control and surveillance purposes.

Executive Body

Article 10

1. The representatives of the Contracting Parties shall, within the framework of the Senior Advisers to Economic Commission for Europe Governments on Environmental Problems, constitute the Executive Body of the present Convention, and shall meet at least annually in that capacity.

2. The Executive Body shall:

- (a) review the implementation of the present Convention;
- (b) establish, as appropriate, working groups to consider matters related to the implementation and development of the present Convention and to this end to prepare appropriate studies and other documentation and to submit recommendations to be considered by the Executive Body;

- (c) fulfil such other functions as may be appropriate under the provisions of the present Convention.

3. The Executive Body shall utilize the Steering Body for the EMEP to play an integral part in the operation of the present Convention, in particular with regard to data collection and scientific cooperation.

4. The Executive Body, in discharging its functions, shall, when it deems appropriate, also make use of information from other relevant international organizations.

Secretariat

Article 11

The Executive Secretary of the Economic Commission for Europe shall carry out, for the Executive Body, the following secretariat functions:

- (a) to convene and prepare the meetings of the Executive Body;
- (b) to transmit to the Contracting Parties reports and other information received in accordance with the provisions of the present Convention;
- (c) to discharge the functions consigned by the Executive Body.

Amendments to the Convention

Article 12

1. Any Contracting Party may propose amendments to the present Convention.

2. The text of proposed amendments shall be submitted in writing to the Executive Secretary of the Economic Commission for Europe, who shall communicate them to all Contracting Parties. The Executive Body shall discuss proposed amendments at its next annual meeting provided that such proposals have been circulated by the Executive Secretary of the Economic Commission for Europe to the Contracting Parties at least 90 days in advance.

3. An amendment to the present Convention shall be adopted by consensus of the representatives of the Contracting Parties, and shall enter into force for the Contracting Parties which have accepted it on the 90th day after the date on which two-thirds of the Contracting Parties have deposited their instruments of acceptance with the depositary. Thereafter, the amendment shall enter into force for any other Contracting Party on the 90th day after the date on which that Contracting Party deposits its instrument of acceptance of the amendment.

Settlement of disputes

Article 13

If a dispute arises between two or more Contracting Parties to the present Convention as to the interpretation or application of the Convention, they shall seek a solution by negotiation or by any other method of dispute settlement acceptable to the Parties to the dispute.

Signature

Article 14

1. The present Convention shall be open for signature at the United Nations Office at Geneva from 13 to 16 November 1979 on the occasion of the High-Level Meeting within the framework of the Economic Commission for Europe on the Protection of the Environment, by the member States of the Economic Commission for Europe as well as States having consultative status with the Economic Commission for Europe, pursuant to paragraph 8 of Economic and Social Council Resolution 36 (IV) of 28 March 1947, and by regional economic integration organizations, constituted by sovereign States, members of the Economic Commission for Europe, which have competence in respect of the negotiation, conclusion and application of international agreements in matters covered by the present Convention.

2. In matters within their competence, such regional economic integration organizations shall, on their own behalf, exercise the rights and fulfil the responsibilities which the present Convention attributes to their member States. In such cases, the member States of these organizations shall not be entitled to exercise such rights individually.

Ratification, acceptance, approval and accession

Article 15

1. The present Convention shall be subject to ratification, acceptance or approval.
2. The present Convention shall be open for accession as from 17 November 1979 by the States and organizations referred to in Article 14 (1).
3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the United Nations, who will perform the functions of the depositary.

Entry into force

Article 16

1. The present Convention shall enter into force on the 90th day after the date of deposit of the 24th instrument of ratification, acceptance, approval or accession.
2. For each Contracting Party which ratifies, accepts or approves the present Convention or accedes thereto after the deposit of the 24th instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the 90th day after the date of deposit by such Contracting Party of its instrument of ratification, acceptance, approval or accession.

Withdrawal

Article 17

At any time after five years from the date on which the present Convention has come into force with respect to a Contracting Party, that Contracting Party may withdraw from the Convention by giving written notification to the depositary. Any such withdrawal shall take effect on the 90th day after the date of its receipt by the depositary.

Authentic texts

Article 18

The original of the present Convention, of which the English, French and Russian texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

RESOLUTION**on long-range transboundary air pollution**

The Signatories to the Convention on long-range transboundary air pollution of 13 November 1979,

Decide that they shall, within the framework of the Economic Commission for Europe and the Senior Advisers to ECE Governments on Environmental Problems, initiate, as soon as possible and on an interim basis, the provisional implementation of the Convention on long-range transboundary air pollution; they undertake to carry out the obligations arising from the Convention to the maximum extent possible pending its entry into force;

Agree that the necessary authority should be given to the Economic Commission for Europe and to its Executive Secretary to provide for a sufficient secretariat and, in the framework of the existing budgetary structure, for the appropriate financial means;

Further decide to develop without delay further cooperation in problem areas within the scope of the Convention. In particular they will seek to bring closer together their policies and strategies for combating air pollution including long-range transboundary air pollution;

Declare that such strategies and policies shall be aimed at limiting, and, as far as possible, gradually reducing and preventing air pollution, including long-range transboundary air pollution. These shall be implemented progressively and the designated competent body shall review regularly the progress achieved at national level. To this end the signatories will attach highest priority to the completion of a document setting out the strategies and policies of each of the signatories for the abatement of air pollution caused by sulphur compounds.

Annex 90

Convention on the Conservation of Antarctic Marine Living Resources, 20 May 1980, 1329
UNTS 47

No. 22301

MULTILATERAL

Convention on the conservation of Antarctic marine living resources (with annex). Concluded at Canberra on 20 May 1980

Authentic texts: English, French, Russian and Spanish.

Registered by Australia on 11 August 1983.

MULTILATÉRAL

Convention sur la conservation de la faune et la flore marines de l'Antarctique (avec annexe). Conclue à Canberra le 20 mai 1980

Textes authentiques : anglais, français, russe et espagnol.

Enregistrée par l'Australie le 11 août 1983.

CONVENTION¹ ON THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES

The Contracting Parties,

Recognising the importance of safeguarding the environment and protecting the integrity of the ecosystem of the seas surrounding Antarctica;

Noting the concentration of marine living resources found in Antarctic waters and the increased interest in the possibilities offered by the utilization of these resources as a source of protein;

Conscious of the urgency of ensuring the conservation of Antarctic marine living resources;

Considering that it is essential to increase knowledge of the Antarctic marine ecosystem and its components so as to be able to base decisions on harvesting on sound scientific information;

Believing that the conservation of Antarctic marine living resources calls for international co-operation with due regard for the provisions of the Antarctic Treaty² and with the active involvement of all States engaged in research or harvesting activities in Antarctic waters;

Recognising the prime responsibilities of the Antarctic Treaty Consultative Parties for the protection and preservation of the Antarctic environment and, in particular, their responsibilities under article IX, paragraph 1 (*f*) of the Antarctic Treaty in respect of the preservation and conservation of living resources in Antarctica;

¹ Came into force for the following States on 7 April 1982, i.e., the thirtieth day following the date of deposit with the Government of Australia of the eighth instrument of ratification, acceptance or approval by States participating in the Conference on the conservation of Antarctic marine living resources, in accordance with article XXVIII (1):

<i>State</i>	<i>Date of deposit of the instrument of ratification, acceptance (A) or approval (AA)</i>	<i>State</i>	<i>Date of deposit of the instrument of ratification, acceptance (A) or approval (AA)</i>
Australia	6 May 1981	South Africa	23 July 1981
Chile	22 July 1981	Union of Soviet Socialist Republics	26 May 1981 ^A
German Democratic Republic	30 March 1982 ^{A,A}	United Kingdom of Great Britain and Northern Ireland	31 August 1981
Japan	26 May 1981 ^A	United States of America	18 February 1982
New Zealand	8 March 1982		

Subsequently, the Convention came into force for the following States and the European Economic Community on the thirtieth day following the date of deposit with the Government of Australia of their instruments of ratification, acceptance, approval or accession, in accordance with article XXVIII (2).

<i>State</i>	<i>Date of deposit of the instrument of ratification or accession (a)</i>	<i>State</i>	<i>Date of deposit of the instrument of ratification or accession (a)</i>
European Economic Community ... (With effect from 21 May 1982.)	21 April 1982 ^a	Argentina*	28 May 1982
Federal Republic of Germany*	23 April 1982	France*	16 September 1982
		(With effect from 16 October 1982.)	

In addition, declarations were effected by the Governments of the Federal Republic of Germany, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America. For the text of the said declarations, see p. 103 of this volume.

*For the texts of the reservation and declarations made upon ratification, see p. 101 of this volume.

² United Nations, *Treaty Series*, vol. 402, p. 71.

Recalling the action already taken by the Antarctic Treaty Consultative Parties including in particular the Agreed Measures for the Conservation of Antarctic Fauna and Flora, as well as the provisions of the Convention for the Conservation of Antarctic Seals;¹

Bearing in mind the concern regarding the conservation of Antarctic marine living resources expressed by the Consultative Parties at the Ninth Consultative Meeting of the Antarctic Treaty and the importance of the provisions of Recommendation IX-2 which led to the establishment of the present Convention;

Believing that it is in the interest of all mankind to preserve the waters surrounding the Antarctic continent for peaceful purposes only and to prevent their becoming the scene or object of international discord;

Recognising, in the light of the foregoing, that it is desirable to establish suitable machinery for recommending, promoting, deciding upon and co-ordinating the measures and scientific studies needed to ensure the conservation of Antarctic marine living organisms;

Have agreed as follows:

Article I. 1. This Convention applies to the Antarctic marine living resources of the area south of 60° South latitude and to the Antarctic marine living resources of the area between that latitude and the Antarctic Convergence which form part of the Antarctic marine ecosystem.

2. Antarctic marine living resources means the populations of fin fish, molluscs, crustaceans and all other species of living organisms, including birds, found south of the Antarctic Convergence.

3. The Antarctic marine ecosystem means the complex of relationships of Antarctic marine living resources with each other and with their physical environment.

4. The Antarctic Convergence shall be deemed to be a line joining the following points along parallels of latitude and meridians of longitude:

50°S, 0°; 50°S, 30°E; 45°S, 30°E; 45°S, 80°E;
55°S, 80°E; 55°S, 150°E; 60°S, 150°E;
60°S, 50°W; 50°S, 50°W; 50°S, 0°.

Article II. 1. The objective of this Convention is the conservation of Antarctic marine living resources.

2. For the purposes of this Convention, the term “conservation” includes rational use.

3. Any harvesting and associated activities in the area to which this Convention applies shall be conducted in accordance with the provisions of this Convention and with the following principles of conservation:

- (a) Prevention of decrease in the size of any harvested population to levels below those which ensure its stable recruitment. For this purpose its size should not be allowed to fall below a level close to that which ensures the greatest net annual increment;
- (b) Maintenance of the ecological relationships between harvested, dependent and related populations of Antarctic marine living resources and the restoration of depleted populations to the levels defined in sub-paragraph (a) above; and

¹ United Nations, *Treaty Series*, vol. 1080, p. 175.

- (c) Prevention of changes or minimization of the risk of changes in the marine ecosystem which are not potentially reversible over two or three decades, taking into account the state of available knowledge of the direct and indirect impact of harvesting, the effect of the introduction of alien species, the effects of associated activities on the marine ecosystem and of the effects of environmental changes, with the aim of making possible the sustained conservation of Antarctic marine living resources.

Article III. The Contracting Parties, whether or not they are Parties to the Antarctic Treaty, agree that they will not engage in any activities in the Antarctic Treaty area contrary to the principles and purposes of that Treaty and that, in their relations with each other, they are bound by the obligations contained in articles I and V of the Antarctic Treaty.

Article IV. 1. With respect to the Antarctic Treaty area, all Contracting Parties, whether or not they are Parties to the Antarctic Treaty, are bound by articles IV and VI of the Antarctic Treaty in their relations with each other.

2. Nothing in this Convention and no acts or activities taking place while the present Convention is in force shall:

- (a) Constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in the Antarctic Treaty area or create any rights of sovereignty in the Antarctic Treaty area;
- (b) Be interpreted as a renunciation or diminution by any Contracting Party of, or as prejudicing, any right or claim or basis of claim to exercise coastal state jurisdiction under international law within the area to which this Convention applies;
- (c) Be interpreted as prejudicing the position of any Contracting Party as regards its recognition or non-recognition of any such right, claim or basis of claim;
- (d) Affect the provision of article IV, paragraph 2, of the Antarctic Treaty that no new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the Antarctic Treaty is in force.

Article V. 1. The Contracting Parties which are not Parties to the Antarctic Treaty acknowledge the special obligations and responsibilities of the Antarctic Treaty Consultative Parties for the protection and preservation of the environment of the Antarctic Treaty area.

2. The Contracting Parties which are not Parties to the Antarctic Treaty agree that, in their activities in the Antarctic Treaty area, they will observe as and when appropriate the Agreed Measures for the Conservation of Antarctic Fauna and Flora and such other measures as have been recommended by the Antarctic Treaty Consultative Parties in fulfilment of their responsibility for the protection of the Antarctic environment from all forms of harmful human interference.

3. For the purposes of this Convention, "Antarctic Treaty Consultative Parties" means the Contracting Parties to the Antarctic Treaty whose Representatives participate in meetings under article IX of the Antarctic Treaty.

Article VI. Nothing in this Convention shall derogate from the rights and obligations of Contracting Parties under the International Convention for the Regulation of Whaling¹ and the Convention for the Conservation of Antarctic Seals.

¹ United Nations, *Treaty Series*, vol. 486, p. 263.

Article VII. 1. The Contracting Parties hereby establish and agree to maintain the Commission for the Conservation of Antarctic Marine Living Resources (hereinafter referred to as “the Commission”).

2. Membership in the Commission shall be as follows:

- (a) Each Contracting Party which participated in the meeting at which this Convention was adopted shall be a Member of the Commission;
- (b) Each State Party which has acceded to this Convention pursuant to article XXIX shall be entitled to be a Member of the Commission during such time as that acceding Party is engaged in research or harvesting activities in relation to the marine living resources to which this Convention applies;
- (c) Each regional economic integration organization which has acceded to this Convention pursuant to article XXIX shall be entitled to be a Member of the Commission during such time as its States members are so entitled;
- (d) A Contracting Party seeking to participate in the work of the Commission pursuant to sub-paragraphs (b) and (c) above shall notify the Depositary of the basis upon which it seeks to become a Member of the Commission and of its willingness to accept conservation measures in force. The Depositary shall communicate to each Member of the Commission such notification and accompanying information. Within two months of receipt of such communication from the Depositary, any Member of the Commission may request that a special meeting of the Commission be held to consider the matter. Upon receipt of such request, the Depositary shall call such a meeting. If there is no request for a meeting, the Contracting Party submitting the notification shall be deemed to have satisfied the requirements for Commission Membership.

3. Each Member of the Commission shall be represented by one representative who may be accompanied by alternate representatives and advisers.

Article VIII. The Commission shall have legal personality and shall enjoy in the territory of each of the States Parties such legal capacity as may be necessary to perform its function and achieve the purposes of this Convention. The privileges and immunities to be enjoyed by the Commission and its staff in the territory of a State Party shall be determined by agreement between the Commission and the State Party concerned.

Article IX. 1. The function of the Commission shall be to give effect to the objective and principles set out in article II of this Convention. To this end, it shall:

- (a) Facilitate research into and comprehensive studies of Antarctic marine living resources and of the Antarctic marine ecosystem;
- (b) Compile data on the status of and changes in population of Antarctic marine living resources and on factors affecting the distribution, abundance and productivity of harvested species and dependent or related species or populations;
- (c) Ensure the acquisition of catch and effort statistics on harvested populations;
- (d) Analyse, disseminate and publish the information referred to in sub-paragraphs (b) and (c) above and the reports of the Scientific Committee;
- (e) Identify conservation needs and analyse the effectiveness of conservation measures;
- (f) Formulate, adopt and revise conservation measures on the basis of the best scientific evidence available, subject to the provisions of paragraph 5 of this article;

- (g) Implement the system of observation and inspection established under article XXIV of this Convention;
- (h) Carry out such other activities as are necessary to fulfil the objective of this Convention.

2. The conservation measures referred to in paragraph 1 (f) above include the following:

- (a) The designation of the quantity of any species which may be harvested in the area to which this Convention applies;
- (b) The designation of regions and sub-regions based on the distribution of populations of Antarctic marine living resources;
- (c) The designation of the quantity which may be harvested from the populations of regions and sub-regions;
- (d) The designation of protected species;
- (e) The designation of the size, age and, as appropriate, sex of species which may be harvested;
- (f) The designation of open and closed seasons for harvesting;
- (g) The designation of the opening and closing of areas, regions or sub-regions for purposes of scientific study or conservation, including special areas for protection and scientific study;
- (h) Regulation of the effort employed and methods of harvesting, including fishing gear, with a view, *inter alia*, to avoiding undue concentration of harvesting in any region or sub-region;
- (i) The taking of such other conservation measures as the Commission considers necessary for the fulfilment of the objective of this Convention, including measures concerning the effects of harvesting and associated activities on components of the marine ecosystem other than the harvested populations.

3. The Commission shall publish and maintain a record of all conservation measures in force.

4. In exercising its functions under paragraph 1 above, the Commission shall take full account of the recommendations and advice of the Scientific Committee.

5. The Commission shall take full account of any relevant measures or regulations established or recommended by the Consultative Meetings pursuant to article IX of the Antarctic Treaty or by existing fisheries commissions responsible for species which may enter the area to which this Convention applies, in order that there shall be no inconsistency between the rights and obligations of a Contracting Party under such regulations or measures and conservation measures which may be adopted by the Commission.

6. Conservation measures adopted by the Commission in accordance with this Convention shall be implemented by Members of the Commission in the following manner:

- (a) The Commission shall notify conservation measures to all Members of the Commission;
- (b) Conservation measures shall become binding upon all Members of the Commission 180 days after such notification, except as provided in sub-paragraphs (c) and (d) below;
- (c) If a Member of the Commission, within ninety days following the notification specified in sub-paragraph (a), notifies the Commission that it is unable to ac-

cept the conservation measure, in whole or in part, the measure shall not, to the extent stated, be binding upon that Member of the Commission;

- (d) In the event that any Member of the Commission invokes the procedure set forth in sub-paragraph (c) above, the Commission shall meet at the request of any Member of the Commission to review the conservation measure. At the time of such meeting and within thirty days following the meeting, any Member of the Commission shall have the right to declare that it is no longer able to accept the conservation measure, in which case the Member shall no longer be bound by such measure.

Article X. 1. The Commission shall draw the attention of any State which is not a Party to this Convention to any activity undertaken by its nationals or vessels which, in the opinion of the Commission, affects the implementation of the objective of this Convention.

2. The Commission shall draw the attention of all Contracting Parties to any activity which, in the opinion of the Commission, affects the implementation by a Contracting Party of the objective of this Convention or the compliance by that Contracting Party with its obligations under this Convention.

Article XI. The Commission shall seek to co-operate with Contracting Parties which may exercise jurisdiction in marine areas adjacent to the area to which this Convention applies in respect of the conservation of any stock or stocks of associated species which occur both within those areas and the area to which this Convention applies, with a view to harmonizing the conservation measures adopted in respect of such stocks.

Article XII. 1. Decisions of the Commission on matters of substance shall be taken by consensus. The question of whether a matter is one of substance shall be treated as a matter of substance.

2. Decisions on matters other than those referred to in paragraph 1 above shall be taken by a simple majority of the Members of the Commission present and voting.

3. In Commission consideration of any item requiring a decision, it shall be made clear whether a regional economic integration organization will participate in the taking of the decision and, if so, whether any of its member States will also participate. The number of Contracting Parties so participating shall not exceed the number of member States of the regional economic integration organization which are Members of the Commission.

4. In the taking of decisions pursuant to this article, a regional economic integration organization shall have only one vote.

Article XIII. 1. The headquarters of the Commission shall be established at Hobart, Tasmania, Australia.

2. The Commission shall hold a regular annual meeting. Other meetings shall also be held at the request of one third of its members and as otherwise provided in this Convention. The first meeting of the Commission shall be held within three months of the entry into force of this Convention, provided that among the Contracting Parties there are at least two States conducting harvesting activities within the area to which this Convention applies. The first meeting shall, in any event, be held within one year of the entry into force of this Convention. The Depositary shall consult with the signatory States regarding the first Commission meeting, taking into

account that a broad representation of such States is necessary for the effective operation of the Commission.

3. The Depositary shall convene the first meeting of the Commission at the headquarters of the Commission. Thereafter, meetings of the Commission shall be held at its headquarters, unless it decides otherwise.

4. The Commission shall elect from among its members a Chairman and Vice-Chairman, each of whom shall serve for a term of two years and shall be eligible for re-election for one additional term. The first Chairman shall, however, be elected for an initial term of three years. The Chairman and Vice-Chairman shall not be representatives of the same Contracting Party.

5. The Commission shall adopt and amend as necessary the rules of procedure for the conduct of its meetings, except with respect to the matters dealt with in article XII of this Convention.

6. The Commission may establish such subsidiary bodies as are necessary for the performance of its functions.

Article XIV. 1. The Contracting Parties hereby establish the Scientific Committee for the Conservation of Antarctic Marine Living Resources (hereinafter referred to as "the Scientific Committee") which shall be a consultative body to the Commission. The Scientific Committee shall normally meet at the headquarters of the Commission unless the Scientific Committee decides otherwise.

2. Each Member of the Commission shall be a member of the Scientific Committee and shall appoint a representative with suitable scientific qualifications who may be accompanied by other experts and advisers.

3. The Scientific Committee may seek the advice of other scientists and experts as may be required on an *ad hoc* basis.

Article XV. 1. The Scientific Committee shall provide a forum for consultation and co-operation concerning the collection, study and exchange of information with respect to the marine living resources to which this Convention applies. It shall encourage and promote co-operation in the field of scientific research in order to extend knowledge of the marine living resources of the Antarctic marine ecosystem.

2. The Scientific Committee shall conduct such activities as the Commission may direct in pursuance of the objective of this Convention and shall:

- (a) Establish criteria and methods to be used for determinations concerning the conservation measures referred to in article IX of this Convention;
- (b) Regularly assess the status and trends of the populations of Antarctic marine living resources;
- (c) Analyse data concerning the direct and indirect effects of harvesting on the populations of Antarctic marine living resources;
- (d) Assess the effects of proposed changes in the methods or levels of harvesting and proposed conservation measures;
- (e) Transmit assessments, analyses, reports and recommendations to the Commission as requested or on its own initiative regarding measures and research to implement the objective of this Convention;
- (f) Formulate proposals for the conduct of international and national programs of research into Antarctic marine living resources.

3. In carrying out its functions, the Scientific Committee shall have regard to the work of other relevant technical and scientific organizations and to the scientific activities conducted within the framework of the Antarctic Treaty.

Article XVI. 1. The first meeting of the Scientific Committee shall be held within three months of the first meeting of the Commission. The Scientific Committee shall meet thereafter as often as may be necessary to fulfil its functions.

2. The Scientific Committee shall adopt and amend as necessary its rules of procedure. The rules and any amendments thereto shall be approved by the Commission. The rules shall include procedures for the presentation of minority reports.

3. The Scientific Committee may establish, with the approval of the Commission, such subsidiary bodies as are necessary for the performance of its functions.

Article XVII. 1. The Commission shall appoint an Executive Secretary to serve the Commission and Scientific Committee according to such procedures and on such terms and conditions as the Commission may determine. His term of office shall be for four years and he shall be eligible for reappointment.

2. The Commission shall authorize such staff establishment for the Secretariat as may be necessary and the Executive Secretary shall appoint, direct and supervise such staff according to such rules, and procedures and on such terms and conditions as the Commission may determine.

3. The Executive Secretary and Secretariat shall perform the functions entrusted to them by the Commission.

Article XVIII. The official languages of the Commission and of the Scientific Committee shall be English, French, Russian and Spanish.

Article XIX. 1. At each annual meeting, the Commission shall adopt by consensus its budget and the budget of the Scientific Committee.

2. A draft budget for the Commission and the Scientific Committee and any subsidiary bodies shall be prepared by the Executive Secretary and submitted to the Members of the Commission at least sixty days before the annual meeting of the Commission.

3. Each Member of the Commission shall contribute to the budget. Until the expiration of five years after the entry into force of this Convention, the contribution of each Member of the Commission shall be equal. Thereafter the contribution shall be determined in accordance with two criteria: the amount harvested and an equal sharing among all Members of the Commission. The Commission shall determine by consensus the proportion in which these two criteria shall apply.

4. The financial activities of the Commission and Scientific Committee shall be conducted in accordance with financial regulations adopted by the Commission and shall be subject to an annual audit by external auditors selected by the Commission.

5. Each Member of the Commission shall meet its own expenses arising from attendance at meetings of the Commission and of the Scientific Committee.

6. A Member of the Commission that fails to pay its contributions for two consecutive years shall not, during the period of its default, have the right to participate in the taking of decisions in the Commission.

Article XX. 1. The Members of the Commission shall, to the greatest extent possible, provide annually to the Commission and to the Scientific Committee such

statistical, biological and other data and information as the Commission and Scientific Committee may require in the exercise of their functions.

2. The Members of the Commission shall provide, in the manner and at such intervals as may be prescribed, information about their harvesting activities, including fishing areas and vessels, so as to enable reliable catch and effort statistics to be compiled.

3. The Members of the Commission shall provide to the Commission at such intervals as may be prescribed information on steps taken to implement the conservation measures adopted by the Commission.

4. The Members of the Commission agree that in any of their harvesting activities, advantage shall be taken of opportunities to collect data needed to assess the impact of harvesting.

Article XXI. 1. Each Contracting Party shall take appropriate measures within its competence to ensure compliance with the provisions of this Convention and with conservation measures adopted by the Commission to which the Party is bound in accordance with article IX of this Convention.

2. Each Contracting Party shall transmit to the Commission information on measures taken pursuant to paragraph 1 above, including the imposition of sanctions for any violation.

Article XXII. 1. Each Contracting Party undertakes to exert appropriate efforts, consistent with the Charter of the United Nations, to the end that no one engages in any activity contrary to the objective of this Convention.

2. Each Contracting Party shall notify the Commission of any such activity which comes to its attention.

Article XXIII. 1. The Commission and the Scientific Committee shall co-operate with the Antarctic Treaty Consultative Parties on matters falling within the competence of the latter.

2. The Commission and the Scientific Committee shall co-operate, as appropriate, with the Food and Agriculture Organisation of the United Nations and with other Specialised Agencies.

3. The Commission and the Scientific Committee shall seek to develop co-operative working relationships, as appropriate, with inter-governmental and non-governmental organizations which could contribute to their work, including the Scientific Committee on Antarctic Research, the Scientific Committee on Oceanic Research and the International Whaling Commission.

4. The Commission may enter into agreements with the organizations referred to in this article and with other organizations as may be appropriate. The Commission and the Scientific Committee may invite such organizations to send observers to their meetings and to meetings of their subsidiary bodies.

Article XXIV. 1. In order to promote the objective and ensure observance of the provisions of this Convention, the Contracting Parties agree that a system of observation and inspection shall be established.

2. The system of observation and inspection shall be elaborated by the Commission on the basis of the following principles:

- (a) Contracting Parties shall co-operate with each other to ensure the effective implementation of the system of observation and inspection, taking account of the existing international practice. This system shall include, *inter alia*, procedures for boarding and inspection by observers and inspectors designated by the Members of the Commission and procedures for flag state prosecution and sanctions on the basis of evidence resulting from such boarding and inspections. A report of such prosecutions and sanctions imposed shall be included in the information referred to in article XXI of this Convention;
- (b) In order to verify compliance with measures adopted under this Convention, observation and inspection shall be carried out on board vessels engaged in scientific research or harvesting of marine living resources in the area to which this Convention applies, through observers and inspectors designated by the Members of the Commission and operating under terms and conditions to be established by the Commission;
- (c) Designated observers and inspectors shall remain subject to the jurisdiction of the Contracting Party of which they are nationals. They shall report to the Member of the Commission by which they have been designated which in turn shall report to the Commission.

3. Pending the establishment of the system of observation and inspection, the Members of the Commission shall seek to establish interim arrangements to designate observers and inspectors and such designated observers and inspectors shall be entitled to carry out inspections in accordance with the principles set out in paragraph 2 above.

Article XXV. 1. If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of this Convention, those Contracting Parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

2. Any dispute of this character not so resolved shall, with the consent in each case of all Parties to the dispute, be referred for settlement to the International Court of Justice or to arbitration; but failure to reach agreement on reference to the International Court or to arbitration shall not absolve Parties to the dispute from the responsibility of continuing to seek to resolve it by any of the various peaceful means referred to in paragraph 1 above.

3. In cases where the dispute is referred to arbitration, the arbitral tribunal shall be constituted as provided in the annex to this Convention.

Article XXVI. 1. This Convention shall be open for signature at Canberra from 1 August to 31 December 1980 by the States participating in the Conference on the Conservation of Antarctic Marine Living Resources held at Canberra from 7 to 20 May 1980.

2. The States which so sign will be the original signatory States of the Convention.

Article XXVII. 1. This Convention is subject to ratification, acceptance or approval by signatory States.

2. Instruments of ratification, acceptance or approval shall be deposited with the Government of Australia, hereby designated as the Depositary.

Article XXVIII. 1. This Convention shall enter into force on the thirtieth day following the date of deposit of the eighth instrument of ratification, acceptance or approval by States referred to in paragraph 1 of article XXVI of this Convention.

2. With respect to each State or regional economic integration organization which subsequent to the date of entry into force of this Convention deposits an instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day following such deposit.

Article XXIX. 1. This Convention shall be open for accession by any State interested in research or harvesting activities in relation to the marine living resources to which this Convention applies.

2. This Convention shall be open for accession by regional economic integration organizations constituted by sovereign States which include among their members one or more States Members of the Commission and to which the States members of the organization have transferred, in whole or in part, competences with regard to the matters covered by this Convention. The accession of such regional economic integration organizations shall be the subject of consultations among Members of the Commission.

Article XXX. 1. This Convention may be amended at any time.

2. If one third of the Members of the Commission request a meeting to discuss a proposed amendment the Depositary shall call such a meeting.

3. An amendment shall enter into force when the Depositary has received instruments of ratification, acceptance or approval thereof from all the Members of the Commission.

4. Such amendment shall thereafter enter into force as to any other Contracting Party when notice of ratification, acceptance or approval by it has been received by the Depositary. Any such Contracting Party from which no such notice has been received within a period of one year from the date of entry into force of the amendment in accordance with paragraph 3 above shall be deemed to have withdrawn from this Convention.

Article XXXI. 1. Any Contracting Party may withdraw from this Convention on 30 June of any year, by giving written notice not later than 1 January of the same year to the Depositary, which, upon receipt of such a notice, shall communicate it forthwith to the other Contracting Parties.

2. Any other Contracting Party may, within sixty days of the receipt of a copy of such a notice from the Depositary, give written notice of withdrawal to the Depositary in which case the Convention shall cease to be in force on 30 June of the same year with respect to the Contracting Party giving such notice.

3. Withdrawal from this Convention by any Member of the Commission shall not affect its financial obligations under this Convention.

Article XXXII. The Depositary shall notify all Contracting Parties of the following:

- (a) Signatures of this Convention and the deposit of instruments of ratification, acceptance, approval or accession;
- (b) The date of entry into force of this Convention and of any amendment thereto.

Article XXXIII. 1. This Convention, of which the English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Government of Australia which shall transmit duly certified copies thereof to all signatory and acceding Parties.

2. This Convention shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

DRAWN UP at Canberra this twentieth day of May 1980.

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

ANNEX FOR AN ARBITRAL TRIBUNAL

1. The arbitral tribunal referred to in paragraph 3 of article XXV shall be composed of three arbitrators who shall be appointed as follows:

(a) The Party commencing proceedings shall communicate the name of an arbitrator to the other Party which, in turn, within a period of forty days following such notification, shall communicate the name of the second arbitrator. The Parties shall, within a period of sixty days following the appointment of the second arbitrator, appoint the third arbitrator, who shall not be a national of either Party and shall not be of the same nationality as either of the first two arbitrators. The third arbitrator shall preside over the tribunal.

(b) If the second arbitrator has not been appointed within the prescribed period, or if the Parties have not reached agreement within the prescribed period on the appointment of the third arbitrator, that arbitrator shall be appointed, at the request of either Party, by the Secretary-General of the Permanent Court of Arbitration, from among persons of international standing not having the nationality of a State which is a Party to this Convention.

2. The arbitral tribunal shall decide where its headquarters will be located and shall adopt its own rules of procedure.

3. The award of the arbitral tribunal shall be made by a majority of its members, who may not abstain from voting.

4. Any Contracting Party which is not a Party to the dispute may intervene in the proceedings with the consent of the arbitral tribunal.

5. The award of the arbitral tribunal shall be final and binding on all Parties to the dispute and on any Party which intervenes in the proceedings shall be complied with without delay. The arbitral tribunal shall interpret the award at the request of one of the Parties to the dispute or of any intervening Party.

6. Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the Parties to the dispute in equal shares.

Argentina
Argentine
Аргентина
Argentina

[M. OSSES]¹

Australia
Australie
Австралия
Australia

[ANDREW PEACOCK]
[DAVID THOMSON]

Belgium
Belgique
Бельгия
Belgica

[GEORGES BARTHELEMY]

Chile
Chili
Чили
Chile

[J. VALDOVINOS]

France
France
Франция
Francia

[PIERRE CARRAUD]

German Democratic Republic
République démocratique allemande
Германская Демократическая Республика
República Democrática Alemana

[Dr. LINDNER]

¹ Names of signatories appearing between brackets were not legible and have been supplied by the Government of Australia — Les noms des signataires donnés entre crochets étaient illisibles et ont été fournis par le Gouvernement australien.

Germany, Federal Republic of
Allemagne, République fédérale d'
Федеративная Республика Германии
Alemania, República Federal de

[H. SCHATZSCHNEIDER]

Japan
Japon
Япония
Japon

[MIZUO KURODA]

New Zealand
Nouvelle-Zélande
Новая Зеландия
Nueva Zelandia

[L. J. FRANCIS]

Norway
Norvège
Норвегия
Noruega

[TORLEIV ANDA]

Poland
Pologne
Польша
Polonia

[R. FRACKIEWICZA]

The Republic of South Africa
République sud-africaine
Южно-Африканская Республика
República de Sudáfrica

[A. J. OXLEY]

Union of Soviet Socialist Republics
Union des Républiques socialistes soviétiques
Союз Советских Социалистических Республик
Unión de Repúblicas Socialistas Soviéticas

[N. SOUDARIKOV]

The United Kingdom of Great Britain and Northern Ireland
Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
Соединенное Королевство Великобритании и Северной Ирландии
Reino Unido de Gran Bretaña e Irlanda del Norte

[A. B. P. SMART]

The United States of America
Etats-Unis d'Amérique
Соединенные Штаты Америки
Estados Unidos de América

[PHILIP H. ALSTON, Jr.]

RESERVATION AND DECLARATIONS MADE UPON RATIFICATION

RÉSERVE ET DÉCLARATIONS FAITES LORS DE LA RATIFICATION

*ARGENTINA**ARGENTINE*

[SPANISH TEXT — TEXTE ESPAGNOL]

“La República Argentina adhiere expresamente a la declaración interpretativa efectuada por el señor Presidente de la Conferencia el 19 de mayo de 1980 e incluida en el Acta Final de la Conferencia y deja constancia que nada de lo establecido en esta Convención afecta o menoscaba sus derechos de soberanía y de jurisdicción marítima en las áreas bajo dicha soberanía dentro del área de aplicación definida por el artículo I.1. de esta Convención.”

[TRANSLATION¹ — TRADUCTION²]

[TRADUCTION — TRANSLATION]

The Argentine Republic adheres expressly to the interpretative declaration made by the President of the Conference on 19 May 1980 and included in the Final Act of the Conference and records that nothing contained in this Convention affects or impairs its rights of sovereignty and maritime jurisdiction in the areas under its said sovereignty within the area of application defined in article I(1) of this Convention.

La République argentine adhère expressément à la déclaration interprétative faite par le Président de la Conférence le 19 mai 1980 et incorporée dans l'Acte final de la Conférence et fait observer qu'aucune disposition de la présente Convention n'affecte ou ne restreint ses droits de souveraineté et de juridiction maritime dans les zones placées sous sa souveraineté comprises dans la zone d'application définie dans le paragraphe 1 de l'article premier de la présente Convention.

*FRANCE**FRANCE*[TRANSLATION¹ — TRADUCTION²]

We declare that the Convention is accepted, ratified and confirmed and we promise that it will be inviolably observed subject to the following reservations and statements:

«Déclarons qu'elle est acceptée, ratifiée et confirmée et promettons qu'elle sera inviolablement observée sous les réserves et déclarations suivantes :

The Government of the French Republic confirms its intention to consider the application of the provisions of the Convention on the Conservation of Antarctic Marine Living Resources to the waters adjacent to Kerguelen and Crozet in the light of the clarification given in

Le Gouvernement de la République française confirme son intention de considérer l'application des dispositions de la Convention sur la conservation de la faune et de la flore marines de l'Antarctique aux eaux adjacentes à Kerguelen et Crozet à la lumière des précisions

¹ Translation supplied by the Government of Australia.

² Traduction fournie par le Gouvernement australien.

the declaration made on 19 May 1980 by the Chairman of the Conference, which was adopted without objection and annexed to the Final Act and declares that, in the view of the French Government, the two instruments cannot be interpreted independently of each other.

fournies par la déclaration effectuée le 19 mai 1980 par le président de la Conférence, adoptée sans objection et annexée à l'Acte final et déclare qu'à ses yeux les deux instruments ne peuvent être interprétés indépendamment l'un de l'autre.»

*FEDERAL REPUBLIC
OF GERMANY*

*RÉPUBLIQUE FÉDÉRALE
D'ALLEMAGNE*

[GERMAN TEXT — TEXTE ALLEMAND]

„ich beehre mich, im Namen der Regierung der Bundesrepublik Deutschland im Zusammenhang mit der heutigen Hinterlegung der Ratifikationsurkunde zum Übereinkommen vom 20. Mai 1980 über die Erhaltung der lebenden Meeresschätze der Antarktis zu erklären, daß das Übereinkommen mit Wirkung von dem Tage, an dem es für die Bundesrepublik Deutschland in Kraft treten wird, auch für Berlin (West) gilt.“

[TRADUCTION — TRANSLATION]

“In connexion with the deposit today of the instrument of ratification to the Convention of the twentieth day of May 1980 concerning the Conservation of Antarctic Marine Living Resources, I have the honour to declare, on behalf of the Government of the Federal Republic of Germany, that the said Convention shall apply to Berlin (West) with effect from the date on which it enters into force for the Federal Republic of Germany.”

Au nom du Gouvernement de la République fédérale d'Allemagne et à propos du dépôt ce jour de l'instrument de ratification de la Convention du 20 mai 1980 sur la conservation de la faune et de la flore marines de l'Antarctique, j'ai l'honneur de déclarer qu'à compter du jour où la Convention entrera en vigueur pour la République fédérale d'Allemagne elle s'appliquera également à Berlin Ouest.

DECLARATION relating to the declaration made by the Federal Republic of Germany¹ upon ratification

UNION OF SOVIET SOCIALIST REPUBLICS

29 September 1982

“The declaration of the FRG concerning the application of the Convention to West Berlin is illegal. This Convention is linked to the Antarctic Treaty and contains direct references to it (preamble, articles III, IV, V, IX, XIII of the Convention). Meanwhile, the Antarctic Treaty directly involves the questions of security and status and is therefore one of the international treaties and agreements which the FRG, as it is clearly stated in the Quadripartite Treaty of 3 September 1971,² has no right to apply to West Berlin. This point of view of the Soviet side was brought by the Government of the United States in its quality of Depository of the Treaty to attention of all its parties on 6 August 1979.

“Besides, the Convention itself contains a number of articles which also directly involve the questions of status (articles VIII, XI, XXIV).

“Taking all this into consideration, the Soviet side regards the declaration of the FRG concerning the application of the Convention on the Conservation of Antarctic Marine Living Resources to West Berlin as contradictory to the Quadripartite Treaty of 3 September 1971 and therefore invalid.”

DÉCLARATION relative à la déclaration formulée par la République fédérale d'Allemagne¹ lors de la ratification

UNION DES RÉPUBLIQUES SOCIALISTES SOVIÉTIQUES

[TRADUCTION — TRANSLATION]

29 septembre 1982

La déclaration de la République fédérale d'Allemagne concernant l'application de la Convention à Berlin-Ouest est illégale. Cette Convention est liée au Traité sur l'Antarctique et contient des allusions directes à ce Traité (préambule, articles III, IV, V, XIII de la Convention). Or, le Traité sur l'Antarctique met directement en jeu des questions de sécurité et de statut et est donc l'un des Traités et Accords internationaux que la République fédérale d'Allemagne, ainsi qu'il est déclaré clairement dans l'Accord quadripartite du 3 décembre 1971², n'a pas le droit d'appliquer à Berlin-Est. Ce point de vue de la partie soviétique a été porté à l'attention de toutes les parties, le 6 août 1979, par le Gouvernement des Etats-Unis agissant en sa qualité de dépositaire du Traité.

Qui plus est, la Convention elle-même contient un certain nombre d'articles qui mettent également en jeu directement les questions de statut (articles VIII, XI, XXIV).

Vu tous ces éléments, la partie soviétique considère la déclaration de la République fédérale d'Allemagne concernant l'application de la Convention sur la conservation de la faune et de la flore marines de l'Antarctique à Berlin-Ouest comme incompatible avec l'Accord quadripartite du 3 septembre 1971 et donc nulle.

¹ See p. 102 of this volume.

² United Nations, *Treaty Series*, vol. 880, p. 115.

¹ Voir p. 102 du présent volume.

² Nations Unies, *Recueil des Traités*, vol. 880, p. 115.

DECLARATIONS relating to the declaration made by the Union of Soviet Socialist Republics¹ in respect of the declaration made by the Federal Republic of Germany concerning the application to Berlin (West)

FRANCE

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

UNITED STATES OF AMERICA

[TRANSLATION² — TRADUCTION³]

22 March 1983

In a communication to the Government of the Union of Soviet Socialist Republics, which is an integral part (annex IV A) of the quadripartite agreement of 3 September 1971, the Governments of France, the United Kingdom and the United States confirmed that, provided that matters of security and status are not affected and provided that the extension is specified in each case, international agreements and arrangements entered into by the Federal Republic of Germany may be extended to the western sectors of Berlin in accordance with established procedures. For its part, the Government of the Union of Soviet Socialist Republics, in a communication to the Governments of the three powers which is similarly an integral part (annex IV B) of the quadripartite agreement of 3 September 1971, affirmed that it would raise no objection to such extension.

The established procedures referred to above, which were endorsed in the quadripartite agreement, are designed *inter alia* to afford the authorities of the three powers the opportunity to ensure that international agreements and arrangements entered into by the Federal Republic

DÉCLARATIONS relatives à la déclaration formulée par l'Union des Républiques socialistes soviétiques¹ à l'égard de la déclaration faite par la République fédérale d'Allemagne concernant l'application à Berlin-Ouest

FRANCE

ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD

ÉTATS-UNIS D'AMÉRIQUE

22 mars 1983

«Dans une communication au Gouvernement de l'URSS qui fait partie intégrante (annexe IV, A) de l'accord quadripartite du 3 septembre 1971, les Gouvernements de la France, du Royaume-Uni et des États-Unis ont confirmé que, à condition que les questions de sécurité et de statut ne soient pas affectées et que l'extension soit précisée dans chaque cas, les accords et arrangements internationaux auxquels la République fédérale d'Allemagne devient partie peuvent être étendus aux secteurs occidentaux de Berlin, conformément aux procédures établies. Pour sa part, le Gouvernement de l'URSS, dans une communication aux trois Puissances qui fait également partie intégrante (annexe IV, B) de l'accord quadripartite du 3 septembre 1971, a affirmé qu'il ne souleverait pas d'objection contre une telle extension.

Les procédures établies auxquelles il est fait référence ci-dessus et qui ont été confirmées par l'accord quadripartite, sont destinées *inter alia* à donner aux autorités des trois Puissances la possibilité de garantir que les accords et arrangements internationaux auxquels la

¹ See p. 103 of this volume.

² Translation supplied by the Government of Australia.

³ Traduction fournie par le Gouvernement australien.

¹ Voir p. 103 du présent volume.

of Germany which are to be extended to the western sectors of Berlin are extended in such a way that matters of security and status are not affected.

When authorizing the extension of the above-mentioned Convention to the western sectors of Berlin, the authorities of the three powers took such steps as were necessary to ensure that matters of security and status were not affected. Accordingly, the validity of the Berlin declaration made by the Federal Republic of Germany in accordance with established procedures is unaffected and the application of the Convention to the western sectors of Berlin continues in full force and effect.

The Soviet note also refers to the extension of the Antarctic Treaty to the western sectors of Berlin. In this connection, the three powers wish to recall the United States Department of State's note of 21 August 1980, which was circulated by the Department of State with its note of 12 January 1981.

FEDERAL REPUBLIC OF GERMANY

30 March 1983

“With note No. 30 dated March 22, 1983, of the Embassy of France in Canberra the Government of France replied to the assertion made in the communication [by the Soviet Union] referred to above. The Government of the Federal Republic of Germany, on the basis of the legal situation set out in the note No. 30 of the Embassy of France in Canberra, wishes to confirm that the application to Berlin (West) of the aforementioned Convention extended by it under the established procedures continues in full force and effect.

République fédérale d'Allemagne devient partie et qui doivent être étendus aux secteurs occidentaux de Berlin le sont de telle manière que les questions de sécurité et de statut ne soient pas affectées.

En autorisant l'extension de la Convention mentionnée ci-dessus aux secteurs occidentaux de Berlin, les autorités des trois Puissances ont pris les dispositions nécessaires pour garantir que les questions de sécurité et de statut ne soient pas affectées. En conséquence, la validité de la déclaration de Berlin faite par la République fédérale d'Allemagne conformément aux procédures établies n'est pas affectée, et la Convention continue de s'appliquer pleinement aux secteurs occidentaux de Berlin et d'y produire tous ses effets.

La note soviétique se réfère également à l'extension aux secteurs occidentaux de Berlin du Traité de l'Antarctique. A cet égard, les trois Puissances souhaitent appeler à nouveau l'attention sur la note du Département d'Etat des Etats-Unis du 21 août 1980 diffusée par le Département d'Etat dans sa note du 12 janvier 1981.»

RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

[TRADUCTION — TRANSLATION]

30 mars 1983

Par note n° 30 de l'Ambassade de France à Canberra, en date du 22 mars 1983, le Gouvernement français a répondu à l'assertion figurant dans la communication ci-dessus de l'Union soviétique. Le Gouvernement de la République fédérale d'Allemagne, compte tenu de la situation juridique telle qu'exposée dans la note n° 30 de l'Ambassade de France à Canberra, confirme que l'extension à Berlin-Ouest de l'application de la Convention susmentionnée conformément aux procédures établies demeure pleinement valable et continue de produire ses effets.

“The Government of the Federal Republic of Germany wishes to point out that the absence of a response to further communications of a similar nature should not be taken to imply any change of its position in this matter.”

Le Gouvernement de la République fédérale d'Allemagne tient à préciser que l'absence éventuelle de réponse à des communications ultérieures de même nature ne saurait aucunement être considérée comme impliquant un changement quelconque de sa position sur ce point.

Annex 91

Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region, 23 March 1981

UNITED NATIONS ENVIRONMENT PROGRAMME
NAIROBI

**Convention for Co-operation
in the Protection and Development
of the Marine and Coastal Environment
of the West and Central African Region**

**Protocol concerning Co-operation
in Combating Pollution in Cases
of Emergency**



UNITED NATIONS
New York, 1981

NOTE. This document should not be considered as an official United Nations document.

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INTRODUCTION TO THE ABIDJAN CONVENTION AND ITS RELATED PROTOCOL

1. In accordance with resolution 2997 (XXVII) of the United Nations General Assembly, UNEP was established “as a focal point for environmental action and co-ordination within the United Nations system”. The Governing Council of UNEP has defined this environmental action as encompassing a comprehensive, transsectorial approach to environmental problems which should deal not only with the consequences but also with the causes of environmental degradation.

2. Among the priority areas in which activities are to be developed, the UNEP Governing Council has designated “Oceans”. In order to deal with the complexity of the environmental problems of the oceans in an integrated way, the Governing Council adopted a regional approach as exemplified by its Regional Seas Programme.¹

3. Although the environmental problems of the oceans are global in scope, a regional approach to solving them was adopted in the Stockholm Action Plan and subsequent Governing Council decisions. This approach focuses on specific problems of high priority to the States of a given region, thereby more readily responding to the needs of the Governments and helping to mobilize more fully their own national resources. It was thought that undertaking activities of common interest to coastal States on a regional basis should, in due time, provide the basis for dealing effectively with the environmental problems of the oceans as a whole.

4. Two elements are fundamental to UNEP’s Regional Seas Programme:

(a) Co-operation among Governments of the regions. Since any specific regional programme is aimed at benefiting the States of that region, Governments are invited to participate from the very beginning in the formulation, acceptance, and policy development of the programme. The programme is based on a regional action plan formally adopted by the Governments of the region and is carried out primarily by the national institutions of those Governments. Periodic intergovernmental meetings are used to review the progress made in implementing the agreed work-plan of the programme and to introduce appropriate adjustments in order to meet the wishes of the Governments;

¹ The objective and strategy of the Regional Seas Programme were adopted at the sixth session of the UNEP Governing Council, see UNEP/GC.6/7, para. 397, approved by GC decision 6/2 of 24 May 1978.

(b) Co-ordination of the technical work through the United Nations system and other competent international and regional intergovernmental organizations. Although the regional programmes are implemented predominantly by Government-nominated institutions, a large number of specialized organizations are called upon to provide assistance to these national institutions. UNEP acts as an overall co-ordinator of the regional programme, although in some cases this role is limited to the initial phase of the activities. Thus the support and experience of the whole United Nations system contribute to the programme.

5. The substantive aspect of any regional programme is outlined in a comprehensive "action plan" which is formally adopted by the Governments before the programme becomes operational. Although the specific activities for any region are dependent upon the needs and priorities of that region, all action plans are structured in a similar way and include the following components:

(a) Assessment component. This concerns assessing and evaluating the causes, magnitude and consequences of environmental problems. The most important activities deal with marine pollution assessment and studies of the coastal and marine activities and social and economic factors that may influence, or may be influenced by, environmental degradation;

(b) Management component. The assessment of the environmental situation is undertaken to provide a basis for assisting national policy makers to manage their natural resources in a more effective and sustainable manner. Therefore, each regional programme includes a wide range of activities in the field of environmental management. Such activities may include co-operative regional projects on coastal area development and management, training in environmental impact assessment, management of coastal lagoons, estuaries and mangrove ecosystems, control of industrial, agricultural and domestic wastes, formulation of contingency plans for dealing with pollution emergencies, and others;

(c) Legal component. A legally binding regional convention, elaborated by specific technical protocols, may provide a legal framework for co-operative regional and national action. The legal commitment of Governments clearly expresses their political will to deal individually and jointly with their common environmental problems;

(d) Institutional component. As the programme is implemented primarily through designated national institutions, assistance and training are provided, where necessary, to allow national institutions to participate fully in the programme. Existing global or regional co-ordinating mechanisms are used as appropriate. However, specific, small regional mechanisms may be created by Governments to ensure the proper implementation of the plans;

(e) Financial component. UNEP, together with United Nations and other organizations, provides "seed money" or catalytic financing in the early stages of regional programmes. However, as a programme develops,

it is expected that the Governments of the region will gradually assume full financial responsibility. Government financing may be provided directly to the national institutions participating in the programme or through a special regional trust fund to which Governments make contributions.

6. It should be borne in mind that all components of a regional programme are interdependent. Assessment activities identify the problems that need priority attention in the region. Legal agreements are negotiated to strengthen co-operation among States in managing the identified problems. They also provide an important tool for national policy makers to implement national control measures. Management activities, aimed at controlling existing environmental problems and preventing the development of new ones, are a means by which States fulfil their treaty obligations. Co-ordinated assessment activities then continue to assist Governments by providing scientific information by which to judge whether the legal agreements and management policies are effective.

7. At present, there are ten regional sea areas where action plans are operative or are under development: the Mediterranean (adopted in February 1975); the Kuwait Action Plan Region (adopted in April 1978); the West and Central African Region (adopted in March 1981); the Wider Caribbean Region (adopted in April 1981); the East Asian Seas Region (adopted in April 1981); the South-East Pacific Region (adopted in November 1981); the Red Sea and Gulf of Aden (adoption expected in early 1982); the South-West Pacific (adoption expected in early 1982); the East African Region (under development, adoption expected in 1983); and the South-West Atlantic (under development, adoption expected in 1983).

8. This publication contains the texts of the two legal agreements that have been adopted for the protection and development of the coastal and marine environment of the West and Central African Region. In considering the agreements, the comprehensive scope of environmental assessment and management activities that are carried out to support and make effective the States' legal commitments should be borne in mind.

9. After four years of preparatory activities, UNEP convened the Conference of Plenipotentiaries on Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region in Abidjan from 16 to 23 March 1981. The Conference adopted an action plan for the West and Central African Region and two legal agreements:

9.1 Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region; and

9.2 Protocol concerning Co-operation in Combating Pollution in Cases of Emergency.

10. As at 1 October 1981, the legal agreements have been signed by twelve coastal States of the region. The Government of the Ivory Coast

has been designated as the Depository for the Convention and Protocol.² UNEP has been designated as the secretariat of the Convention and Protocol.³ A list of Signatory States is presented in the appendix to this document.

11. The Abidjan Convention is a comprehensive, umbrella agreement for the protection and management of the marine and coastal areas. It lists the sources of pollution which require control: pollution from ships, dumping, land-based sources, exploration and exploitation of the sea-bed, and pollution from or through the atmosphere. It also identifies environmental management issues for which co-operative efforts are to be made: coastal erosion, specially protected areas, combating pollution in cases of emergency, and environmental impact assessment. There are also articles on scientific and technological co-operation, and liability and compensation.

12. By ratifying a protocol, States accept more specific obligations to control pollution from a discrete source, or to co-operate on some aspect of environmental management. The West and Central African States felt that the Abidjan Convention was too general to provide sufficient protection on its own; no State may become a contracting party without also becoming a party to at least one of the protocols.

13. This flexible formula responds to the needs of the region. It is clear that despite a shared perception of a common regional problem, the coastal States of West and Central Africa are economically and politically heterogeneous. With a framework Convention and "optional" protocols, States may accept the general legal obligation to co-operate to protect their shared resources and progressively may assume more specific duties as the national economic, social and political climate permits.

14. The adoption of the West and Central African regional legal agreements was facilitated by numerous technical surveys, studies and reviews prepared by UNEP with the co-operation of UN, UNIDO, FAO, UNESCO, IOC, WHO, IMCO and other organizations.

²Article 31, Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region.

³Article 16, *ibid.*

**CONVENTION FOR CO-OPERATION
IN THE PROTECTION AND DEVELOPMENT
OF THE MARINE AND COASTAL ENVIRONMENT
OF THE WEST AND CENTRAL AFRICAN REGION**

The Contracting Parties,

Conscious of the economic, social and health value of the marine environment and coastal areas of the West and Central African Region,

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

Recognizing the threat to the marine and coastal environment, its ecological equilibrium, resources and legitimate uses posed by pollution and by the absence of an integration of an environmental dimension into the development process,

Realizing fully the need for co-operation among the Contracting Parties in order to ensure sustainable, environmentally-sound development through a co-ordinated and comprehensive approach,

Realizing also the need for a carefully planned research, monitoring and assessment programme in view of the scarcity of scientific information on marine pollution in the West and Central African Region,

Noting that existing conventions concerning marine pollution 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 West and Central African Region,

Have agreed as follows:

Article 1

GEOGRAPHICAL COVERAGE

This Convention shall cover the marine environment, coastal zones and related inland waters falling within the jurisdiction of the States of the West and Central African Region, from Mauritania to Namibia inclusive, which have become Contracting Parties to this Convention under conditions set forth in article 27 and paragraph 1 of article 28 (hereinafter referred to as the Convention area).

Article 2

DEFINITIONS

For the purposes of this Convention:

1. "Pollution" means the introduction by man, directly or indirectly, of substances or energy into the marine environment, coastal zones, and related inland waters 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.
2. "Organization" means the body designated as the secretariat of the Convention and its related protocols according to article 16 of the 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 and coastal environment of the West and Central African Region, provided that such agreements are consistent with this Convention and conform to international law. Copies of such agreements shall be deposited with the Organization and, through the Organization, communicated to all Contracting Parties.
2. Nothing in this Convention or related protocols shall be deemed to affect obligations assumed by a Contracting Party under agreements previously concluded.
3. 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 Contracting Party concerning the nature and extent of its maritime jurisdiction.

Article 4

GENERAL OBLIGATIONS

1. The Contracting Parties shall, individually or jointly as the case may be, take all appropriate measures in accordance with the provisions of this Convention and its protocols in force to which they are parties to prevent, reduce, combat and control pollution of the Convention area and to ensure sound environmental management of natural resources, using for this purpose the best practicable means at their disposal, and in accordance with their capabilities.
2. In addition to the Protocol concerning co-operation in combating pollution in cases of emergency opened for signature on the same date as this Convention, the Contracting Parties shall co-operate in the formulation and

adoption of other protocols prescribing agreed measures, procedures, and standards to prevent, reduce, combat and control pollution from all sources or promoting environmental management in conformity with the objectives of this Convention.

3. The Contracting Parties shall establish national laws and regulations for the effective discharge of the obligations prescribed in this Convention, and shall endeavour to harmonize their national policies in this regard.

4. The Contracting Parties shall co-operate with the competent international, regional and subregional organizations to establish and adopt recommended practices, procedures and measures to prevent, reduce, combat and control pollution from all sources in conformity with the objectives of this Convention and its related protocols, and to assist each other in fulfilling their obligations under this Convention and its related protocols.

5. In taking measures to prevent, reduce, combat and control pollution of the Convention area or to promote environmental management, the Contracting Parties shall act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another.

Article 5

POLLUTION FROM SHIPS

The Contracting Parties shall take all appropriate measures in conformity with international law to prevent, reduce, combat and control pollution in the Convention area caused by normal or accidental discharges from ships, and shall ensure the effective application in the Convention area of the internationally recognized rules and standards relating to the control of this type of pollution.

Article 6

POLLUTION CAUSED BY DUMPING FROM SHIPS AND AIRCRAFT

The Contracting Parties shall take all appropriate measures to prevent, reduce, combat and control pollution in the Convention area caused by dumping from ships and aircraft, and shall ensure the effective application in the Convention area of the internationally recognized rules and standards relating to the control of this type of pollution.

Article 7

POLLUTION FROM LAND-BASED SOURCES

The Contracting Parties shall take all appropriate measures to prevent, reduce, combat and control pollution of the Convention area caused by discharges from rivers, estuaries, coastal establishments and outfalls, coastal dumping or emanating from any other sources on their territories.

Article 8

POLLUTION FROM ACTIVITIES RELATING TO EXPLORATION AND EXPLOITATION OF THE SEA-BED

The Contracting Parties shall take all appropriate measures to prevent, reduce, combat and control pollution resulting from or in connection with activities relating to the exploration and exploitation of the sea-bed and its subsoil subject to their jurisdiction and from artificial islands, installations and structures under their jurisdiction.

Article 9

POLLUTION FROM OR THROUGH THE ATMOSPHERE

The Contracting Parties shall take all appropriate measures to prevent, reduce, combat and control pollution in the Convention area resulting from or transported through the atmosphere.

Article 10

COASTAL EROSION

The Contracting Parties shall take all appropriate measures to prevent, reduce, combat and control coastal erosion in the Convention area resulting from man's activities, such as land reclamation and coastal engineering.

Article 11

SPECIALLY PROTECTED AREAS

The Contracting Parties shall, individually or jointly as the case may be, take all appropriate measures to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other marine life. To this end, the Contracting Parties shall endeavour to establish protected areas, such as parks and reserves, and to prohibit or control any activity likely to have adverse effects on the species, ecosystems or biological processes in such areas.

Article 12

CO-OPERATION IN COMBATING POLLUTION IN CASES OF EMERGENCY

1. The Contracting Parties shall co-operate in taking all necessary measures to deal with pollution emergencies in the Convention area, whatever the cause of such emergencies, and to reduce or eliminate damage resulting therefrom.

2. Any Contracting Party which becomes aware of a pollution emergency in the Convention area should, without delay, notify the Organization and, either through this Organization or directly, any other Contracting Party likely to be affected by such emergency.

Article 13

ENVIRONMENTAL IMPACT ASSESSMENT

1. As part of their environmental management policies, the Contracting Parties shall develop technical and other guidelines to assist the planning of their development projects in such a way as to minimize their harmful impact on the Convention area.

2. Each Contracting Party shall endeavour to include an assessment of the potential environmental effects in any planning activity entailing projects within its territory, particularly in the coastal areas, that may cause substantial pollution of, or significant and harmful changes to, the Convention area.

3. The Contracting Parties shall, in consultation with the Organization, develop procedures for the dissemination of information concerning the assessment of the activities referred to in paragraph 2 of this article.

Article 14

SCIENTIFIC AND TECHNOLOGICAL CO-OPERATION

1. The Contracting Parties shall co-operate, with the assistance of competent international and regional organizations, in the field of scientific research, monitoring and assessment of pollution in the Convention area, and shall exchange data and other scientific information for the purpose of this Convention and its related protocols.

2. In addition, the Contracting Parties shall develop and co-ordinate national research and monitoring programmes concerning all types of pollution in the Convention area and shall establish, in co-operation with competent international and regional organizations, a regional network of national research centres and institutions to ensure compatible results. The Contracting Parties shall endeavour to participate in international arrangements for pollution research and monitoring in areas beyond their national jurisdiction.

3. The Contracting Parties shall co-operate, directly or through competent international or regional organizations, in the development of programmes for technical and other assistance in fields related to marine pollution and sound environmental management of the Convention area.

Article 15

LIABILITY AND COMPENSATION

The Contracting Parties shall co-operate in the formulation and adoption of appropriate rules and procedures for the determination of liability and the payment of adequate and prompt compensation for damage resulting from pollution of the Convention area.

Article 16

INSTITUTIONAL ARRANGEMENTS

1. The Contracting Parties designate the United Nations Environment Programme as the secretariat of the Convention to carry out the following functions:

- (i) To prepare and convene the meetings of Contracting Parties and conferences provided for in articles 17 and 18;
- (ii) To transmit to the Contracting Parties notifications, reports and other information received in accordance with articles 3, 12, and 22;
- (iii) To perform the functions assigned to it by the protocols to this Convention;
- (iv) To consider enquiries by, and information from, the Contracting Parties and to consult with them on questions relating to this Convention and its related protocols and annexes thereto;
- (v) To co-ordinate the implementation of co-operative activities agreed upon by the meetings of Contracting Parties and conferences provided for in article 17;
- (vi) To enter into such administrative arrangements as may be required for the effective discharge of the secretariat functions.

2. Each Contracting Party shall designate an appropriate national authority as responsible for the co-ordination of national efforts for implementing this Convention and its related protocols. The appropriate national authority shall serve as the channel of communication between the Contracting Party and the Organization.

Article 17

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, supported by at least three other 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 its related protocols and, in particular:

- (i) To consider reports submitted by the Contracting Parties under article 22;
- (ii) To adopt, review and amend as required annexes to this Convention and to its related protocols, in accordance with the provisions of article 20;
- (iii) To make recommendations regarding the adoption of any additional protocols or amendments to this Convention or its related protocols in accordance with the provisions of articles 18 and 19;

- (iv) To establish working groups as required to consider any matters concerning this Convention and its related protocols and annexes;
- (v) To review the state of pollution in the Convention area;
- (vi) To consider and to adopt decisions concerning co-operative activities to be undertaken within the framework of this Convention and its related protocols, including their financial and institutional implications;
- (vii) To consider and undertake any additional action that may be required for the achievement of the purposes of this Convention and its related protocols.

Article 18

ADOPTION OF ADDITIONAL PROTOCOLS

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

2. A conference of plenipotentiaries shall be convened for the purpose of adopting additional protocols by the Organization at the request of not less than 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 conference of plenipotentiaries for the purpose of adopting additional protocols.

Article 19

AMENDMENT OF THE CONVENTION OR PROTOCOLS

1. Any Contracting Party to this Convention may propose amendments to the Convention or to any of the protocols. The texts of any such draft amendments shall be communicated to the Contracting Parties by the Organization six months before their submission to an ordinary meeting of the Contracting Parties for examination.

2. Any amendment shall be adopted by a two-thirds majority of the Contracting Parties and shall enter into force twelve months after its approval.

Article 20

ANNEXES AND AMENDMENTS TO ANNEXES

1. Annexes to this Convention or to any of its protocols shall form an integral part of the Convention or such protocol.

2. Except as may be otherwise provided in any protocol, the procedure foreseen in article 19 shall apply to the adoption and entry into force of any amendments to annexes to this Convention or to any protocol.

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 the adoption and entry into force of an amendment to an annex in accordance with the provisions of paragraph 2 of this article, 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.

Article 21

RULES OF PROCEDURE AND FINANCIAL RULES

1. The Contracting Parties shall adopt rules of procedure for their meetings and conferences envisaged in articles 17 and 18 above.

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

Article 22

REPORTS

The Contracting Parties shall transmit to the Organization reports on the measures adopted in the 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 23

COMPLIANCE CONTROL

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

Article 24

SETTLEMENT OF DISPUTES

1. In case of a dispute between Contracting Parties as to the interpretation or application of this Convention or its related 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 be submitted to arbitration under conditions to be adopted by the Contracting Parties in an annex to this Convention.

Article 25

RELATIONSHIP BETWEEN THE CONVENTION AND ITS RELATED PROTOCOLS

1. No State may become a Contracting Party to this Convention unless it becomes at the same time a Contracting Party to at least one protocol. No State 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 17, 19 and 20 of this Convention shall be taken only by the Parties to the protocol concerned.

Article 26

SIGNATURE

This Convention and the Protocol on Co-operation in Combating Pollution in Cases of Emergency shall be in Abidjan from 23 March to 22 June 1981 for signature by any coastal or island State, from Mauritania to Namibia inclusive.

Article 27

RATIFICATION, ACCEPTANCE AND 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 the Ivory Coast, which will assume the functions of Depositary.

Article 28

ACCESSION

1. As from 23 June 1981, the present Convention and the Protocol concerning Co-operation in Combating Pollution in Cases of Emergency shall be open for accession by the States referred to in article 26.

2. After the entry into force of this Convention and any protocol thereto, any African State not referred to in article 26 may accede to them.

3. This Convention and any protocol thereto shall also remain open after the entry into force for accession by any other State, subject to the prior approval of three quarters of the States referred to in article 26 which have become Contracting Parties.

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

Article 29

ENTRY INTO FORCE

1. This Convention and the first of its protocols shall enter into force on the same date, in accordance with the following paragraph 2.

2. The Convention, and any of its protocols shall enter into force on the sixtieth day following the date of deposit of at least six instruments of ratification, acceptance or approval of, or accession to, such Convention and protocol by the Parties referred to in article 26.

3. Thereafter, this Convention and any protocol thereto shall enter into force with respect to any State referred to in article 26 on the sixtieth day following the date of deposit of the instruments of ratification, acceptance, approval or accession.

Article 30

WITHDRAWAL

1. At any time after five 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 five 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 ninety 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 31

RESPONSIBILITIES OF THE DEPOSITARY

1. The Depositary shall inform the Contracting Parties, any other Party referred to in article 26, and the Organization:

- (i) Of the signature of this Convention and any protocol thereto, and of the deposit of instruments of ratification, acceptance, approval or accession in accordance with articles 26, 27 and 28;
- (ii) Of the date on which the Convention and any protocol will come into force in accordance with the provisions of article 29;
- (iii) Of notifications of withdrawal made in accordance with article 30;

- (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 these amendments in accordance with the provisions of article 19;
- (v) Of the adoption of new annexes and of the amendment of any annex in accordance with article 20.

2. The original of this Convention and of any protocol thereto shall be deposited with the Depositary, the Government of the Ivory Coast, which shall send certified copies thereof to the Contracting Parties, to the Organization of African Unity, 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 Abidjan on this twenty-third day of March one thousand nine hundred and eighty-one in a single copy in the English, French and Spanish languages, the three texts being equally authentic.

PROTOCOL CONCERNING CO-OPERATION IN COMBATING POLLUTION IN CASES OF EMERGENCY

Article 1

For the purposes of this Protocol:

1. "Appropriate National Authority" means the authority designated by the Government of a Contracting Party in accordance with paragraph 2 of article 16 of the Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region, and responsible for:

(a) Combating and otherwise operationally responding to marine emergencies;

(b) Receiving and co-ordinating reports of particular marine emergencies;

(c) Co-ordinating activities relating to marine emergencies in general within its own Government and with other Contracting Parties.

2. "Marine Emergency" means any incident, occurrence or situation, however caused, resulting in substantial pollution or imminent threat of substantial pollution to the marine and coastal environment by oil or other harmful substances and includes, in particular, collisions, strandings and other incidents involving ships, including tankers, petroleum production blow-outs and the presence of oil or other harmful substances arising from the failure of industrial installations.

3. "Marine Emergency Contingency Plan" means a plan, prepared on a national, bilateral or multilateral basis, to deal with pollution and other adverse effects on the marine and coastal environment, or the threat thereof, resulting from accidents or other unforeseen events.

4. "Marine Emergency Response" means any activity intended to prevent, reduce, combat and control pollution by oil or other harmful substances or threat of such pollution resulting from marine emergencies and includes the clean-up of oil slicks and recovery or salvage of packages, freight containers, portable tanks, or road and rail wagons.

5. "Related Interests" means the interests of a Contracting Party directly or indirectly affected or threatened by a marine emergency, such as:

(a) Maritime, coastal, port or estuarine activities, including fisheries activities;

(b) Historic and tourist attractions of the area concerned;

(c) The health and well-being of the inhabitants of the area concerned, including the conservation of living marine resources and wildlife and the protection of marine and coastal parks and reserves.

6. "Convention" means the Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region.

7. "Organization" means the organization referred to in article 16 of the Convention as responsible for the secretariat functions of the Convention.

Article 2

The area to which this Protocol applies (hereinafter referred to as the "Protocol area") shall be the same as the Convention area as defined in article 1 of the Convention.

Article 3

This Protocol shall apply to actual or potential marine emergencies which constitute a substantial pollution danger to the Protocol area and related interests of the Contracting Parties.

Article 4

The Contracting Parties undertake to co-operate in all matters relating to the taking of necessary and effective measures to protect their respective coastlines and related interests from the threat and effects of pollution resulting from marine emergencies.

Article 5

Each Contracting Party shall provide the other Contracting Parties and the Organization with information concerning:

- (a) Its appropriate national authority;
- (b) Its laws, regulations and other legal instruments relating generally to matters referred to in this Protocol, including those concerning the organization and operation of the appropriate national authority, to the extent that this organization and operation relates to matters referred to in this Protocol;
- (c) Its national marine emergency contingency plans.

Article 6

The Contracting Parties shall exchange, either through the Organization or directly, information on research and development programmes, including results concerning ways in which pollution by oil and other harmful substances may be dealt with, and on experiences in combating such pollution.

Article 7

1. Each Contracting Party undertakes to require masters of ships flying its flag and pilots of aircraft registered in its territory, and persons in charge of offshore structures operating under its jurisdiction to report by the most rapid and adequate channels in the circumstances, and in accordance with the annex to this Protocol, to any Contracting Party:

(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 Contracting Parties.

2. Any Contracting Party receiving a report pursuant to paragraph 1 above shall promptly inform the Organization and, either through the Organization or directly, the appropriate national authority of any Contracting Party likely to be affected by the marine emergency.

Article 8

1. Any Contracting Party requiring assistance for dealing with a marine emergency, including the recovery or salvage of packages, freight containers, portable tanks, or road or rail wagons, may call for assistance from any other Contracting Party. The call for assistance shall be made initially to other Contracting Parties whose coastlines and related interests might be affected by the marine emergency involved. The Contracting Parties to whom a request is made pursuant to this paragraph undertake to use their best endeavours to render the assistance requested.

2. The assistance referred to in paragraph 1 of this article may include:

(a) The provision and reinforcement of personnel, material, and equipment;

(b) The provision and reinforcement of surveillance and monitoring capacity;

(c) The provision of pollution disposal sites; or

(d) The facilitation of the transfer of personnel, equipment and material into, out of, and through the territories of the Contracting Parties.

3. Any Contracting Party requesting assistance pursuant to paragraph 1 of this article shall report the results following from the request to the other Contracting Parties and to the Organization.

4. The Contracting Parties undertake to consider as soon as possible and in accordance with the means available to them the allocation of tasks for responding to marine emergencies within the Protocol area.

5. Each Contracting Party undertakes to inform the other Contracting Parties and the Organization of measures taken in dealing with marine emergencies in cases where those other Contracting Parties are not called upon to provide assistance.

Article 9

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

2. The Contracting Parties shall co-operate in developing standing instructions and procedures to be followed by their appropriate national authorities who have responsibility for receiving and transmitting reports of pollution by oil and other harmful substances made pursuant to article 7 of this Protocol. Such co-operation shall be designed to ensure speedy and routine reception, transmission and dissemination of these reports.

Article 10

1. Each Contracting Party shall act in accordance with the following principles in the conduct of marine emergency responses carried out under its authority:

(a) Make an assessment of the nature and extent of the marine emergency and transmit the results of the assessment to any other Contracting Party concerned;

(b) Determine the necessary and appropriate action to be taken with respect to the marine emergency in consultation, where appropriate, with other Contracting Parties;

(c) Make the necessary reports and requests for assistance under articles 7 and 8 of this Protocol; and

(d) Take appropriate and practical measures to prevent, reduce, combat and control the effects of pollution, including surveillance and monitoring of the marine emergency.

2. In carrying out marine emergency responses under this Protocol the Contracting Parties shall:

(a) Act in conformity with the principles of international law and with international conventions having applicability to marine emergency responses; and

(b) Inform the Organization of those marine emergency responses.

Article 11

1. Ordinary meetings of the Contracting Parties to this Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties to the Convention, held pursuant to article 17 of the Convention. The Contracting Parties to this Protocol may also hold extraordinary meetings, as provided in article 17 of the Convention.

2. It shall be the function of the meetings of the Contracting 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 12

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

2. The rules of procedure and financial rules adopted pursuant to article 21 of the Convention shall apply with respect to this Protocol, unless the Contracting Parties to this Protocol agree otherwise.

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

DONE at Abidjan on this twenty-third day of March one thousand nine hundred and eighty-one in a single copy in the English, French and Spanish languages, the three texts being equally authentic.

ANNEX

Guidelines for the Report to be made pursuant to article 7 of the Protocol

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

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

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

(c) The marine meteorological conditions prevailing in the area;

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

2. Each report shall also contain, whenever possible:

(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 quantity, concentration and likely condition 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 producer.

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 package form, freight containers, portable tanks, or submarine pipelines.

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 7 of this Protocol shall:

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

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

APPENDIX

Status as at 30 October 1981 of the Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region and its related Protocol

<i>States</i>	<i>Convention</i>		<i>Protocol^a</i>	
	<i>Signature</i>	<i>Ratification</i>	<i>Signature</i>	<i>Ratification</i>
Angola	—	—	—	—
Benin	23 Mar. 81	—	23 Mar. 81	—
Cape Verde	—	—	—	—
Congo	23 Mar. 81	—	23 Mar. 81	—
Equatorial Guinea	—	—	—	—
Gabon	23 Mar. 81	—	23 Mar. 81	—
Gambia	13 June 81	—	13 June 81	—
Ghana	23 Mar. 81	—	23 Mar. 81	—
Guinea	23 Mar. 81	—	23 Mar. 81	—
Guinea-Bissau	—	—	—	—
Ivory Coast	23 Mar. 81	—	23 Mar. 81	—
Liberia	23 Mar. 81	—	23 Mar. 81	—
Mauritania	22 June 81	—	22 June 81	—
Namibia	—	—	—	—
Nigeria	23 Mar. 81	—	23 Mar. 81	—
Sao Tome and Principe	—	—	—	—
Senegal	23 Mar. 81	—	23 Mar. 81	—
Sierra Leone	—	—	—	—
Togo	23 Mar. 81	—	23 Mar. 81	—
United Republic of Cameroon	—	—	—	—
Zaire	—	—	—	—

^a Protocol concerning Co-operation in Combating Pollution in Cases of Emergency.

Annex 92

African Charter on Human and Peoples' Rights, 27 June 1981, 1520 UNTS 217

No. 26363

MULTILATERAL

**African Charter on Human and Peoples' Rights. Concluded
at Nairobi on 27 June 1981**

Authentic texts: Arabic, English and French.

Registered by the Organization of African Unity on 28 December 1988.

MULTILATÉRAL

**Charte africaine des droits de l'homme et des peuples. Con-
clue à Nairobi le 27 juin 1981**

Textes authentiques : arabe, anglais et français.

Enregistrée par l'Organisation de l'Unité africaine le 28 décembre 1988.

- | <i>Country</i>
[Pays] | <i>Signature and name in Full</i>
[Signatures et noms] |
|--|--|
| 49. Republic of Zambia:
جمهورية زامبيا : | [Signed — Signé]
H.E. GEORGE CHIPAMPATA
Ambassador Extraordinary
and Plenipotentiary
of Republic of Zambia
to Socialist Ethiopia
(17-1-83) |
| 50. Republic of Zimbabwe:
جمهورية زيمبابوي : | [Signed — Signé]
H.E. Dr. T. J.B. JOKONYA
Ambassador
of the Republic of Zimbabwe
to Socialist Ethiopia
20/02/86 |
| 51. République Arabe Sahraouie
Démocratique : | [Signed — Signé]
S.E. M. MOULOUD SAID
Ambassadeur
de la République Arabe Sahraouie
Démocratique à Addis Abéba, Ethiopie
10 avr. 1986 |

- | <i>Country</i>
[Pays] | <i>Signature and Name in Full</i>
[Signatures et noms] |
|---|---|
| 44. Federal Republic of Nigeria:
جمهورية نيجيريا الاتحادية | [Signed — Signé]
H.E. Mr. AMPIM DARKU
JIM BLANKSON
Ambassador Extraordinary
and Plenipotentiary
of Nigeria
to Socialist Ethiopia
(31/8/82) |
| 45. Republic of Sierra-Leone:
جمهورية سيراليون | |
| 46. Democratic Republic of the
Sudan:
جمهورية السودان الديمقراطية | [Signed — Signé]
H.E. Brig. Gen. MIRGHANI SULIMAN
KHALIL
Ambassador Extraordinary
and Plenipotentiary
of Sudan
to Socialist Ethiopia
(3/9/82) ¹ |
| 47. United Republic of Tanzania:
جمهورية تنزانيا المتحدة | [Signed — Signé]
H.E. Miss FATUMA TATU NURU
Ambassador Extraordinary
and Plenipotentiary
of the United Republic of Tanzania
to Socialist Ethiopia
(31/5/82) |
| 48. Republic of Uganda:
جمهورية أوغندا | [Signed — Signé]
H.E. Mr. BENJAMIN WILLIAM
KANYONYOZI MATOGO
Uganda's Ambassador
to Socialist Ethiopia
18 août 1986 |

¹ 3 September 1982 — 3 septembre 1982.

- | <i>Country</i>
[Pays] | <i>Signature and Name in Full</i>
[Signatures et noms] |
|--|---|
| 36. Republic of Seychelles:
: جمهورية سيشيل | |
| 37. Republic of Somalia:
: جمهورية الصومال | [Signed — Signé]
J/le Fadumo Isak Bihi
Director of African Department
Ministry of Foreign Affairs
of the Somali
Democratic Republic
26/2/82 |
| 38. Arab Republic of Egypt:
: جمهورية مصر العربية | |
| 39. Republic of Ghana:
: جمهورية غانا | |
| 40. Republic of Kenya:
: جمهورية كينيا | |
| 41. Republic of Liberia:
: جمهورية ليبيريا | [Signed — Signé]
H.E. NATHANIEL EASTMAN
Ambassador Extraordinary
and Plenipotentiary
of the Republic of Liberia
to Socialist Ethiopia
31/1/83 |
| 42. Socialist People's Libyan Arab
Jamahiriya:
: الليبية الشعبية الاشتراكية
الجمهورية العربية | [Signed — Signé]
صاحب السعادة خليفة أ. يا زليلا - امين
لجنة المؤتمر الشعبي الليبي
30.5.85 |
| 43. Republic of Malawi:
: جمهورية مالاوي | [Signed — Signé]
Hon. R. W. CHIRWA, M.P.
Minister
Member of the Executive Committee
of the Malawi Congress Party
and leader of Malawi Delegation
23/02/90 |

- | <i>Country</i>
[Pays] | <i>Signature and Name in Full</i>
[Signatures et noms] |
|--|--|
| 28. République du Zaïre :
جمهورية زائير : | [Signed — Signé]
S.E. Mme EKILA LIYONDA
Ministre des Affaires Etrangères
et de la Coopération Internationale
23 juil. 1987 |
| 29. Republic of Botswana:
جمهورية بوتسوانا : | |
| 30. Provisional Military Government
of Socialist Ethiopia:
الحكومة اثيوبيا العسكرية الاشتراكية المؤقتة : | |
| 31. Republic of Gambia:
جمهورية جامبيا : | [Signed — Signé]
Hon. LAMIN KITI JABANG
Minister of External Affairs
of the Gambia
(11/2/83) ¹ |
| 32. The Kingdom of Lesotho:
مملكة ليسوتو : | [Signed — Signé]
H.E. Mr. FRANCIS SEABATA
MATHOLOANE
Ambassador Extraordinary
and Plenipotentiary
of the Kingdom of Lesotho
to Kenya
7 March 1984 |
| 33. The Kingdom of Swaziland:
مملكة سوازيلاند : | [Illegible — Illisible] |
| 34. Republic of Mauritius:
جمهورية موريشوس : | [Signed — Signé]
H.E. M. BERENGER
Minister of External Affairs
of Mauritius
27 Feb. 1992 |
| 35. Republic of Mozambique:
جمهورية موزامبيق : | |

¹ 11 February 1983 — 11 février 1983.

- | <i>Country</i>
[Pays] | <i>Signature and Name in Full</i>
[Signatures et noms] |
|--|--|
| 20. République de Côte-d'Ivoire :
جمهورية ساحل العاج : | |
| 21. République de Djibouti :
جمهورية جيبوتي : | [Signed — Signé]
S.E. M. DJIBRIL DJAMA ELABE
Ambassadeur de Djibouti
en Ethiopie
20 déc. 1991 |
| 22. République du Gabon :
جمهورية الجابون : | [Signed — Signé]
M. MARTIN BONGO
Ministre d'Etat
Ministre
des Affaires Etrangères
26.2.82 |
| 23. République du Niger :
جمهورية النيجر : | [Signed — Signé]
S.E. M. ABDOURAHAMANE HAMA
Ambassadeur du Niger
en Ethiopie
et Représentant Permanent
auprès de l'OUA
09 juil. 1986 |
| 24. République du Sénégal :
جمهورية السنغال : | |
| 25. République du Rwanda :
جمهورية رواندا : | |
| 26. République Populaire et Révolutionnaire de Guinée :
جمهورية غينيا الشعبية الثورية : | |
| 27. République de Guinée Equatoriale :
جمهورية غينيا الاستوائية : | [Signed — Signé]
S.E. M. EULOGIO OYO RIQUESA
Ambassadeur de la République
de Guinée Equatoriale
en Ethiopie
18 août 1986 |

- | <i>Country</i>
[Pays] | <i>Signature and Name in Full</i>
[Signatures et noms] |
|---|---|
| 12. Rép. Islamique de Mauritanie :
الجمهورية الإسلامية الموريتانية : | S.E. Mr. TAKI OULD SIDI
Ambassadeur
de la République Islamique
de Mauritanie à Dakar (Sénégal)
25/2/1982 |
| 13. République de Sao Tomé et
Principe :
جمهورية ساو تومي وبرنسيب : | |
| 14. République du Togo :
جمهورية النيجر : | M. DAMA DRAMANI
Directeur de Cabinet
du Ministre des Affaires Etrangères
et de la Coopération |
| 15. République de Tunisie :
الجمهورية التونسية : | |
| 16. République du Tchad :
جمهورية تشاد : | [Signed — Signé]
M. SALIM A. TAHA
Chargé d'Affaires
de l'Ambassade du TCHAD
en Ethiopie
29 mai 1986 |
| 17. République du Burundi :
جمهورية بوروندي : | |
| 18. République Algérienne Démocra-
tique et Populaire :
الجمهورية الجزائرية الديمقراطية الشعبية : | [Signed — Signé]
S.E. HOCINE MESLOUB
Ambassadeur
de la République Algérienne
Démocratique
et Populaire à Addis Abéba, Ethiopie
10 avr. 1986 |
| 19. République du Cameroun :
جمهورية الكاميرون : | [Illegible — Illisible]
23 juil. 1987 |

- | <i>Country</i>
[Pays] | <i>Signature and Name in Full</i>
[Signatures et noms] |
|--|---|
| 1. République Populaire d'Angola :
جمهورية أنجولا الشعبية : | |
| 2. République Populaire du Bénin :
جمهورية بنين الشعبية : | |
| 3. République du Cap-Vert :
جمهورية الرأس الأخضر : | S.E. M. CORENTINO VIRGILIO SANTOS
Représentant Permanent
de la République du Cap Vert
auprès des Nations Unies
31/03/86 |
| 4. République Fédérale Islamique
des Comores :
جمهورية القمر الاتحادية الإسلامية : | |
| 5. République Centrafricaine :
جمهورية أفريقيا الوسطى : | |
| 6. République Populaire du Congo :
جمهورية الكونغو الشعبية : | |
| 7. République de Guinée Bissau :
جمهورية غينيا بيساو : | |
| 8. République de Haute-Volta :
جمهورية فولتا العليا : | [Signed -- Signé]
H.E. Mr. HAMA ARBA DIALLO
Minister of Foreign Affairs
of Upper Volta
5/3/84 ¹ |
| 9. République Démocratique de
Madagascar :
جمهورية مدغشقر الديمقراطية : | |
| 10. République de Mali :
جمهورية مالي : | |
| 11. Royaume du Maroc :
المملكة المغربية : | |

¹ 5 March 1984 — 5 mars 1984.

AFRICAN CHARTER¹ ON HUMAN AND PEOPLES' RIGHTS

PREAMBLE

The African States members of the Organization of African Unity, parties to the present convention entitled "African Charter on Human and Peoples' Rights",

Recalling Decision 115 (XVI) of the Assembly of Heads of State and Government at its Sixteenth Ordinary Session held in Monrovia, Liberia, from 17 to 20 July 1979 on the preparation of "a preliminary draft on an African Charter on Human and Peoples' Rights providing *inter alia* for the establishment of bodies to promote and protect human and peoples' rights";

Considering the Charter of the Organization of African Unity,² which stipulates that "freedom, equality, justice and dignity are essential objectives for the achievement of the legitimate aspirations of the African peoples";

Reaffirming the pledge they solemnly made in Article 2 of the said Charter to eradicate all forms of colonialism from Africa, to coordinate and intensify their cooperation and efforts to achieve a better life for the peoples of Africa and to promote international cooperation having due regard to the Charter of the United Nations and the Universal Declaration of Human Rights;³

¹ Came into force on 21 October 1986, i.e., three months after the receipt by the Secretary-General of the Organization of African Unity of the instruments of ratification or adherence of a simple majority of the member States of the Organization, in accordance with article 63 (3):

State	Date of deposit of the instrument of ratification or adherence (a)	State	Date of deposit of the instrument of ratification or adherence (a)
Benin	25 February 1986 (a)	Rwanda	22 July 1983
Burkina Faso	21 September 1984	Saharawi Arab Democratic Republic	23 May 1986
Comoros	18 July 1986 (a)	Senegal	25 October 1982
Congo	17 January 1983	Sierra Leone	27 January 1984
Egypt*	3 April 1984	Somalia	20 March 1986
Gabon	26 June 1986	Sudan	11 March 1986
Gambia	13 June 1983	Togo	22 November 1982
Guinea	13 May 1982	Tunisia	22 April 1983 (a)
Guinea-Bissau	6 March 1986 (a)	Uganda	27 May 1986
Mali	22 January 1982	Tanzania, United Republic of...	9 March 1984
Mauritania	26 June 1986	Zambia*	2 February 1984
Niger	21 July 1986	Zimbabwe	12 June 1986
Nigeria	22 July 1983		

* See p. 291 of this volume for the texts of the reservations and declarations made upon ratification.

Subsequently, the Charter came into force for the following States three months after the date of the deposit of their instruments of ratification or adherence with the Secretary General of the Organization of African Unity, in accordance with article 65:

State	Date of deposit of the instrument of ratification or adherence (a)	State	Date of deposit of the instrument of ratification or adherence (a)
Botswana	22 July 1986 (a)	Algeria	20 March 1987
(With effect from 22 October 1986.)		Libyan Arab Jamahiriya	26 March 1987
Central African Republic	27 July 1986 (a)	(With effect from 26 June 1987.)	
(With effect from 27 October 1986.)		Zaire	28 July 1987
Sao Tome and Principe	28 July 1986 (a)	(With effect from 28 October 1987.)	
(With effect from 28 October 1986.)		Cape Verde	6 August 1987
Equatorial Guinea	18 August 1986	(With effect from 6 November 1987.)	
(With effect from 18 November 1986.)		Liberia	29 December 1987
Chad	11 November 1986	(With effect from 29 March 1988.)	
(With effect from 11 February 1987.)			

² United Nations, *Treaty Series*, vol. 479, p. 39.

³ United Nations, *Official Records of the General Assembly, Third Session, Part 1, p. 71.*

Taking into consideration the virtues of their historical tradition and the values of African civilization which should inspire and characterize their reflection on the concept of human and peoples' rights;

Recognizing on the one hand, that fundamental human rights stem from the attributes of human beings, which justifies their international protection and on the other hand that the reality and respect of peoples' rights should necessarily guarantee human rights;

Considering that the enjoyment of rights and freedoms also implies the performance of duties on the part of everyone;

Convinced that it is henceforth essential to pay a particular attention to the right to development and that civil and political rights cannot be dissociated from economic, social and cultural rights in their conception as well as universality and that the satisfaction of economic, social and cultural rights is a guarantee for the enjoyment of civil and political rights;

Conscious of their duty to achieve the total liberation of Africa, the peoples of which are still struggling for their dignity and genuine independence, and undertaking to eliminate colonialism, neo-colonialism, apartheid, zionism and to dismantle aggressive foreign military bases and all forms of discrimination, particularly those based on race, ethnic group, colour, sex, language, religion or political opinions;

Reaffirming their adherence to the principles of human and peoples' rights and freedoms contained in the declarations, conventions and other instruments adopted by the Organization of African Unity, the Movement of Non-Aligned Countries and the United Nations;

Firmly convinced of their duty to promote and protect human and peoples' rights and freedoms taking into account the importance traditionally attached to these rights and freedoms in Africa;

Have agreed as follows:

PART I. RIGHTS AND DUTIES

CHAPTER I. HUMAN AND PEOPLES' RIGHTS

Article 1

The Member States of the Organization of African Unity parties to the present Charter shall recognize the rights, duties and freedoms enshrined in this Charter and shall undertake to adopt legislative or other measures to give effect to them.

Article 2

Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.

Article 3

1. Every individual shall be equal before the law.
2. Every individual shall be entitled to equal protection of the law.

Article 4

Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.

Article 5

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.

Article 6

Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.

Article 7

1. Every individual shall have the right to have his cause heard. This comprises:

- a) The right to an appeal to competent national organs against acts of violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force;
- b) The right to be presumed innocent until proved guilty by a competent court or tribunal;
- c) The right to defence, including the right to be defended by counsel of his choice;
- d) The right to be tried within a reasonable time by an impartial court or tribunal.

2. No one may be condemned for an act or omission which did not constitute a legally punishable offence at the time it was committed. No penalty may be inflicted for an offence for which no provision was made at the time it was committed. Punishment is personal and can be imposed only on the offender.

Article 8

Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.

Article 9

1. Every individual shall have the right to receive information.
2. Every individual shall have the right to express and disseminate his opinions within the law.

Article 10

1. Every individual shall have the right to free association provided that he abides by the law.

2. Subject to the obligation of solidarity provided for in Article 29 no one may be compelled to join an association.

Article 11

Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.

Article 12

1. Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law.

2. Every individual shall have the right to leave any country including his own, and to return to his country. This right may only be subject to restrictions, provided for by law for the protection of national security, law and order, public health or morality.

3. Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with the laws of those countries and international conventions.

4. A non-national legally admitted in a territory of a State party to the present Charter, may only be expelled from it by virtue of a decision taken in accordance with the law.

5. The mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups.

Article 13

1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.

2. Every citizen shall have the right of equal access to the public service of his country.

3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

Article 14

The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.

Article 15

Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.

Article 16

1. Every individual shall have the right to enjoy the best attainable state of physical and mental health.

2. States parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.

Article 17

1. Every individual shall have the right to education.
2. Every individual may freely take part in the cultural life of his community.
3. The promotion and protection of morals and traditional values recognized by the community shall be the duty of the State.

Article 18

1. The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral.
2. The State shall have the duty to assist the family which is the custodian of morals and traditional values recognized by the community.
3. The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.
4. The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.

Article 19

All peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.

Article 20

1. All peoples shall have right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.
2. Colonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community.
3. All peoples shall have the right to the assistance of the States parties to the present Charter in their liberation struggle against foreign domination, be it political, economic or cultural.

Article 21

1. All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.
2. In case of spoliation the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation.
3. The free disposal of wealth and natural resources shall be exercised without prejudice to the obligation of promoting international economic cooperation based on mutual respect, equitable exchange and the principles of international law.

4. States parties to the present Charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African unity and solidarity.

5. States parties to the present Charter shall undertake to eliminate all forms of foreign economic exploitation particularly that practised by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources.

Article 22

1. All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.

2. States shall have the duty, individually or collectively, to ensure the exercise of the right to development.

Article 23

1. All peoples shall have the right to national and international peace and security. The principles of solidarity and friendly relations implicitly affirmed by the Charter of the United Nations and reaffirmed by that of the Organization of African Unity shall govern relations between States.

2. For the purpose of strengthening peace, solidarity and friendly relations, States parties to the present Charter shall ensure that:

- (a) Any individual enjoying the right of asylum under Article 12 of the present Charter shall not engage in subversive activities against his country of origin or any other State party to the present Charter;
- (b) Their territories shall not be used as bases for subversive or terrorist activities against the people of any other State party to the present Charter.

Article 24

All peoples shall have the right to a general satisfactory environment favourable to their development.

Article 25

States parties to the present Charter shall have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood.

Article 26

States parties to the present Charter shall have the duty to guarantee the independence of the Courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by present Charter.

CHAPTER II. DUTIES

Article 27

1. Every individual shall have duties towards his family and society, the State and other legally recognised communities and the international community.

2. The rights and freedoms of each individual shall be exercised with due regard to the rights of others, collective security, morality and common interest.

Article 28

Every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.

Article 29

The individual shall also have the duty:

1. To preserve the harmonious development of the family and to work for the cohesion and respect of the family; to respect his parents at all times, to maintain them in case of need;

2. To serve his national community by placing his physical and intellectual abilities at its service;

3. Not to compromise the security of the State whose national or resident he is;

4. To preserve and strengthen social and national solidarity, particularly when the latter is threatened;

5. To preserve and strengthen the national independence and the territorial integrity of his country and to contribute to its defence in accordance with the law;

6. To work to the best of his abilities and competence, and to pay taxes imposed by law in the interest of the society;

7. To preserve and strengthen positive African cultural values in his relations with other members of the society, in the spirit of tolerance, dialogue and consultation and, in general, to contribute to the promotion of the moral well being of society;

8. To contribute to the best of his abilities, at all times and at all levels, to the promotion and achievement of African unity.

PART II. MEASURES OF SAFEGUARD

CHAPTER I. ESTABLISHMENT AND ORGANIZATION
OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS*Article 30*

An African Commission on Human and Peoples' Rights, hereinafter called "the Commission", shall be established within the Organization of African Unity to promote human and peoples' rights and ensure their protection in Africa.

Article 31

1. The Commission shall consist of eleven members chosen from amongst African personalities of the highest reputation, known for their high morality, integrity, impartiality and competence in matters of human and peoples' rights; particularly consideration being given to persons having legal experience.

2. The members of the Commission shall serve in their personal capacity.

Article 32

The Commission shall not include more than one national of the same State.

Article 33

The members of the Commission shall be elected by secret ballot by the Assembly of Heads of State and Government, from a list of persons nominated by the States parties to the present Charter.

Article 34

Each State party to the present Charter may not nominate more than two candidates. The candidates must have the nationality of one of the States parties to the present Charter. When two candidates are nominated by a State, one of them may not be a national of that State.

Article 35

1. The Secretary General of the Organization of African Unity shall invite States parties to the present Charter at least four months before the elections to nominate candidates.

2. The Secretary General of the Organization of African Unity shall make an alphabetical list of the persons thus nominated and communicate it to the Heads of State and Government at least one month before the elections.

Article 36

The members of the Commission shall be elected for a six year period and shall be eligible for re-election. However, the term of office of four of the members elected at the first election shall terminate after two years and the term of office of three others, at the end of four years.

Article 37

Immediately after the first election, the Chairman of the Assembly of Heads of State and Government of the Organization of African Unity shall draw lots to decide the names of those members referred to in Article 36.

Article 38

After their election, the members of the Commission shall make a solemn declaration to discharge their duties impartially and faithfully.

Article 39

1. In case of death or resignation of a member of the Commission, the Chairman of the Commission shall immediately inform the Secretary General of the

Organization of African Unity, who shall declare the seat vacant from the date of death or from the date on which the resignation takes effect.

2. If, in the unanimous opinion of other members of the Commission, a member has stopped discharging his duties for any reason other than a temporary absence, the Chairman of the Commission shall inform the Secretary General of the Organization of African Unity, who shall then declare the seat vacant.

3. In each of the cases anticipated above, the Assembly of Heads of State and Government shall replace the member whose seat became vacant for the remaining period of his term unless the period is less than six months.

Article 40

Every member of the Commission shall be in office until the date his successor assumes office.

Article 41

The Secretary General of the Organization of African Unity shall appoint the Secretary of the Commission. He shall also provide the staff and services necessary for the effective discharge of the duties of the Commission. The Organization of African Unity shall bear the cost of the staff and services.

Article 42

1. The Commission shall elect its Chairman and Vice-Chairman for a two-year period. They shall be eligible for re-election.

2. The Commission shall lay down its rules of procedure.

3. Seven members shall form the quorum.

4. In case of an equality of votes, the Chairman shall have a casting vote.

5. The Secretary General may attend the meetings of the Commission. He shall neither participate in deliberations nor shall he be entitled to vote. The Chairman of the Commission may, however, invite him to speak.

Article 43

In discharging their duties, members of the Commission shall enjoy diplomatic privileges and immunities provided for in the General Convention on the Privileges and Immunities of the Organization of African Unity.¹

Article 44

Provision shall be made for the emoluments and allowances of the members of the Commission in the Regular Budget of the Organization of African Unity.

CHAPTER II. MANDATE OF THE COMMISSION

Article 45

The functions of the Commission shall be:

1. To promote Human and Peoples' Rights and in particular:

¹ United Nations, *Treaty Series*, vol. 1000, p. 393.

- a) To collect documents, undertake studies and researches on African problems in the field of human and peoples' rights, organize seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with human and peoples' rights, and should the case arise, give its views or make recommendations to Governments;
- b) To formulate and lay down principles and rules aimed at solving legal problems relating to human and peoples' rights and fundamental freedoms upon which African Governments may base their legislations;
- c) Co-operate with other African and international institutions concerned with the promotion and protection of human and peoples' rights.
 2. Ensure the protection of human and peoples' rights under conditions laid down by the present Charter.
 3. Interpret all the provisions of the present Charter at the request of a State party, an institution of the OAU or an African organization recognized by the OAU.
 4. Perform any other tasks which may be entrusted to it by the Assembly of Heads of State and Government.

CHAPTER III. PROCEDURE OF THE COMMISSION

Article 46

The Commission may resort to any appropriate method of investigation; it may hear from the Secretary-General of the Organization of African Unity or any other person capable of enlightening it.

Communication from States

Article 47

If a State party to the present Charter has good reasons to believe that another State party to this Charter has violated the provisions of the Charter, it may draw, by written communication, the attention of that State to the matter. This communication shall also be addressed to the Secretary-General of the OAU and to the Chairman of the Commission. Within three months of the receipt of the communication, the State to which the communication is addressed shall give the enquiring State, written explanation or statement elucidating the matter. This should include as much as possible relevant information relating to the laws and rules of procedure applied and applicable and the redress already given or course of action available.

Article 48

If within three months from the date on which the original communication is received by the State to which it is addressed, the issue is not settled to the satisfaction of the two States involved through bilateral negotiation or by any other peaceful procedure, either State shall have the right to submit the matter to the Commission through the Chairman and shall notify the other States involved.

Article 49

Notwithstanding the provisions of Article 47, if a State party to the present Charter considers that another State party has violated the provisions of the Charter, it may refer the matter directly to the Commission by addressing a communication to the Chairman, to the Secretary General of the Organization of African Unity and the State concerned.

Article 50

The Commission can only deal with a matter submitted to it after making sure that all local remedies, if they exist, have been exhausted, unless it is obvious to the Commission that the procedure of achieving these remedies would be unduly prolonged.

Article 51

1. The Commission may ask the States concerned to provide it with all relevant information.

2. When the Commission is considering the matter, States concerned may be represented before it and submit written or oral representations.

Article 52

After having obtained from the States concerned and from other sources all the information it deems necessary and after having tried all appropriate means to reach an amicable solution based on the respect of Human and Peoples' Rights, the Commission shall prepare, within a reasonable period of time from the notification referred to in Article 48, a report stating the facts and its findings. This report shall be sent to the States concerned and communicated to the Assembly of Heads of State and Government.

Article 53

While transmitting its report, the Commission may make to the Assembly of Heads of State and Government such recommendations as it deems useful.

Article 54

The Commission shall submit to each Ordinary Session of the Assembly of Heads of State and Government a report on its activities.

Other communications

Article 55

1. Before each Session, the Secretary of the Commission shall make a list of the communications other than those of States parties to the present Charter and transmit them to the Members of the Commission, who shall indicate which communications should be considered by the Commission.

2. A communication shall be considered by the Commission if a simple majority of its members so decide.

Article 56

Communications relating to human and peoples' rights referred to in Article 55 received by the Commission, shall be considered if they:

1. Indicate their authors even if the latter request anonymity;
2. Are compatible with the Charter of the Organization of African Unity or with the present Charter;
3. Are not written in disparaging or insulting language directed against the State concerned and its institutions or to the Organization of African Unity;
4. Are not based exclusively on news disseminated through the mass media;

5. Are sent after exhausting local remedies, if any, unless it is obvious that this procedure is unduly prolonged;

6. Are submitted within a reasonable period from the time local remedies are exhausted or from the date the Commission is seized of the matter; and

7. Do not deal with cases which have been settled by these States involved in accordance with the principles of the Charter of the United Nations, or the Charter of the Organization of African Unity or the provisions of the present Charter.

Article 57

Prior to any substantive consideration, all communications shall be brought to the knowledge of the State concerned by the Chairman of the Commission.

Article 58

1. When it appears after deliberations of the Commission that one or more communications apparently relate to special cases which reveal the existence of a series of serious or massive violations of human and peoples' rights, the Commission shall draw the attention of the Assembly of Heads of State and Government to these special cases.

2. The Assembly of Heads of State and Government may then request the Commission to undertake an in-depth study of these cases and make a factual report, accompanied by its finding and recommendations.

3. A case of emergency duly noticed by the Commission shall be submitted by the latter to the Chairman of the Assembly of Heads of State and Government who may request an in-depth study.

Article 59

1. All measures taken within the provisions of the present Chapter shall remain confidential until such a time as the Assembly of Heads of State and Government shall otherwise decide.

2. However, the report shall be published by the Chairman of the Commission upon the decision of the Assembly of Heads of State and Government.

3. The report on the activities of the Commission shall be published by its Chairman after it has been considered by the Assembly of Heads of State and Government.

CHAPTER IV. APPLICABLE PRINCIPLES

Article 60

The Commission shall draw inspiration from international law on human and peoples' rights, particularly from the provisions of various African instruments on human and peoples' rights, the Charter of the United Nations, the Charter of the Organization of African Unity, the Universal Declaration of Human Rights, other instruments adopted by the United Nations and by African countries in the field of human and peoples' rights as well as from the provisions of various instruments adopted within the Specialised Agencies of the United Nations of which the parties to the present Charter are members.

Article 61

The Commission shall also take into consideration, as subsidiary measures to determine the principles of law, other general or special international conventions, laying down rules expressly recognized by member States of the Organization of African Unity, African practices consistent with international norms on human and peoples' rights, customs generally accepted as law, general principles of law recognized by African States as well as legal precedents and doctrine.

Article 62

Each State party shall undertake to submit every two years, from the date the present Charter comes into force, a report on the legislative or other measures taken with a view to giving effects to the rights and freedoms recognized and guaranteed by the present Charter.

Article 63

1. The present Charter shall be open to signature, ratification or adherence of the member States of the Organization of African Unity.
2. The instruments of ratification or adherence to the present Charter shall be deposited with the Secretary-General of the Organization of African Unity.
3. The present Charter shall come into force three months after the reception by the Secretary General of the instruments of ratification or adherence of a simple majority of the member States of the Organization of African Unity.

PART III. GENERAL PROVISIONS

Article 64

1. After the coming into force of the present Charter, members of the Commission shall be elected in accordance with the relevant Articles of the present Charter.
2. The Secretary General of the Organization of African Unity shall convene the first meeting of the Commission at the Headquarters of the Organization within three months of the constitution of the Commission. Thereafter, the Commission shall be convened by its Chairman whenever necessary but at least once a year.

Article 65

For each of the States that will ratify or adhere to the present Charter after its coming into force, the Charter shall take effect three months after the date of the deposit by that State of its instrument of ratification or adherence.

Article 66

Special protocols or agreements may, if necessary, supplement the provisions of the present Charter.

Article 67

The Secretary General of the Organization of African Unity shall inform member states of the Organization of the deposit of each instrument of ratification or adherence.

Article 68

The present Charter may be amended if a State party makes a written request to that effect to the Secretary-General of the Organization of African Unity. The Assembly of Heads of State and Government may only consider the draft amendment after all the States parties have been duly informed of it and the Commission has given its opinion on it at the request of the sponsoring State. The amendment shall be approved by a simple majority of the States parties. It shall come into force for each State which has accepted it in accordance with its constitutional procedure three months after the Secretary General has received notice of the acceptance.

ADOPTED by the eighteenth Assembly of Heads of State and Government June 1981, Nairobi, Kenya.

- | <i>Country</i>
[Pays] | <i>Signature and Name in Full</i>
[Signatures et noms] |
|--|--|
| 1. République Populaire d'Angola :
[People's Republic of Angola:] | |
| 2. République Populaire du Bénin :
[People's Republic of Benin:] | |
| 3. République du Cap-Vert :
[Republic of Cape Verde:] | [Signed]
S.E. M. CORENTINO VIRGILIO SANTOS
Représentant Permanent
de la République du Cap-Vert
auprès des Nations Unies
[H.E. Mr. CORENTINO VIRGILIO SANTOS
Permanent Representative
of the Republic of Cape Verde
to the United Nations]
31/3/86 |
| 4. République Fédérale Islamique
des Comores :
[Islamic Federal Republic
of the Comoros:] | |
| 5. République Centrafricaine :
[Central African Republic:] | |
| 6. République Populaire du Congo :
[People's Republic of the Congo:] | [Signed]
Camarade MOUDILA NICODÈME
Conseiller à l'Ambassade
de la République Populaire
du Congo en Ethiopie
[Comrade MOUDILA NICODÈME
Counsellor of the Embassy
of the People's Republic of the Congo
in Ethiopia]
27/11/81 |
| 7. République de Guinée Bissau :
[Republic of Guinea-Bissau:] | |

- | <i>Country</i>
[<i>Pays</i>] | <i>Signature and Name in Full</i>
[<i>Signatures et noms</i>] |
|--|--|
| 8. République de Haute-Volta :
[Republic of Upper Volta:] | [<i>Signed</i>]
Son Excellence M. HAMA ARBA
DIALLO
Ministre des Affaires Etrangères
Le 5 mars 1984
[H.E. Mr. HAMA ARBA DIALLO
Minister of Foreign Affairs
5 March 1984] |
| 9. République Démocratique de
Madagascar :
[Democratic Republic of
Madagascar:] | |
| 10. République de Mali :
[Republic of Mali:] | [<i>Signed</i>]
S.E. M. HALIDOU TOURE
Ambassadeur de la [République] du
Mali au Caire
[H.E. Mr. HALIDOU TOURE
Ambassador of the Republic of
Mali in Cairo]
(13.11.81) |
| 11. Royaume du Maroc :
[The Kingdom of Morocco:] | |
| 12. Rép. Islamique de Mauritanie :
[Islamic Rep. of Mauritania:] | [<i>Signed</i>]
S.E. Mr. TAKI OULD SIDI
Ambassadeur de la République
islamique
de Mauritanie à Dakar
(Sénégal)
[H.E. Mr. TAKI OULD SIDI
Ambassador of the Islamic
Republic of Mauritania
in Dakar]
25/2/1982 |
| 13. République de Sao Tomé
et Príncipe :
[Republic of Sao Tome
and Principe:] | |

- | <i>Country</i>
[Pays] | <i>Signature and Name in Full</i>
[Signatures et noms] |
|---|---|
| 14. République du Togo :
[Republic of Togo:] | [Signed]
M. DAMA DRAMANI
Directeur de Cabinet
du Ministre des Affaires Etrangères
et de la Coopération
[Mr. DAMA DRAMANI
Director of the Cabinet Minister
of Foreign Affairs
and of Cooperation]
26/2/82 |
| 15. République de Tunisie :
[Republic of Tunisia:] | |
| 16. République du Tchad :
[Republic of Chad:] | [Signed]
M. SALIM A. TAHA
Chargé d'Affaires
de l'Ambassade du Tchad
en Ethiopie
29 mai 1986
[Mr. SALIM A. TAHA
Chargé d'Affaires
of the Embassy of Chad
in Ethiopia
29 May 1986] |
| 17. République du Burundi :
[Republic of Burundi:] | |
| 18. République Algérienne
Démocratique et Populaire :
[People's Democratic Republic
of Algeria:] | [Signed]
S.E. M. HOCINE MESLOUB
Ambassadeur
de la République Algérienne
Démocratique et Populaire
à Addis Abéba, Ethiopie
10 avr. 1986
[H.E. Mr. HOCINE MESLOUB
Ambassador of the People's
Democratic Republic of Algeria
in Addis Ababa, Ethiopia
10 Apr. 1986] |

- | <i>Country</i>
[Pays] | <i>Signature and Name in Full</i>
[Signatures et noms] |
|---|--|
| 19. République du Cameroun :
[Republic of Cameroon:] | [Illegible]
23 juil. 1987
[23 July 1987] |
| 20. République de Côte-d'Ivoire :
[Republic of Côte-d'Ivoire:] | |
| 21. République de Djibouti :
[Republic of Djibouti:] | |
| 22. République du Gabon :
[Republic of Gabon:] | [Signed]
M. MARTIN BONGO
Ministre d'Etat
Ministre des Affaires Etrangères
[Mr. MARTIN BONGO
State Minister
Minister of Foreign Affairs]
26.2.82 |
| 23. République du Niger :
[Republic of the Niger:] | [Signed]
S.E. M. ABDOURAHAMANE HAMA
Ambassadeur du Niger en Ethiopie
et Représentant Permanent
auprès de l'OUA
09 juil. 1986
[H.E. Mr. ABDOURAHAMANE HAMA
Ambassador of the Niger in Ethiopia
and Permanent Representative
to the OAU
9 July 1986] |
| 24. République du Sénégal :
[Republic of Senegal:] | [Signed]
S.E. M. LATYR KAMARA
Ambassadeur du Sénégal
en Ethiopie
[H.E. Mr. LATYR KAMARA
Ambassador of Senegal
in Ethiopia]
(23/9/81) |

- | <i>Country</i>
[<i>Pays</i>] | <i>Signature and Name in Full</i>
[<i>Signatures et noms</i>] |
|---|--|
| 25. République du Rwanda :
[Republic of Rwanda:] | <p style="text-align: center;">[<i>Signed</i>]</p> <p style="text-align: center;">S.E. M. KABANDA CÉLESTIN
Ambassadeur de la République
Rwandaise en Ethiopie
[H.E. Mr. KABANDA CÉLESTIN
Ambassador of the
Rwandese Republic in Ethiopia]
(11.11.81)¹</p> |
| 26. République Populaire
et Révolutionnaire de Guinée :
[People's Revolutionary Republic
of Guinea:] | <p style="text-align: center;">[<i>Signed</i>]</p> <p style="text-align: center;">S.E. M. MAMADOU BAH
Ambassadeur Extraordinaire
et Plénipotentiaire
de la République Populaire
Rév. de Guinée à Addis-Abéba
[H.E. Mr. MAMADOU BAH
Ambassador Extraordinary
and Plenipotentiary of the People's
Revolutionary Republic
of Guinea in Addis Ababa]
9/12/1981²</p> |
| 27. République Arabe Sahraouie
Démocratique :
[Arab Democratic Sub-Saharan
Republic:] | <p style="text-align: center;">[<i>Signed</i>]</p> <p style="text-align: center;">S.E. M. MOULOUD SAID
Ambassadeur
de la République Arabe
Sahraouie Démocratique
à Addis Abéba, Ethiopie
10 avr. 1986
[H.E. Mr. MOULOUD SAID
Ambassador of the Arab
Democratic Sub-Saharan Republic
in Addis Ababa , Ethiopia
10 Apr. 1986]</p> |

¹ 11 November 1981.² 9 December 1981.

- | <i>Country</i>
[<i>Pays</i>] | <i>Signature and Name in Full</i>
[<i>Signatures et noms</i>] |
|---|--|
| 28. République de Guinée
Equatoriale :
[Republic of Equatorial Guinea:] | <p style="text-align: center;">[<i>Signed</i>]</p> <p style="text-align: center;">S.E. M. EULOGIO OYO RIQUESA
Ambassadeur de la République
de Guinée Equatoriale
en Ethiopie
18 août 1986</p> <p style="text-align: center;">[H.E. Mr. EULOGIO OYO RIQUESA
Ambassador of the Republic
of Equatorial Guinea
in Ethiopia
18 August 1986]</p> |
| 29. République du Zaïre
[Republic of Zaïre:] | <p style="text-align: center;">[<i>Signed</i>]</p> <p style="text-align: center;">S.E. Mme EKILA LIYONDA
Ministre des affaires étrangères
et de la coopération internationale
23 juil. 1987</p> <p style="text-align: center;">[H.E. Mrs. EKILA LIYONDA
Minister of Foreign Affairs
and of International Cooperation
23 July 1987]</p> |
| 30. Republic of Botswana: | |
| 31. Provisional Military Government
of Socialist Ethiopia: | |
| 32. Republic of [the] Gambia: | <p style="text-align: center;">[<i>Signed</i>]</p> <p style="text-align: center;">Hon. LAMIN KITI JABANG
Minister of External Affairs
of the Gambia
(11/2/83)¹</p> |
| 33. The Kingdom of Lesotho: | <p style="text-align: center;">[<i>Signed</i>]</p> <p style="text-align: center;">H.E. Mr. FRANCIS SEABATA
MATHOLOANE
Ambassador Extraordinary
and Plenipotentiary
of the Kingdom of Lesotho
to Kenya
7 March 1984</p> |

¹ 11 February 1983.

- | <i>Country</i>
[Pays] | <i>Signature and Name in Full</i>
[Signatures et noms] |
|---|---|
| 34. The Kingdom of Swaziland: | |
| 35. Republic of Mauritius: | |
| 36. Republic of Mozambique: | |
| 37. Republic of Seychelles: | |
| 38. Republic of Somalia: | [Signed]
J/le FADUMO ISAK BIHI
Director of African Department
Ministry of Foreign Affairs
of the Somali Democratic Republic
26/2/82 |
| 39. Arab Republic of Egypt: | [Signed]
H.E. Mr. MAHMOUD KASSIM
Ambassador of the Arab Republic
of Egypt in Addis Ababa
(16.11.81) |
| 40. Republic of Ghana: | |
| 41. Republic of Kenya: | |
| 42. Republic of Liberia: | [Signed]
H.E. NATHANIEL EASTMAN
Ambassador Extraordinary
and Plenipotentiary
of the Republic of Liberia
to Socialist Ethiopia
31/1/83 |
| 43. Socialist People's Libyan Arab
Jamahiriya: | [Signed]
S.E. M. KHALIFA A. BAZELYA
Secrétaire du Comité
du Bureau Populaire Libyen
[H.E. Mr. KHALIFA A. BAZELYA
Secretary of the Committee
of the Libyan People's Bureau]
30.5.85 |

- | <i>Country</i>
[Pays] | <i>Signature and Name in Full</i>
[Signatures et noms] |
|--|---|
| 44. Republic of Malawi: | |
| 45. Federal Republic of Nigeria: | [Signed]
H.E. Mr. AMPIM DARKU
JIM BLANKSON
Ambassador Extraordinary
and Plenipotentiary
of Nigeria to Socialist Ethiopia
(31/8/82) |
| 46. Republic of Sierra-Leone: | [Signed]
H.E. Mrs. FAMAH JOKA-BANGURA
Ambassador of Sierra Leone
to Ethiopia
(27.8.81) |
| 47. Democratic Republic
of the Sudan: | [Signed]
H.E. Brig. Gen. MIRGHANI SULIMAN
KHALIL
Ambassador Extraordinary
and Plenipotentiary
of Sudan to Socialist Ethiopia
(3/9/82) ¹ |
| 48. United Republic of Tanzania: | [Signed]
H.E. Miss FATUMA TATU NURU
Ambassador Extraordinary
and Plenipotentiary
of the United Republic of Tanzania
to Socialist Ethiopia
(31/5/82) |
| 49. Republic of Uganda: | [Signed]
H.E. Mr. BENJAMIN WILLIAM
KANYONYOZI MATOGO
Uganda's Ambassador
to Socialist Ethiopia
18 août 1986 |

¹ 3 September 1982.

- | <i>Country</i>
[Pays] | <i>Signature and Name in Full</i>
[Signatures et noms] |
|---------------------------|--|
| 50. Republic of Zambia: | [Signed]
H.E. GEORGE CIMPAMPATA
Ambassador Extraordinary
and Plenipotentiary
of [the] Republic of Zambia
to Socialist Ethiopia
17/1/83 |
| 51. Republic of Zimbabwe: | [Signed]
H.E. Dr. T. J. B. JOKONYA
Ambassador of the Republic
of Zimbabwe
to Socialist Ethiopia
20/02/86 |

- | <i>Country</i>
[Pays] | <i>Signature and Name in Full</i>
[Signatures et noms] |
|---|--|
| 1. République Populaire d'Angola : | |
| 2. République Populaire du Bénin : | |
| 3. République du Cap-Vert : | <i>Signé]</i>
S.E. M. CORENTINO VIRGILIO SANTOS
Représentant Permanent
de la République du Cap-Vert
auprès des Nations Unies
31/03/86 |
| 4. République Fédérale Islamique
des Comores : | |
| 5. République Centrafricaine : | |
| 6. République Populaire du Congo : | [<i>Signé]</i>
Camarade MOUDILA NICODÈME
Conseiller à l'Ambassade
de la République Populaire
du Congo en Ethiopie
27/11/81 |
| 7. République de Guinée Bissau : | |
| 8. République de Haute-Volta : | [<i>Signé]</i>
H.E. Mr. HAMA ARBA DIALLO
Minister of Foreign Affairs
of Upper Volta
[S.E. M. HAMA ARBA DIALLO
Ministre des Affaires Etrangères
de Haute-Volta]
5/3/84 ¹ |
| 9. République Démocratique de
Madagascar : | |

¹ 5 mars 1984.

- | <i>Country</i>
[Pays] | <i>Signature and Name in Full</i>
[Signatures et noms] |
|---|--|
| 10. République [du] Mali : | [Signé]
S.E. M. HALIDOU TOURE
Ambassadeur
de la [République] du Mali au Caire
(31.11.81) |
| 11. Royaume du Maroc : | |
| 12. [République] Islamique de
Mauritanie : | [Signé]
S.E. Mr. TAKI OULD SIDI
Ambassadeur
de la République Islamique
de Mauritanie
à Dakar (Sénégal)
25/2/1982 |
| 13. République de Sao Tomé-
et-Principe : | |
| 14. République du Togo : | [Signé]
M. DAMA DRAMANI
Directeur de Cabinet
du Ministre des Affaires Etrangères
et de la Coopération
26/2/82 |
| 15. République de Tunisie : | |
| 16. République du Tchad : | [Signé]
M. SALIM A. TAHA
Chargé d'Affaires
de l'Ambassade du Tchad
en Ethiopie
29 mai 1986 |
| 17. République du Burundi : | |

- | <i>Country</i>
[Pays] | <i>Signature and Name in Full</i>
[Signatures et noms] |
|--|---|
| 18. République Algérienne
Démocratique et Populaire : | [Signé]
S.E. M. HOCINE MESLOUB
Ambassadeur
de la République Algérienne
Démocratique et Populaire
à Addis Abéba (Ethiopie) |
| 19. République du Cameroun : | [Illisible]
23 juil. 1987 |
| 20. République de Côte-d'Ivoire : | |
| 21. République de Djibouti : | |
| 22. République du Gabon : | [Signé]
M. MARTIN BONGO
Ministre d'Etat
Ministre des Affaires Etrangères
26.2.82 |
| 23. République du Niger : | [Signé]
S.E. M. ABDOURAHAMANE HAMA
Ambassador
of the [Republic] of [the] Niger
in Ethiopia
and Permanent Representative
to OAU
[Ambassadeur de la République
du Niger en Ethiopie
et Représentant Permanent
auprès de l'OUA]
09 juil. 1986 |
| 24. République du Sénégal : | [Signé]
S.E. M. LATYR KAMARA
Ambassadeur
du Sénégal en Ethiopie
(23/9/81) |

- | <i>Country</i>
[Pays] | <i>Signature and Name in Full</i>
[Signatures et noms] |
|--|---|
| 25. République du Rwanda : | [Signé]
S.E. M. KABANDA CÉLESTIN
Ambassadeur
de la République Rwandaise en
Ethiopie
(11.11.81) ¹ |
| 26. République Populaire
et Révolutionnaire de Guinée : | [Signé]
S.E. M. MAMADOU BAH
Ambassadeur Extraordinaire
et Plénipotentiaire
de la République Populaire
[Révolutionnaire] de Guinée à
Addis-Abéba
9/12/1981 ² |
| 27. République Arabe Sahraouie
Démocratique : | [Signé]
S.E. MOULOUD SAID
Ambassadeur
de la République Arabe Sahraouie
Démocratique à Addis Abéba
(Ethiopie)
10 avr. 1986 |
| 28. République de Guinée
Equatoriale : | [Signé]
S.E. M. EULOGIO OYO RIQUESA
Ambassadeur
de la République
de Guinée Equatoriale
en Ethiopie
18 août 1986 |
| 29. République du Zaïre | [Signé]
S.E. Mme EKILA LIYONDA
Ministre des affaires étrangères
et de la coopération internationale
23 juil. 1987 |

¹ 11 novembre 1981.² 9 décembre 1981.

- | <i>Country</i>
[Pays] | <i>Signature and Name in Full</i>
[Signatures et noms] |
|---|---|
| 30. Republic of Botswana:
[République du Botswana :] | |
| 31. Provisional Military Government
of Socialist Ethiopia:
[Gouvernement militaire
provisionnel de l'Éthiopie
socialiste :] | |
| 32. Republic of [the] Gambia:
[République de Gambie :] | <p>[Signé]</p> <p>HON. LAMIN KITI JABANG
Minister of External Affairs
of the Gambia
[Ministre des Affaires
Extérieures de Gambie]
(11/2/83)¹</p> |
| 33. The Kingdom of Lesotho:
[Le Royaume du Lesotho :] | <p>[Signé]</p> <p>H.E. Mr. FRANCIS SEABATA
MATHOLOANE
Ambassador Extraordinary
and Plenipotentiary
of the Kingdom of Lesotho
to Kenya
7 March 1984
[S.E. M. FRANCIS SEABATA
MATHOLOANE
Ambassadeur Extraordinaire
et Plénipotentiaire
du Royaume du Lesotho
au Kenya
7 mars 1984]</p> |
| 34. The Kingdom of Swaziland:
[Le Royaume du Swaziland :] | |
| 35. Republic of Mauritius:
[République de Maurice :] | |
| 36. Republic of Mozambique:
[République du Mozambique :] | |

¹ 11 février 1983.

- | <i>Country</i>
[Pays] | <i>Signature and Name in Full</i>
[Signatures et noms] |
|--|---|
| 37. Republic of Seychelles:
[République des Seychelles :] | |
| 38. Republic of Somalia:
[République de Somalie :] | <p>[Signé]</p> <p>J/le FADUMO ISAK BIHI
Director of African Department
Ministry of Foreign Affairs
of the Somali Democratic Republic
[FADUMO ISAK BIHI
Directeur du Département Africain
Ministère des Affaires Etrangères
de la République démocratique
Somalie]
26/2/82</p> |
| 39. Arab Republic of Egypt:
[République arabe d’Egypte :] | <p>[Signé]</p> <p>H.E. Mr. MAHMOUD KASSIM
Ambassador
of the Arab Republic of Egypt
in Addis Ababa
[S.E. M. MAHMOUD KASSIM
Ambassadeur
de la République arabe d’Egypte
à Addis-Abéba]
(16.11.81)</p> |
| 40. Republic of Ghana:
[République du Ghana :] | |
| 41. Republic of Kenya:
[République du Kenya :] | |
| 42. Republic of Liberia:
[République du Libéria :] | <p>[Signé]</p> <p>His Excellency NATHANIEL EASTMAN
Ambassador Extraordinary
and Plenipotentiary
of the Republic of Liberia
to Socialist Ethiopia
[S.E. NATHANIEL EASTMAN
Ambassadeur Extraordinaire
et Plénipotentiaire de la République
du Libéria
en Ethiopie Socialiste]
31/1/83</p> |

- | <i>Country</i>
[Pays] | <i>Signature and Name in Full</i>
[Signatures et noms] |
|---|--|
| 43. Socialist People's Libyan Arab
Jamahiriya:
[Jamahiriya arabe libyenne
populaire et socialiste :] | [Signé]
H.E. M. KHALIFA A. BAZELYA
Secretary of the Committee
of the Libyan People's Bureau
[S.E. M. KHALIFA A. BAZELYA
Secrétaire du Comité du Bureau
du Liban populaire]
30.5.85 |
| 44. Republic of Malawi:
[République du Malawi :] | |
| 45. Federal Republic of Nigeria:
[République Fédérale
du Nigéria :] | [Signé]
H.E. Mr. AMPIM DARKU
JIM BLANKSON
Ambassador Extraordinary
and Plenipotentiary
of Nigeria to Socialist Ethiopia
[S.E. M. AMPIM DARKU
JIM BLANKSON
Ambassadeur Extraordinaire
et Plénipotentiaire du Nigéria
en Ethiopie Socialiste]
(31/8/82) |
| 46. Republic of Sierra-Leone:
[République de Sierra Leone :] | [Signé]
H.E. Mrs. FAMAH JOKA-BANGURA
Ambassador
of Sierra Leone to Ethiopia
[S.E. Mme FAMAH JOKA-BANGURA
Ambassadeur
de Sierra Leone en Ethiopie]
(27.8.81) |

- | <i>Country</i>
[Pays] | <i>Signature and Name in Full</i>
[Signatures et noms] |
|--|---|
| 47. Democratic Republic of the Sudan:
[République démocratique du Soudan :] | <p style="text-align: center;">[Signé]</p> <p>H.E. Brig. Gen. MIRGHANI SULIMAN KHALIL
Ambassador Extraordinary and Plenipotentiary of Sudan to Socialist Ethiopia
[S.E. le Brigadier Général MIRGHANI SULIMAN KHALIL Ambassadeur Extraordinaire et Plénipotentiaire du Soudan en Éthiopie Socialiste]
(3/9/82)¹</p> |
| 48. United Republic of Tanzania:
[République Unie de Tanzanie :] | <p style="text-align: center;">[Signé]</p> <p>H.E. Miss FATUMA TATU NURU
Ambassador Extraordinary and Plenipotentiary of the United Republic of Tanzania to Socialist Ethiopia
[S.E. Mlle FATUMA TATU NURU Ambassadeur Extraordinaire et Plénipotentiaire de la République Unie de Tanzanie en Éthiopie Socialiste]
(31/5/82)</p> |
| 49. Republic of Uganda:
[République d'Ouganda :] | <p style="text-align: center;">[Signé]</p> <p>H.E. Mr. BENJAMIN WILLIAM KANYONYOZI MATOGO
Uganda's Ambassador to Socialist Ethiopia
[S.E. M. BENJAMIN WILLIAM KANYONYOZI MATOGO Ambassadeur d'Ouganda en Éthiopie Socialiste]
18 août 1986</p> |

¹ 3 septembre 1982.

- | <i>Country</i>
[Pays] | <i>Signature and Name in Full</i>
[Signatures et noms] |
|---|--|
| 50. Republic of Zambia:
[République de Zambie :] | [Signé]
H.E. GEORGE CHIMPAMPATA
Ambassador Extraordinary
and Plenipotentiary
of [the] Republic of Zambia
to Socialist Ethiopia
[S.E. GEORGE CHIMPAMPATA
Ambassadeur Extraordinaire
et Plénipotentiaire de la République
de Zambie
en Ethiopie Socialiste]
17/1/83 |
| 51. Republic of Zimbabwe:
[République du Zimbabwe :] | [Signé]
H.E. Dr. T. J. B. JOKONYA
Ambassador
of the Republic of Zimbabwe
to Socialist Ethiopia
[S.E. T. J. B. JOKONYA
Ambassadeur de la République
du Zimbabwe
en Ethiopie Socialiste]
20/02/86 |

RESERVATIONS AND DECLARATIONS MADE UPON RATIFICATION

EGYPT

“... with the following reservations:

... ‘that the application of Article 8 and paragraph 3 of Article 18 should be in the light of Islamic Sharite Law and not to its detriment; and that Egypt interprets the first paragraph of Article 9 as being applicable only to information, the obtaining of which is authorized by Egyptian laws and regulations’.

ZAMBIA

“... subject to the following amendments or reservations:

“(i) Article 13, paragraph 3, should read: ‘Every individual shall have the right of access to any place, services or public property intended for use by the general public.’

“(Explanation: The purpose of this reservation is to exclude any claim for the right to use by all citizens of *all* public property other than as fairly established.)

“(ii) Article 37 should read: ‘Immediately after the first election the Chairman of the Assembly of Heads of State of the Organisation of African Unity shall announce the names of those members referred to in Article 36.’

“(Explanation: This is to avoid calling on the Chairman, who is after all a Head of State, carrying out the rather menial exercise of drawing lots. It being understood that the Secretary-General of the Organization of African Unity would draw such lots).

RÉSERVES ET DÉCLARATIONS FAITES LORS DE LA RATIFICATION

ÉGYPTE

[TRADUCTION — TRANSLATION]

... en émettant les réserves suivantes :

... que l'application de l'article 8 et du paragraphe 3 de l'article 18 devrait se faire à la lumière du droit musulman (la Charia) et non pas à son détriment; et que l'Égypte interprète le premier paragraphe de l'article 9 comme étant applicable uniquement à l'information, à laquelle l'accès est autorisé par les lois et règlements égyptiens.

ZAMBIE

[TRADUCTION — TRANSLATION]

... sans préjudice des modifications ou réserves suivantes :

i) Le paragraphe 3 de l'article 13 devrait se lire comme suit : « Toute personne a le droit d'user des quelconques endroits, services ou biens publics destinés à l'usage du public. »

(Explication. Cette réserve vise à exclure toute prétention, de la part de l'ensemble des citoyens, au droit d'user de *tous* les biens publics autres que ceux raisonnablement stipulés.)

ii) L'article 37 devrait se lire comme suit : « Immédiatement après la première élection, les noms des membres visés à l'article 36 sont annoncés par le Président de la Conférence des chefs d'Etat et de gouvernement de l'Organisation de l'unité africaine. »

(Explication. Ceci doit éviter d'avoir à demander au Président, qui est après tout un chef d'Etat, de procéder à un tirage au sort, tâche quelque peu subalterne. Il est entendu que le Secrétaire général de l'Organisation de l'unité africaine procéderait à un tel tirage au sort.)

“(iii) There should be an extra article which should read: ‘After the establishment of the Commission all members of the O.A.U. not ratifying or adhering to the Charter shall submit reports to the Commission, at appropriate intervals, on the position of their laws and practices in regard to the matters dealt with in the Charter, showing the extent to which effort has been given, or is proposed to be given, to any of the provisions of the Charter by legislation or administrative action and stating the difficulties which prevent or delay ratification or adherence to the Charter.’

“(Explanation: In the interest of early universal ratification of the Charter by the Organization of African Unity Countries and also since all Heads of State of the O.A.U. will together tackle the problems of administering or enforcing the Charter including, where necessary, criticising fellow Heads of State who are proved to have violated the Charter, all members of the O.A.U. should carry some responsibility, under the Charter, for the state of Human and People’s rights in their respective countries).”

iii) Il convient d’insérer un article supplémentaire, qui devrait se lire comme suit : « Une fois établie la Commission, tous les membres de l’OUA qui ne ratifient pas la Charte ou qui n’y adhèrent pas soumettent à la Commission, à des intervalles appropriés, des rapports sur la position de leur législation et de leur jurisprudence vis-à-vis des questions traitées dans la Charte, lesdits rapports indiquant dans quelle mesure il a été donné ou il est proposé de donner suite à l’une quelconque des dispositions de la Charte par le biais de mesures législatives ou administratives, et précisant les problèmes qui empêchent ou retardent la ratification de la Charte ou l’adhésion à ladite Charte. »

(Explication. Dans l’intérêt d’une ratification rapide et générale de la Charte par les pays membres de l’Organisation de l’unité africaine, et dans la mesure où l’ensemble des chefs d’Etat de l’OUA se chargeront ensemble de résoudre les problèmes consistant à administrer ou à faire appliquer la Charte, notamment en critiquant, le cas échéant, les autres chefs d’Etat dont il est établi qu’ils ont enfreint la Charte, l’ensemble des membres de l’OUA devraient être tenus dans une certaine mesure responsables, en vertu de la Charte, de la situation des droits de l’homme et des peuples dans leurs pays respectifs.)

Annex 93

Agreement on the Protection of the Marine Environment and the Coastal Area of the South-East Pacific, 12 November 1981, 1648 UNTS 3

No. 28325

**CHILE, COLOMBIA, ECUADOR,
PANAMA AND PERU**

**Agreement on the protection of the marine environment and
the coastal area of the South-East Pacific. Signed at
Lima on 12 November 1981**

Authentic text: Spanish.

Registered by the Permanent South Pacific Commission on 26 August 1991.

**CHILI, COLOMBIE, ÉQUATEUR,
PANAMA ET PÉROU**

**Convention relative à la protection du milieu marin et du
littoral du Pacifique Sud-Est. Signée à Lima le 12 no-
vembre 1981**

Texte authentique : espagnol.

*Enregistrée par la Commission permanente du Pacifique sud le 26 août
1991.*

[SPANISH TEXT — TEXTE ESPAGNOL]

CONVENIO PARA LA PROTECCIÓN DEL MEDIO AMBIENTE Y LA ZONA COSTERA DEL PACÍFICO SUDESTE

LAS ALTAS PARTES CONTRATANTES

Conscientes de la necesidad de proteger y preservar el medio marino y la zona costera del Pacífico Sudeste contra todos los tipos y fuentes de contaminación;

Convencidas del valor económico, social y cultural del Pacífico Sudeste como medio de vinculación de los países de la región;

Considerando que los diferentes convenios internacionales vigentes en materia de contaminación marina no cubren, a pesar de todo el progreso realizado, todos los tipos y fuentes de contaminación y no satisfacen, totalmente, las necesidades y exigencias de los países de la región;

Reconociendo la conveniencia de cooperar en el plano regional, directamente o utilizando el concurso de la Comisión Permanente del Pacífico Sur o de otras organizaciones internacionales competentes, para proteger y preservar dicho medio marino y zona costera,

HAN ACORDADO EL SIGUIENTE:

CONVENIO PARA LA PROTECCION DEL MEDIO MARINO Y LA ZONA COSTERA DEL PACIFICO SUDESTE

ARTICULO 1

Ambito Geografico

El ámbito de aplicación del presente Convenio será el área marítima y la zona costera del Pacífico Sudeste dentro de la zona marítima

de soberanía y jurisdicción hasta las 200 millas de las Altas Partes Contratantes y más allá de dicha zona, el alta mar hasta una distancia en que la contaminación de ésta pueda afectar a aquélla.

Para los efectos del presente convenio, cada Estado definirá su zona costera.

ARTICULO 2

Definiciones

A los efectos del presente Convenio:

a) Se entiende por "contaminación del medio marino" la introducción por el hombre, directa e indirectamente, de sustancias o de energía en el medio marino (inclusive los estuarios) cuando produzca o pueda producir efectos nocivos tales como daños a los recursos vivos y la vida marina, peligros para la salud humana, obstaculización de las actividades marítimas, incluso la pesca y otros usos legítimos del mar, deterioro de la calidad del agua del mar para su utilización y menoscabo de los lugares de esparcimiento;

b) Por "Autoridad Nacional" se entiende la autoridad designada por cada Parte de conformidad con el artículo 9.

c) Por "Secretaría Ejecutiva" se entiende el organismo indicado en el artículo 13 de este Convenio.

ARTICULO 3

Obligaciones generales

1. Las Altas Partes Contratantes se esforzarán, ya sea individualmente o por medio de la cooperación bilateral o multilateral, en adoptar las medidas apropiadas de acuerdo a las disposiciones del presente Convenio y de los instrumentos complementarios en vigor de los que sean parte, para prevenir, reducir y controlar la contaminación del medio marino y zona costera del Pacífico Sudeste y para asegurar una adecuada gestión ambiental de los recursos naturales.

2. Además del "Acuerdo sobre la Cooperación Regional para el Combate contra la Contaminación del Pacífico Sudeste por Hidrocarburos u otras Sustancias Nocivas en Casos de Emergencia", las Altas Partes Contratantes cooperarán en la elaboración, adopción y aplicación de otros protocolos que establezcan reglas, normas y prácticas y procedimientos para la aplicación de este Convenio.

3. Las Altas Partes Contratantes procurarán que las leyes y reglamentos que expidan para prevenir, reducir y controlar la contaminación de su respectivo medio marino y zona costera, procedente de cualquier fuente, y para promover una adecuada gestión ambiental de éstos, sean tan eficaces como aquellas normas vigentes de carácter internacional.

4. Las Altas Partes Contratantes cooperarán, en el plano regional, directamente o en colaboración con las organizaciones internacionales competentes, en la formulación, adopción y aplicación de reglas, normas y prácticas y procedimientos vigentes para la protección y preservación del medio marino y zona costera del Pacífico Sudeste, contra todos los tipos y fuentes de contaminación, como asimismo para promover una adecuada gestión ambiental de aquellos, teniendo en cuenta las características propias de la región.

Tales reglas, normas y prácticas y procedimientos serán comunicados a la Secretaría Ejecutiva.

5. Las Altas Partes Contratantes adoptarán las medidas necesarias para que las actividades bajo su jurisdicción o control se realicen de tal forma que no causen perjuicios por contaminación a las otras ni a su medio ambiente y que la contaminación causada por incidentes o actividades bajo su jurisdicción o control, dentro de lo posible, no se extienda más allá de las zonas donde las Altas Partes ejercen soberanía y jurisdicción.

ARTICULO 4

Medidas para prevenir, reducir y controlar la
contaminación del medio marino

Las medidas adptadas por las Altas Partes Contratantes para prevenir y controlar la contaminación del medio marino incluirán, entre otras, las destinadas a reducir en el mayor grado posible:

a) Las descargas de sustancias tóxicas, perjudiciales y nocivas, especialmente aquellas que sean persistentes:

- i. Desde fuentes terrestres;
- ii. Desde la atmósfera o a través de ella; y,
- iii. Por vertimiento.

b) La contaminación causada por buques, en particular aquellas para prevenir accidentes, hacer frente a emergencias, garantizar la seguridad de las operaciones en el mar, prevenir descargas intencionales y reglamentar el diseño, la construcción, el equipo, la explotación y la dotación de los buques de acuerdo a las normas y reglas internacionales generalmente aceptadas; y,

c) La contaminación proveniente de todos los otros dispositivos e instalaciones que funcionen en el medio marino, en particular aquellos para prevenir accidentes, hacer frente a emergencias, garantizar la seguridad de las operaciones en el mar y reglamentar el diseño, la construcción, el equipo y la dotación de esas instalaciones o esos dispositivos.

ARTICULO 5

Erosión de la zona costera

Las Altas Partes Contratantes adoptarán todas las medidas apropiadas para prevenir, reducir y controlar la erosión de la zona costera del Pacífico Sudeste, resultante de la actividad del hombre.

ARTICULO 6

Cooperación en casos de contaminación resultante
de situaciones de emergencia

1. Las Altas Partes Contratantes que tengan conocimiento de casos en que el medio marino se halle en peligro de sufrir daños o los haya sufrido ya por contaminación, lo notificarán inmediatamente a las demás Altas Partes Contratantes que a su juicio puedan resultar afectadas por esos daños, como asimismo, a la Secretaría Ejecutiva.

Las Altas Partes Contratantes individualmente, o por medio de la cooperación bilateral o multilateral, se esforzarán todo lo posible para eliminar los efectos de la contaminación y prevenir o reducir al mínimo los daños.

Con este fin, las Altas Partes Contratantes procurarán promover y elaborar en común planes de emergencia para hacer frente a posibles incidentes de contaminación en el medio marino.

2. Las Altas Partes Contratantes enfrentadas a la contaminación resultante de situaciones de emergencia:

a) Realizarán una evaluación de la naturaleza y extensión de la emergencia;

b) Adoptarán las medidas apropiadas tendientes a evitar o reducir los efectos de la contaminación;

c) Informarán de inmediato sobre las acciones adoptadas y respecto de cualquier actividad que estén desarrollando o que tengan la intención de desarrollar para combatir la contaminación;

d) Observarán la situación de emergencia, mientras ésta dure, sus alteraciones y en general la evolución del fenómeno de contaminación.

La información que se obtenga será comunicada a las demás Altas Partes Contratantes y a la Secretaría.

3. Las Altas Partes Contratantes que necesiten asistencia para combatir la contaminación resultante de situaciones de emergencia, podrán solicitar, sea directamente o por intermedio de la Secretaría Ejecutiva, la cooperación de las demás, especialmente de aquellas que puedan verse afectadas por la contaminación.

La cooperación podrá comprender la asesoría de expertos y la disposición de equipos y suministros necesarios para combatir la contaminación.

Las Altas Partes Contratantes requeridas considerarán, a la mayor brevedad, la petición formulada, en la medida de sus posibilidades, e informarán de inmediato a la solicitante sobre la forma, dimensión y condiciones de la cooperación que estén en capacidad de proporcionar.

ARTICULO 7

Vigilancia de la contaminación

Las Altas Partes Contratantes, directamente o en colaboración con las organizaciones internacionales competentes, establecerán programas complementarios o conjuntos de vigilancia de la contaminación de la zona del Pacífico Sudeste, incluidos, en su caso, programas bilaterales o multilaterales, y tratarán de implementar en dicha zona un sistema de vigilancia de la contaminación.

Con tal propósito, las Altas Partes Contratantes designarán las autoridades encargadas de la vigilancia de la contaminación dentro de sus respectivas zonas marítimas de soberanía y jurisdicción y participarán, en la medida que sea factible, en arreglos internacionales para tal efecto en las zonas situadas fuera de los límites de su soberanía y jurisdicción.

ARTICULO 8

Evaluación de las repercusiones en el medio ambiente

1. En el marco de sus políticas de ordenación del medio ambiente, las Altas Partes Contratantes elaborarán directrices técnicas y de otra índole para facilitar la planificación de sus proyectos de desarrollo de manera que se reduzcan al mínimo las repercusiones perjudiciales que éstos puedan tener en el ámbito de aplicación del Convenio.
2. Cada Alta Parte Contratante tratará de incluir en toda actividad de planificación que entrañe la ejecución de proyectos en su territorio, en particular en las zonas costeras, una evaluación de los posibles efectos de tales proyectos en el medio ambiente que puedan ocasionar una contaminación considerable en la zona de aplicación del Convenio u originar en ella transformaciones apreciables y perjudiciales.
3. Las Altas Partes Contratantes, en coordinación con la Secretaría Ejecutiva, elaborarán procedimientos para la difusión de información sobre la evaluación de las actividades a que se refiere el párrafo 2 de este artículo.

ARTICULO 9

Intercambio de información

Las Altas Partes Contratantes se comprometen a intercambiar entre sí y a transmitir a la Secretaría Ejecutiva información sobre los siguientes aspectos:

- a) La organización o autoridades nacionales competentes y responsables de combatir la contaminación marina;
- b) Las autoridades y organismos nacionales competentes para recibir información sobre la contaminación marina y aquéllas encargadas de la operación de programas o medidas de asistencia entre las partes;
- c) Los programas e investigaciones que estén desarrollando para la búsqueda de nuevos métodos y técnicas para evitar la contaminación marina, así como los resultados de éstos.

Las Altas Partes Contratantes coordinarán el uso de los medios de comunicación de que disponen con el objeto de asegurar la oportuna recepción, transmisión y difusión de la información a intercambiar.

ARTICULO 10

Cooperación científica y tecnológica

I. Las Altas Partes Contratantes, en la medida de lo posible, cooperarán directamente, a través de la Secretaría Ejecutiva u otra organización internacional competente, cuando sea el caso, en los campos de la ciencia y de la tecnología e intercambiarán datos y cualquier otra información científica, para los fines del presente Convenio.

Para tal efecto, las Altas Partes Contratantes, directamente o por conducto de la Secretaría Ejecutiva u otra organización internacional competente:

a) Promoverán programas de asistencia científica, educativa, técnica y de otra índole para la protección y preservación del medio marino y la zona costera y para la prevención, la reducción y el control de la contaminación marina. Esta asistencia comprenderá, entre otras cosas:

- i. La formación de personal científico y técnico;
- ii. La participación en los programas internacionales pertinentes;
- iii. La provisión del equipo y los servicios necesarios;
- iv. El mejoramiento de la capacidad de las Altas Partes Contratantes para fabricar tal equipo; y,
- v. La prestación de facilidades y servicios de asesoramiento para los programas de investigación, vigilancia, educación y de otro tipo;

b) Prestarán la asistencia debida para reducir lo más posible los efectos de los hechos o accidentes importantes que puedan causar una grave contaminación del medio marino;

c) Prestarán la asistencia debida con respecto a la preparación de evaluaciones ambientales; y,

d) Cooperarán en el desarrollo de programas para la asistencia debida de la gestión ambiental del medio marino y la zona costera.

2. Las Altas Partes Contratantes se comprometen, en la medida de lo posible, a promover y coordinar sus programas nacionales de investigación sobre todos los tipos de contaminación en el ámbito geográfico de aplicación del presente Convenio y a cooperar en el establecimiento de programas regionales de investigación.

ARTICULO 11

Responsabilidad e indemnizaciones

1. Las Altas Partes Contratantes procurarán formular y adoptar procedimientos apropiados para la determinación de la responsabilidad civil y la indemnización por daños resultantes de la contaminación del medio marino y zona costera ocasionados en sus zonas marítimas y costeras por personas naturales o jurídicas y como consecuencia de cualquier violación por éstas de las disposiciones del presente Convenio y de sus instrumentos complementarios.

2. Las Altas Partes Contratantes garantizarán que sus sistemas jurídicos ofrezcan recursos que permitan la indemnización u otra reparación por los daños causados por la contaminación del medio marino y zona costera por personas naturales o jurídicas que se hallen bajo su jurisdicción.

ARTICULO 12

Reuniones de las Altas Partes Contratantes

Las Altas Partes Contratantes realizarán reuniones ordinarias y extraordinarias.

1. Las reuniones ordinarias se realizarán cada dos años en las mismas oportunidades en que sesione la Reunión Ordinaria de la Comisión

Permanente del Pacífico Sur. Estas reuniones serán convocadas por la Secretaría Ejecutiva.

Las reuniones extraordinarias se realizarán cada vez que circunstancias especiales así lo aconsejen. Serán convocadas por la Secretaría Ejecutiva a petición de alguna Alta Parte Contratante. Podrá hacerlo, asimismo, la propia Secretaría Ejecutiva, previo acuerdo unánime de las Altas Partes Contratantes.

2. En las sesiones ordinarias, las Altas Partes Contratantes analizarán, entre otros, los siguientes aspectos:

a) El grado de cumplimiento del presente Convenio y estudio de la eficacia de las medidas emprendidas, así como la necesidad de desarrollar otro tipo de actividades en cumplimiento de los objetivos del presente Convenio y sus protocolos, incluyendo sus aspectos institucionales y financieros;

b) La adopción de protocolos complementarios, la conveniencia de enmienda o reforma del presente Convenio y dichos instrumentos, así como la modificación o ampliación de las resoluciones que hayan adoptado en virtud de los mismos;

c) La evaluación ambiental efectuada en el ámbito geográfico cubierto por el presente Convenio; y,

d) El desarrollo de cualquier otra función que pueda resultar de beneficio para el cumplimiento de los propósitos del presente Convenio.

ARTICULO 13

Secretaría Ejecutiva del Convenio

Para los efectos de administración y operación del presente Convenio las Altas Partes Contratantes designan a la Comisión Permanente del Pacífico Sur para que desempeñe las funciones de Secretaría Ejecutiva del mismo. Las Altas Partes Contratantes en su primera reunión establecerán la forma y el financiamiento para el desarrollo de esta función.

ARTICULO 14

Informes

Las Altas Partes Contratantes transmitirán a la Secretaría Ejecutiva informes sobre las medidas adoptadas para la aplicación del presente Convenio y de los protocolos complementarios de que sean parte, en la forma y en los plazos establecidos en las reuniones celebradas por las mismas. La Secretaría Ejecutiva pondrá dichos informes en conocimiento de las Altas Partes Contratantes.

ARTICULO 15

Vigencia

Este Convenio entrará en vigor después de sesenta días del depósito en la Secretaría General de la Comisión Permanente del Pacífico Sur del tercer instrumento de ratificación.

ARTICULO 16

Denuncia

El presente Convenio podrá ser denunciado por cualesquiera de las Altas Partes Contratantes después de dos años de su entrada en vigencia para la Alta Parte Contratante que lo denuncie.

La denuncia se efectuará mediante notificación escrita a la Secretaría Ejecutiva, que la comunicará de inmediato a las Altas Partes Contratantes.

La denuncia producirá efecto a los ciento ochenta días de la referida notificación.

ARTICULO 17

Enmiendas al Convenio o a sus Protocolos

1. Cualquiera Alta Parte Contratante del presente Convenio podrá proponer enmiendas a éste o a sus protocolos. Tales enmiendas se

rán adoptadas en una Conferencia de Plenipotenciarios, convocada por la Secretaría Ejecutiva a petición de cualquiera Parte Contratante.

2. Las enmiendas al presente Convenio y a los protocolos serán adoptadas por la unanimidad de las Altas Partes Contratantes.

3. Las enmiendas estarán sujetas a ratificación y entrarán en vigor una vez que se haya depositado el tercer instrumento de ratificación en la Secretaría Ejecutiva.

ARTICULO 18

Adhesión

Este Convenio estará abierto a la adhesión de cualquier Estado ribereño del Pacífico Sudeste. La adhesión se efectuará mediante el depósito del respectivo instrumento en la Secretaría Ejecutiva, que lo comunicará a las Altas Partes Contratantes.

El presente Convenio entrará en vigor para el Estado que adhiera después de sesenta días del depósito del respectivo instrumento.

ARTICULO 19

Adopción de Protocolos

Las Altas Partes Contratantes podrán adoptar por unanimidad, en una Conferencia de Plenipotenciarios, protocolos adicionales al presente Convenio, que entrarán en vigor una vez que se haya depositado el tercer instrumento de ratificación en la Secretaría Ejecutiva.

ARTICULO 20

Disposición general

Las disposiciones del presente Convenio no afectan obligaciones más exigentes asumidas por las Altas Partes Contratantes en virtud de Convenciones y Acuerdos especiales concertados o que concertaren sobre la protección del medio marino.

A petición de cualquiera de las Altas Partes Contratantes, la Secretaría Ejecutiva convocará a una Conferencia de Plenipotenciarios para tal efecto.

Antes de la entrada en vigor del presente Convenio, la Secretaría Ejecutiva podrá, previa consulta a los signatarios del presente Convenio, convocar a una Conferencia de Plenipotenciarios para la adopción de protocolos adicionales.

Hecho en seis ejemplares del mismo tenor, uno de los cuales se depositará en la Secretaría General de la Comisión Permanente del Pacífico Sur, todos igualmente válidos para efectos de su aplicación e interpretación.

En fe de lo cual los Plenipotenciarios, debidamente autorizados por sus respectivos Gobiernos, suscriben el presente Convenio en la ciudad de Lima, a los doce días del mes de noviembre de mil novecientos ochenta y uno.

Por la República
de Colombia:

[Signed — Signé]¹

Por la República
de Ecuador:

[Signed — Signé]³

Por la República
de Chile:

[Signed — Signé]²

Por la República
de Panamá:

[Signed — Signé]⁴

Por la República
de Perú:

[Signed — Signé]⁵

¹ Signed by Manuel Sanz — Signé par Manuel Sanz.

² Signed by José M. Barros — Signé par José M. Barros.

³ Signed by Miguel A. Vasco — Signé par Miguel A. Vasco.

⁴ Signed by Alfredo Arango — Signé par Alfredo Arango.

⁵ Signed by Gustavo Lembcke — Signé par Gustavo Lembcke.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ ON THE PROTECTION OF THE MARINE ENVIRONMENT AND THE COASTAL AREA OF THE SOUTH-EAST PACIFIC

The High Contracting Parties,

Conscious of the need to protect and preserve the marine environment and the coastal area of the South-East Pacific against all types and sources of pollution;

Convinced of the economic, social and cultural value of the South-East Pacific as a means of linking the countries of the region;

Considering that the various international agreements concerning marine pollution which are in force, despite all the progress achieved, do not cover all types and sources of pollution and do not completely satisfy the needs and requirements of the countries of the region;

Recognizing the desirability of cooperating at the regional level, either directly or with the assistance of the Permanent South Pacific Commission or other competent international organizations, in protecting and preserving the aforesaid marine environment and coastal area,

Have agreed as follows:

AGREEMENT ON THE PROTECTION OF THE MARINE ENVIRONMENT
AND THE COASTAL AREA OF THE SOUTH-EAST PACIFIC

Article 1

GEOGRAPHICAL SPHERE

The sphere of application of this Agreement shall be the maritime area and the coastal area of the South-East Pacific within the maritime zone of sovereignty and jurisdiction of the High Contracting Parties up to the 200-mile limit and, beyond that zone, the high seas up to a distance within which pollution of the high seas may affect that area.

¹ Came into force on 19 May 1986, i.e., 60 days after the date of deposit of the third instrument of ratification with the Secretary-General of the Permanent South Pacific Commission, in accordance with article 15:

<i>Participant</i>	<i>Date of deposit of the instrument of ratification</i>
Chile	20 March 1986
Colombia	6 August 1985
Ecuador	26 October 1983

Subsequently, the Agreement came into force in respect of the Participants listed below 60 days after the date on which they deposited their instrument of ratification with the Secretary-General of the Permanent South Pacific Commission, in accordance with article 15.*

<i>Participant</i>	<i>Date of deposit of the instrument of ratification</i>	<i>Date of entry into force</i>
Panama	23 July 1986	21 September 1986
Peru	27 December 1988	25 February 1989

* Information provided by the Secretary-General of the Permanent South Pacific Commission.

For the purposes of this Agreement, each State shall determine its own coastal area.

Article 2

DEFINITIONS

For the purposes of this Agreement:

(a) "Pollution of the marine environment" means the introduction by man, directly or indirectly, of substances or energy into the marine environment (including estuaries) which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities;

(b) "National Authority" means the authority designated by each Party in accordance with article 9;

(c) "Executive Secretariat" means the body specified in article 13 of this Agreement.

Article 3

GENERAL OBLIGATIONS

1. The High Contracting Parties shall endeavour, either individually or through bilateral or multilateral cooperation, to adopt appropriate measures in accordance with the provisions of this Agreement and any supplementary instruments in force to which they are party in order to prevent, reduce and control pollution of the marine environment and coastal area of the South-East Pacific and to ensure appropriate environmental management of natural resources.

2. In addition to the "Agreement on regional cooperation in combating pollution of the South-East Pacific by oil and other harmful substances in cases of emergency",¹ the High Contracting Parties shall cooperate in formulating, adopting and implementing any other protocols that establish rules, standards, practices and procedures for the implementation of this Agreement.

3. The High Contracting Parties shall endeavour to ensure that any laws and regulations they adopt to prevent, reduce and control pollution of their respective marine environments and coastal areas from any source and to promote appropriate environmental management of said environments and areas are as effective as the existing international standards.

4. The High Contracting Parties shall cooperate, on a regional basis, directly or in collaboration with the competent international organizations, in formulating, adopting and implementing effective rules, standards, practices and procedures for the protection and preservation of the marine environment and coastal area of the South-East Pacific against all types and sources of pollution, and in promoting appropriate environmental management of that environment and area, taking into account characteristic regional features.

¹ See p. 35 of this volume.

Such rules, standards, practices and procedures shall be communicated to the Executive Secretariat.

5. The High Contracting Parties shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted as not to cause damage by pollution to other Parties or their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not, as far as possible, spread beyond the areas where the High Contracting Parties exercise sovereignty and jurisdiction.

Article 4

MEASURES TO PREVENT, REDUCE AND CONTROL POLLUTION OF THE MARINE ENVIRONMENT

The measures adopted by the High Contracting Parties to prevent and control pollution of the marine environment shall include, *inter alia*, those designed to minimize to the fullest possible extent:

(a) The release of toxic, harmful or noxious substances, especially those which are persistent:

- (i) From land-based sources;
- (ii) From or through the atmosphere; and
- (iii) By dumping;

(b) Pollution from vessels, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, preventing intentional discharges, and regulating the design, construction, equipment, operation and manning of vessels in accordance with generally accepted international standards and rules; and

(c) Pollution from all other devices and installations operating in the marine environment, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, and regulating the design, construction, equipment, operation and manning of such installations or devices.

Article 5

EROSION OF THE COASTAL AREA

The High Contracting Parties shall adopt all appropriate measure to prevent, reduce and control erosion of the coastal area of the South-East Pacific resulting from the activities of man.

Article 6

COOPERATION IN CASES OF POLLUTION RESULTING FROM EMERGENCY SITUATIONS

1. High Contracting Parties which become aware of cases in which the marine environment is in danger of being damaged or has been damaged by pollution shall immediately notify other High Contracting Parties which they deem likely to be affected by such damage, as well as the Executive Secretariat.

The High Contracting Parties, individually or through bilateral or multilateral cooperation, shall endeavour, to the extent possible, to eliminate the effects of pollution and to prevent or minimize damage.

To this end, the High Contracting Parties shall jointly endeavour to promote and develop contingency plans for responding to pollution incidents that may occur in the marine environment.

2. High Contracting Parties which are affected by pollution resulting from emergency situations shall:

- (a) Assess the nature and extent of the emergency;
- (b) Take appropriate measures to avoid or reduce the effects of the pollution;
- (c) Immediately report on the measures taken and any action which they are taking or intend to take to combat the pollution;
- (d) Observe the emergency situation for as long as it lasts, any changes that may occur and, in general, the development of the pollution.

The information obtained shall be communicated to the other High Contracting Parties and to the Executive Secretariat.

3. High Contracting Parties requiring assistance in combating pollution resulting from emergency situations may request, either directly or through the Executive Secretariat, the cooperation of other Parties, especially those which may be affected by the pollution.

Such cooperation may include expert advice and the provision of equipment and materials necessary to combat the pollution.

The High Contracting Parties to which a request has been addressed shall, as soon as possible, consider the request in accordance with their capabilities and shall immediately inform the requesting Party of the form, extent and conditions of the cooperation they are able to provide.

Article 7

MONITORING OF POLLUTION

The High Contracting Parties, directly or in collaboration with the competent international organizations, shall establish complementary or joint programmes for monitoring pollution in the South-East Pacific area, including, where appropriate, bilateral or multilateral programmes, and shall endeavour to implement a pollution monitoring system for that area.

To this end, the High Contracting Parties shall designate the authorities responsible for monitoring pollution within their respective maritime areas of sovereignty and jurisdiction and shall participate, to the extent feasible, in international arrangements for that purpose in areas situated outside the limits of their sovereignty and jurisdiction.

Article 8

ENVIRONMENTAL IMPACT ASSESSMENT

1. As part of their environmental management policies, the High Contracting Parties shall develop technical and other guidelines to facilitate the planning of their

development projects in such a way as to minimize their harmful impact in the sphere of application of the Agreement.

2. Each High Contracting Party shall, in any planning activity involving execution of projects within its territory, particularly in the coastal areas, endeavour to include an assessment of the potential environmental effects of such projects that may cause substantial pollution of, or significant and harmful changes to, the sphere of application of the Agreement.

3. The High Contracting Parties shall, in cooperation with the Executive Secretariat, develop procedures for the dissemination of information concerning the assessment of the activities referred to in paragraph 2 of this article.

Article 9

EXCHANGE OF INFORMATION

The High Contracting Parties undertake to exchange among themselves, and to transmit to the Executive Secretariat, information on the following:

(a) The competent national organization or authorities responsible for combating marine pollution;

(b) The competent national authorities and bodies responsible for receiving information on marine pollution and for carrying out programmes or measures of assistance among the Parties; and

(c) Any programmes and research which they are conducting in order to develop new methods and techniques for preventing marine pollution as well as the results thereof.

The High Contracting Parties shall coordinate the utilization of the means of communication at their disposal in order to ensure the timely reception, transmission and dissemination of the information to be exchanged.

Article 10

SCIENTIFIC AND TECHNOLOGICAL COOPERATION

1. The High Contracting Parties shall, to the extent possible, cooperate directly, or through the Executive Secretariat or another competent international organization, as appropriate, in the fields of science and technology, and shall exchange data and any other specific information for the purposes of this Agreement.

To this end, the High Contracting Parties shall, directly or through the Executive Secretariat or another competent international organization:

(a) Promote programmes of scientific, educational, technical and other assistance for the protection and preservation of the marine environment and the coastal area, and for the prevention, reduction and control of marine pollution. Such assistance shall include, *inter alia*:

- (i) Training of scientific and technical personnel;
- (ii) Participation in relevant international programmes;
- (iii) Supplying necessary equipment and facilities;

- (iv) Enhancing the capacity of the High Contracting Parties to manufacture such equipment; and
 - (v) Providing facilities for, and advice on, research, monitoring, educational and other programmes;
 - (b) Provide appropriate assistance to minimize the effects of major incidents or accidents which may cause serious pollution of the marine environment;
 - (c) Provide appropriate assistance in the preparation of environmental assessments; and
 - (d) Cooperate in developing programmes for appropriate assistance in the environmental management of the marine environment and the coastal area.
2. The High Contracting Parties undertake, to the extent possible, to promote and coordinate their national research programmes on all the types of pollution within the geographical sphere of application of this Agreement, and to cooperate in the establishment of regional research programmes.

Article 11

RESPONSIBILITY AND LIABILITY AND COMPENSATION

1. The High Contracting Parties shall endeavour to formulate and adopt appropriate procedures for determining civil liability and compensation for damage resulting from pollution of the marine environment and coastal area caused by natural or juridical persons in their maritime and coastal areas as a consequence of any infringement by such persons of the provisions of this Agreement and its supplementary instruments.
2. The High Contracting Parties shall ensure that recourse is available in accordance with their legal systems for compensation or other relief in respect of damage caused by pollution of the marine environment and coastal area by natural or juridical persons under their jurisdiction.

Article 12

MEETINGS OF THE HIGH CONTRACTING PARTIES

The High Contracting Parties shall hold ordinary and extraordinary meetings.

1. Ordinary Meetings shall be held every two years on the same occasion as the Ordinary Meeting of the Permanent South Pacific Commission. These Meetings shall be convened by the Executive Secretariat.

Extraordinary Meetings shall be held whenever special circumstances so warrant. They shall be convened by the Executive Secretariat at the request of any High Contracting Party. They may also be convened on the initiative of the Executive Secretariat with prior agreement of all High Contracting Parties.

2. At Ordinary Meetings, the High Contracting Parties shall examine, *inter alia*, the following:

(a) The extent to which this Agreement is being implemented, the effectiveness of the measures taken and the need to develop other kinds of activities in

furtherance of the objectives of this Agreement and the protocols thereto, including their institutional and financial aspects;

(b) The adoption of additional protocols, the advisability of amending or revising this Agreement and the protocols thereto, and the modification or expansion of any resolution adopted pursuant to the provisions of the Agreement and protocols;

(c) The environmental assessment undertaken in the geographical sphere covered by this Agreement; and

(d) The performance of any other function which may assist in achieving the purposes of this Agreement.

Article 13

EXECUTIVE SECRETARIAT OF THE AGREEMENT

For the purposes of the administration and application of this Agreement, the High Contracting Parties hereby designate the Permanent South Pacific Commission to serve as Executive Secretariat under the Agreement. At their first meeting, the High Contracting Parties shall establish the procedures and financing for the performance of this function.

Article 14

REPORTS

The High Contracting Parties shall transmit to the Executive Secretariat reports on the measures adopted for the implementation of this Agreement and any additional protocols to which they are party, in such form and at such intervals as are determined at their Meetings. The Executive Secretariat shall bring these reports to the attention of the High Contracting Parties.

Article 15

ENTRY INTO FORCE

This Agreement shall enter into force 60 days after the deposit of the third instrument of ratification with the General Secretariat of the Permanent South Pacific Commission.

Article 16

DENUNCIATION

This Agreement may be denounced by any High Contracting Party after it has been in force two years for the High Contracting Party denouncing it.

Such denunciation shall be effected by means of written notification to the Executive Secretariat, which shall communicate it forthwith to the High Contracting Parties.

The denunciation shall take effect 180 days after the date of such notification.

Article 17

AMENDMENTS TO THE AGREEMENT OR ITS PROTOCOLS

1. Any High Contracting Party may propose amendments to this Agreement or to its protocols. Such amendments shall be adopted at a Conference of Plenipotentiaries convened by the Executive Secretariat at the request of any Contracting Party.

2. Amendments to this Agreement and the protocols shall be adopted unanimously by the High Contracting Parties.

3. The amendments shall be subject to ratification and shall enter into force after the deposit of the third instrument of ratification with the Executive Secretariat.

Article 18

ACCESSION

This Agreement shall be open for accession by any State bordering the South-East Pacific. Accession shall be effected by the deposit of the relevant instrument with the Executive Secretariat, which shall communicate it to the High Contracting Parties.

This Agreement shall enter into force for the State acceding to it 60 days after the deposit of the relevant instrument.

Article 19

ADOPTION OF PROTOCOLS

The High Contracting Parties may, at a Conference of Plenipotentiaries, unanimously adopt additional protocols to this Agreement, which shall enter into force after the deposit of the third instrument of ratification with the Executive Secretariat.

Article 20

GENERAL PROVISION

The provisions of this Agreement shall not affect more stringent obligations which have been assumed by the High Contracting Parties under special conventions and agreements that they have concluded or may conclude on the protection of the marine environment.

At the request of any High Contracting Party, the Executive Secretariat shall convene a Conference of Plenipotentiaries for this purpose.

Before the entry into force of this Agreement, the Executive Secretariat may, after consultation with the signatories to the Agreement, convene a Conference of Plenipotentiaries for the adoption of additional protocols.

DONE in six identical copies, one of which shall be deposited with the General Secretariat of the Permanent South Pacific Commission, all being equally authentic for the purposes of implementation and interpretation.

IN WITNESS WHEREOF the Plenipotentiaries, being duly authorized by their respective Governments, have signed this Agreement in the city of Lima on 12 November 1981.

For the Republic
of Colombia:

[MANUEL SANZ]

For the Republic
of Ecuador:

[MIGUEL A. VASCO]

For the Republic
of Chile:

[JOSE M. BARROS]

For the Republic of
Panama:

[ALFREDO ARANGO]

For the Republic
of Peru:

[GUSTAVO LEMBCKE]

Annex 94

The Regional Convention for the Conservation of the Red Sea and Gulf of Aden
Environment, 14 February 1982

REGIONAL CONVENTION FOR THE CONSERVATION OF THE RED SEA AND GULF OF ADEN ENVIRONMENT.

ENTRY INTO FORCE: 20 August 1985
[note: "degree" symbols replaced by 'd*']

The Governments of:

the Democratic Republic of the Sudan,
the Hashemite Kingdom of Jordan,
the Kingdom of Saudi Arabia,
Palestine represented by the Palestine Liberation Organization,
the People's Democratic Republic of Yemen,
the Somali Democratic Republic,
the Yemen Arab Republic,

Realizing that pollution of the marine environment in the waters of the Red Sea and Gulf of Aden by oil and other harmful or noxious materials arising from human activities on land or at sea, especially through indiscriminate and uncontrolled discharge of these substances, presents a growing threat to marine life, fisheries, human health, recreational uses of beaches and other amenities,

Mindful of the special hydrographic and ecological characteristics of the marine environment of the Red Sea and Gulf of Aden and the particular vulnerability of its coral reefs where most biota exist,

Conscious of the need to ensure that the processes of urban and rural development and resultant land use should be carried out in such a manner as to preserve, as far as possible, marine resources and coastal amenities, and that such development should not lead to deterioration of the marine environment,

Convinced of the need to ensure that the processes of industrial development should not, in any way, cause damage to the marine environment, jeopardize its living resources or create hazards to human health,

Recognizing the need to develop an integrated management approach to the use of the marine environment and the coastal areas which will allow the achievement of environmental and development goals in a harmonious manner,

Recognizing also the need for a carefully planned research, monitoring and assessment programme in view of the scarcity of scientific information on marine pollution in the region,

Considering that the States of the Red Sea and Gulf of Aden have a special responsibility to protect the marine environment of the region,

Aware of the importance of co-operation and coordination of action on a regional basis with the aim of protecting the marine environment of the Red Sea and Gulf of Aden for the benefit of all concerned, including future generations,

Bearing in mind the existing international conventions relevant to the present Convention,

Aiming to fulfil the objectives of the Charter of the League of Arab States, and the Charter and Constitution of the Arab League Educational, Cultural and Scientific Organization,

Have agreed as follows:

Article I DEFINITIONS

For the purposes of this Convention and its Protocols, the following terms and expressions have the meanings indicated below, except when otherwise inferred from the text:

1. "Conservation" of the marine environment of the Red Sea and Gulf of Aden: Rational use by man of living and non-living marine and coastal resources in a manner ensuring optimum benefit for the present generation while maintaining the potential of that environment to satisfy the needs and aspirations of future generations. Such a definition of the term "conservation" should be construed as including conservation protection, maintenance, sustainable and renewable utilization, and enhancement of the environment.
2. "Sea Area": Sea Area as defined in article II of this Convention.
3. "Marine pollution": Introduction by man, directly or indirectly, of substances or energy into the marine environment which results or is likely to result 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.
4. "Ships and aircraft": Any waterborne or airborne or amphibious craft of any type whatsoever, including hydrofoil boats, air cushion vehicles submersibles, floating craft whether self-propelled or not, and fixed or floating platforms and any other structure.
5. "Oil": Petroleum in any form including crude oil, fuel oil, sludge, refined oil, gases and other oil products, whose introduction might impair the marine environment.
6. "Harmful substance": Any substance whose introduction or presence in the marine environment causes a danger threatening or impairing that environment.
7. "National Authority": The authority designated by each Contracting Party as responsible for the coordination of national efforts for implementing this Convention and its protocols.
8. "ALECSO": The Arab League Educational Cultural and Scientific Organization.
9. "Organization": The Regional Organization for the Conservation of the Red Sea and Gulf of Aden Environment established in accordance with article XVI of this Convention.
10. "Council": The Council established in accordance with article XVI of this Convention.
11. "General Secretariat": The organ of the Organization established in accordance with article XVI of this Convention.

12. "Action Plan": The Action Plan for the Conservation of the Marine Environment and Coastal Areas of the Red Sea and Gulf of Aden.

Article II GEOGRAPHICAL COVERAGE

The present Convention shall apply to the entire sea area, taking into account integrated ecosystems of the Red Sea, Gulf of Aqaba, Gulf of Suez, Suez Canal to its end on the Mediterranean, and the Gulf of Aden as bounded by the following rhumb lines:

1. From Ras Dharbat Ali (lat. 16d*39' N, long. 53d*03.5' E), thence to a point (lat. 16d*00' N, long. 53d*25' E), thence to a point (lat. 12d*40' N, long. 55d*00' E) lying ENE of Socotra Island, thence to Ras Hafun (lat. 10d*26' N, long. 51d*25' E).
2. Any Contracting Party may request the Organization to include areas within that Party's national jurisdiction and lying adjacent to those described in paragraph 1 above within the area of application of this Convention or for the purposes of activities resulting therefrom.
3. The geographical coverage does not include internal waters of the Contracting Parties unless otherwise stated in this Convention or any of its protocols.

Article III GENERAL OBLIGATIONS

1. The Contracting Parties shall, individually or jointly, take all appropriate measures, in accordance with the present Convention and those protocols in force to which they are party, for the conservation of the Red Sea and Gulf of Aden environment including the prevention, abatement and combating of marine pollution.
2. In addition to the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency, the Contracting Parties shall co-operate in the formulation and adoption of other protocols prescribing agreed measures, procedures and standards for the implementation of this Convention.
3. The Contracting Parties shall establish national standards, laws and regulations as required for the effective discharge of the obligation prescribed in paragraph 1 of this article, and shall endeavour to harmonize their national policies in this regard and for this purpose appoint the National Authority.
4. The Contracting Parties shall co-operate with the competent international, regional and sub-regional organizations to establish and adopt regional standards, recommended practices and procedures for the conservation of the Red Sea and Gulf of Aden environment, including the prevention, abatement and combating of pollution from all sources in conformity with the objectives of the present Convention, and to assist each other in fulfilling their obligations under the present Convention.
5. The Contracting Parties shall use their best endeavours to ensure that the implementation of the present Convention shall not cause transformation of one type or form of pollution to another which could be more detrimental to the environment.

Article IV

POLLUTION FROM SHIPS

The Contracting Parties shall take all appropriate measures in conformity with the present Convention and with generally recognized international rules to prevent, abate and combat pollution in the Sea Area caused by intentional or accidental discharges from ships and shall ensure effective compliance in the Sea Area with generally recognized international rules relating to the control of this type of pollution including load-on-top, segregated ballast and crude oil washing procedures for tankers.

Article V

POLLUTION CAUSED BY DUMPING FROM SHIPS AND AIRCRAFT

The Contracting Parties shall take all appropriate measures to prevent, abate and combat pollution in the Sea Area caused by dumping of wastes and other matter from ships and aircraft, and shall ensure effective compliance in the Sea Area with generally recognized international rules relating to the control of this type of pollution as provided for in relevant international conventions.

Article VI

POLLUTION FROM LAND-BASED SOURCES

The Contracting Parties shall take all appropriate measures to prevent, abate and combat pollution caused by discharges from land reaching internal waters and the Sea Area whether water-borne, airborne or directly from the coast including outfalls and pipelines.

Article VII

POLLUTION RESULTING FROM EXPLORATION AND EXPLOITATION OF THE BED OF THE TERRITORIAL SEA, THE CONTINENTAL SHELF AND THE SUB-SOIL THEREOF

The Contracting Parties shall take all appropriate measures to prevent, abate and combat pollution in the Sea Area resulting from exploration and exploitation of the bed of the territorial sea, the continental shelf and the sub-soil thereof, including the prevention of accidents and the combating of pollution emergencies resulting in damage to the marine environment.

Article VIII

POLLUTION FROM OTHER HUMAN ACTIVITIES

The Contracting Parties shall take all appropriate measures to prevent, abate and combat pollution in the Sea Area resulting from land reclamation (and associated suction dredging and coastal dredging) or resulting from estuarine or river dredging or from other human activities.

Article IX

CO-OPERATION IN DEALING WITH POLLUTION EMERGENCIES

1. The Contracting Parties shall, individually or jointly, take all necessary measures, including those to ensure that adequate equipment and qualified personnel are readily available, to deal with pollution emergencies in the Sea Area, whatever the cause of such emergencies, and to reduce or eliminate damage resulting therefrom.

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

3. The Contracting Parties shall co-ordinate their national plans for combating pollution in the marine environment by oil and other harmful substances in a manner that facilitates full co-operation in dealing with pollution emergencies.

Article X SCIENTIFIC AND TECHNOLOGICAL CO-OPERATION

1. The Contracting Parties shall co-operate directly, or through competent international and regional organizations, in the fields of scientific research, monitoring, assessment and combating of pollution in the Sea Area, and shall exchange data as well as other scientific information for the purpose of the present Convention, its protocols and the action plan.

2. The Contracting Parties shall co-operate further to develop and co-ordinate national monitoring and research programmes concerning all types of pollution and pollution combating, as well as studies and research on the marine environment. They shall co-operate further to develop and co-ordinate necessary supporting programmes, such as marine-meteorology programmes, and to establish, in cooperation with competent regional or international organizations, a regional network of such programmes to ensure compatible results. For this purpose, each Contracting Party shall designate the National Authority responsible for environmental research and monitoring and for marine meteorological monitoring within the areas under its national jurisdiction.

3. The Organization and ALECSO shall cooperate in matters of common interest for the purpose of mutual co-ordination and exchange of technical assistance, information and documents.

Article XI ASSESSMENT AND MANAGEMENT OF THE ENVIRONMENT

1. Each Contracting Party shall give due consideration to marine environmental effects when planning or executing projects, including an assessment of potential environmental effects, particularly in the coastal areas.

2. The Contracting Parties may, in consultation with the General Secretariat, develop procedures for dissemination of information on the assessment of the activities referred to in paragraph 1 of this article.

3. The Contracting Parties undertake to develop, individually or jointly environmental standards technical and other guidelines in accordance with standard scientific practice to assist the planning and execution of their projects in such a way as to minimize their harmful impact on the marine environment. In this regard international standards may be used where appropriate.

Article XII TECHNICAL AND OTHER ASSISTANCE

The Contracting Parties shall co-operate, directly or through competent regional or international organizations, in the development of programmes of technical and other

assistance, in fields relating to the marine environment and its conservation in coordination with the Organization.

Article XIII LIABILITY AND COMPENSATION

The Contracting Parties undertake to co-operate in the formulation and adoption of appropriate rules and procedures for the determination of:

1. Civil liability and compensation for damage resulting from pollution of the marine environment bearing in mind applicable international rules and procedures relating to those matters; and
2. Liability and compensation for damage resulting from violation of obligations under the present Convention and its protocols.

Article XIV SOVEREIGN IMMUNITY

1. Warships and other ships owned or operated by a State, and used only on government non-commercial service, shall be exempted from the application of the provisions of the present Convention.
2. Subject to paragraph 1 above, each Contracting Party shall, as far as possible, ensure that its warships or other ships owned or operated by that Party, and used only on government non-commercial service, shall comply with the provisions of the present Convention.

Article XV DISCLAIMER

Nothing in the present Convention shall prejudice or affect the rights or claims of any Contracting Party with regard to the nature or extent of its maritime jurisdiction which may be established in conformity with international law.

Article XVI REGIONAL ORGANIZATION FOR THE CONSERVATION OF THE RED SEA AND GULF OF ADEN ENVIRONMENT

1. A Regional Organization for the Conservation of the Red Sea and Gulf of Aden Environment, the permanent headquarters of which shall be located in Jeddah, Saudi Arabia, is hereby established.
2. The Organization shall consist of the following organs:
 - (a) A Council comprised of a representative of each Contracting Party;
 - (b) A General Secretariat;
 - (c) A Committee for the Settlement of Disputes whose composition, terms of reference and rules of procedure shall be decided by the Council.

3. The Organization shall enjoy, in the territory of each Contracting Party, all legal qualifications necessary for the discharge of its duties and the performance of all activities concerned with the achievement of its aims.

Article XVII THE COUNCIL

1. (a) Membership of the Council shall be made up of the Contracting Parties, each Contracting Party having one vote in the meetings of the Council.

(b) Meetings of the Council shall be attended by the Director General of ALECSO or his delegate.

2. The Council shall hold one ordinary meeting every year, and may hold extraordinary meetings in accordance with its rules of procedure. Meetings shall be convened at the headquarters of the Organization or at any place as prescribed by its internal regulations or by the Council. The Chairmanship of the Council shall be given to each Contracting Party, in turn, in the Arabic alphabetical order starting with the Depositary State. The term of office of the Chairman shall be one year.

3. Two thirds of the Council membership shall constitute a quorum for its meetings.

4. The voting procedure in the Council shall be as follows:

(a) Decisions on important matters shall be taken by a unanimous vote of the Contracting Parties present and voting;

(b) Decisions on procedural matters shall be taken by a two-thirds majority vote of the Contracting Parties present and voting.

Article XVIII DUTIES AND FUNCTIONS OF THE COUNCIL

The Council shall have the duties and functions necessary to achieve the objectives of this Convention and its protocols, and in particular:

(a) To adopt its internal regulations;

(b) To keep under review the implementation of the Convention and its protocols, and the action plan adopted for the achievement of the purposes of this Convention and its protocols;

(c) To make recommendations regarding the adoption of any additional protocols or any amendments to the Convention or to its protocols;

(d) To adopt, review and amend, as required, the annexes to this Convention and to its protocols;

(e) To adopt and conclude agreements with States or with organizations with similar purposes or interests within the aims of this Convention and for the achievement of its purposes and which the Council deems necessary for the discharge of its duties;

(f) To review and evaluate the state of the marine environment and coastal areas on the basis of reports provided by the Contracting Parties, or by the international organizations concerned;

(g) To establish subsidiary bodies and ad hoc working groups, as required, to consider any matters related to this Convention and its protocols or related to the annexes of this Convention and its protocols or related to the action plan;

(h) To consider reports submitted by the Contracting Parties and reports prepared by the General Secretariat on questions relating to the Convention and to matters relevant to the administration of the Organization and to decide upon them;

(i) To endeavour to settle any differences or disputes between the Contracting Parties as to the interpretation or implementation of this Convention or its protocols or annexes;

(j) To appoint the Secretary General;

(k) To adopt and issue its rules of procedure, administrative and financial regulations guided by the constitution and regulations of ALECSO. The Council may adopt or amend any other regulations necessary for the discharge of its duties;

(l) To adopt the financial rules which determine, in particular, the contributions of the Contracting Parties;

(m) To adopt the financial budget of the Organization;

(n) To adopt the projects and budgets for the Organization activities;

(o) To approve a report on the work and activities of the Organization to be submitted for information to the ALECSO General Conference;

(p) To define and develop relations between the Organization and Arab organizations or bodies;

(q) To perform any additional functions necessary for the achievement of the purposes of this Convention and its protocols or which the Council deems necessary for the discharge of its duties.

Article XIX THE GENERAL SECRETARIAT

1. The Secretary General shall head the General Secretariat and perform the functions necessary for the management of the Convention and its protocols, annexes, the action plan and the work of the General Secretariat;

2. The General Secretariat shall have the duties and powers necessary to achieve the purposes of this Convention and its protocols and to execute the action plan, according to decisions of the Council, and in particular:

(a) To prepare for and convene the meetings of the Council and its subsidiary bodies and ad hoc working groups;

(b) To transmit to the Contracting Parties notifications, reports and other information received;

(c) To consider inquiries by, and information from, the Contracting Parties and to consult with them on questions relating to this Convention and its protocols, annexes and the action plan;

(d) To prepare and submit reports on matters relating to this Convention, its protocols, annexes and the action plan or relating to the administration of the Organization;

(e) To establish, maintain and disseminate an up-to-date collection of national laws concerning the conservation of the marine environment of all Contracting Parties;

(f) To provide technical assistance and advice for the drafting of appropriate national legislation for the effective implementation of this Convention and its protocols;

(g) To organize and co-ordinate training programmes in areas related to the implementation of this Convention, its protocols and the action plan;

(h) To perform such other functions as may be assigned to it by the Council for the implementation of this Convention, its protocols and the action plan.

Article XX

BUDGET AND FINANCIAL RESOURCES OF THE ORGANIZATION

1. The Organization shall have its own budget.

2. The financial resources of the Organization shall consist of:

- (a) Contributions by the Contracting Parties;
- (b) ALECSO contribution;
- (c) Other contributions accepted by the Council.

3. Reports on the budget of the Organization shall be transmitted to the ALECSO General Conference for information.

Article XXI

ADOPTION AND AMENDMENTS OF THE CONVENTION AND ITS PROTOCOLS

The Council, or any Contracting Party may propose amendments to this Convention, its protocols or annexes. Amendments of importance shall be adopted by a unanimous vote of the Contracting Parties. Other amendments shall be adopted by a two-thirds majority. Any matter is considered important if so requested by one Contracting Party. Amendments shall enter into force when adopted by the Contracting Parties in accordance with articles XXVI and XXVII of this Convention.

Article XXII

REPORTS

Each Contracting Party shall submit to the General Secretariat reports on measures taken for the implementation of this Convention and its protocols, in such form and at such intervals as may be determined by the Council.

Article XXIII
COMPLIANCE CONTROL

The Contracting Parties shall co-operate in the development and implementation of procedures for the effective application of the Convention and its protocols, including detection of violations, using all appropriate and practicable measures of detection and environmental monitoring, including adequate procedures for reporting and accumulation of evidence.

Article XXIV
SETTLEMENT OF DISPUTES

1. In case of a dispute as to the interpretation or application of this Convention, its protocols or its annexes, the Contracting Parties concerned shall seek a settlement of the dispute through amicable means.
2. If the Contracting Parties concerned cannot settle the dispute, the matter shall be referred to the Council for its consideration.
3. If the Council does not reach a settlement of the dispute, it shall be submitted to the Committee for the Settlement of Disputes referred to in paragraph 2(c) of article XVI of this Convention.

Article XXV
SIGNATURE

The present Convention together with the attached Protocol shall be open for signature in Jeddah by Governments of the States of the Red Sea and Gulf of Aden invited to the Jeddah Regional Conference of Plenipotentiaries on the Conservation of the Marine Environment and Coastal Areas in the Red Sea and Gulf of Aden convened from 19 to 21 Rabie Althani A.H. 1402, corresponding to 13 to 15 February 1982.

Article XXVI
RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION

1. The present Convention together with the attached Protocol shall be subject to ratification, acceptance, approval or accession by the States referred to in article XXV of this Convention. Any Contracting Party which has ratified, accepted, approved or acceded to the present Convention shall be considered as having ratified, accepted, approved or acceded to the attached Protocol.
2. Any State member of the Arab League has the right to accede to the present Convention and its protocols.

Article XXVII
ENTRY INTO FORCE

1. The present Convention and the attached Protocol shall enter into force on the ninetieth day following the date of deposit of at least four instruments of ratification, acceptance or approval of, or accession to, the Convention.
2. Any other 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 four instruments of ratification acceptance or approval of, or accession to such protocol.

3. This Convention or any such protocol shall enter into force with respect to any Contracting Party on the thirtieth day following the date of deposit by that Contracting Party of its instrument of ratification, acceptance, approval or accession.

Article XXVIII WITHDRAWAL

1. At any time after five 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 to the Depositary.

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

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

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

5. Any Contracting Party which withdraws from the Protocol concerning Regional Cooperation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency shall be considered as also having withdrawn from this Convention.

Article XXIX RESPONSIBILITIES OF THE DEPOSITARY

1. The Depositary shall receive instruments of ratification of this Convention and its protocols.

2. The Depositary shall call the first meeting of the Council when this Convention enters into force after ratification by four Contracting Parties.

3. After the first meeting of the Council the General Secretariat shall assume all technical and administrative responsibilities and duties. The original of this Convention, of any protocol thereto, of any annex to the Convention or to a protocol, or of any amendment to this Convention, to a protocol or to an annex of the Convention or of a protocol shall be deposited with the Depositary, the Government of the Kingdom of Saudi Arabia, which shall send certified copies thereof to the Contracting Parties and shall also deposit certified copies of the Convention, its protocols and annexes with the General Secretariat of the League of Arab States in accordance with article 17 of the Arab League Charter and with the Secretary-General of the United Nations in accordance with Article 102 of the Charter of the United Nations.

In witness whereof the undersigned Plenipotentiaries, being duly authorized by their respective Governments, have signed the present Convention.

Done at the City of Jeddah on Sunday the twentieth of the month Rabie Althani of the year A.H. 1402, corresponding to 14 Shabat (February) of the year A.D. 1982.

Annex 95

United Nations Convention on the Law of the Sea, 10 December 1982, 1833 UNTS 3

United Nations Convention on the Law of the Sea

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PREAMBLE

The States Parties to this Convention,

Prompted by the desire to settle, in a spirit of mutual understanding and cooperation, all issues relating to the law of the sea and aware of the historic significance of this Convention as an important contribution to the maintenance of peace, justice and progress for all peoples of the world,

Noting that developments since the United Nations Conferences on the Law of the Sea held at Geneva in 1958 and 1960 have accentuated the need for a new and generally acceptable Convention on the law of the sea,

Conscious that the problems of ocean space are closely interrelated and need to be considered as a whole,

Recognizing the desirability of establishing through this Convention, with due regard for the sovereignty of all States, a legal order for the seas and oceans which will facilitate international communication, and will promote the peaceful uses of the seas and oceans, the equitable and efficient utilization of their resources, the conservation of their living resources, and the study, protection and preservation of the marine environment,

Bearing in mind that the achievement of these goals will contribute to the realization of a just and equitable international economic order which takes into account the interests and needs of mankind as a whole and, in particular, the special interests and needs of developing countries, whether coastal or land-locked,

Desiring by this Convention to develop the principles embodied in resolution 2749 (XXV) of 17 December 1970 in which the General Assembly of the United Nations solemnly declared *inter alia* that the area of the seabed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, as well as its resources, are the common heritage of mankind, the exploration and exploitation of which shall be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States,

Believing that the codification and progressive development of the law of the sea achieved in this Convention will contribute to the strengthening of peace, security, cooperation and friendly relations among all nations in conformity with the principles of justice and equal rights and will promote the economic and social advancement of all peoples of the world, in accordance with the Purposes and Principles of the United Nations as set forth in the Charter,

Affirming that matters not regulated by this Convention continue to be governed by the rules and principles of general international law,

Have agreed as follows:

PART I

INTRODUCTION

Article 1 *Use of terms and scope*

1. For the purposes of this Convention:
 - (1) "Area" means the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction;
 - (2) "Authority" means the International Seabed Authority;
 - (3) "activities in the Area" means all activities of exploration for, and exploitation of, the resources of the Area;
 - (4) "pollution of the marine environment" means the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities;
 - (5) (a) "dumping" means:
 - (i) any deliberate disposal of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea;
 - (ii) any deliberate disposal of vessels, aircraft, platforms or other man-made structures at sea;
 - (b) "dumping" does not include:
 - (i) the disposal 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.
2. (1) "States Parties" means States which have consented to be bound by this Convention and for which this Convention is in force.
 - (2) This Convention applies *mutatis mutandis* to the entities referred to in article 305, paragraph 1(b), (c), (d), (e) and (f), which become Parties to this Convention in accordance with the conditions relevant to each, and to that extent "States Parties" refers to those entities.

PART II

TERRITORIAL SEA AND CONTIGUOUS ZONE

SECTION 1. GENERAL PROVISIONS

Article 2

Legal status of the territorial sea, of the air space over the territorial sea and of its bed and subsoil

1. The sovereignty of a coastal State extends, beyond its land territory and internal waters and, in the case of an archipelagic State, its archipelagic waters, to an adjacent belt of sea, described as the territorial sea.
2. This sovereignty extends to the air space over the territorial sea as well as to its bed and subsoil.
3. The sovereignty over the territorial sea is exercised subject to this Convention and to other rules of international law.

SECTION 2. LIMITS OF THE TERRITORIAL SEA

Article 3

Breadth of the territorial sea

Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention.

Article 4

Outer limit of the territorial sea

The outer limit of the territorial sea is the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.

Article 5

Normal baseline

Except where otherwise provided in this Convention, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State.

Article 6

Reefs

In the case of islands situated on atolls or of islands having fringing reefs, the baseline for measuring the breadth of the territorial sea is the seaward low-water line of the reef, as shown by the appropriate symbol on charts officially recognized by the coastal State.

Article 7
Straight baselines

1. In localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is measured.

2. Where because of the presence of a delta and other natural conditions the coastline is highly unstable, the appropriate points may be selected along the furthest seaward extent of the low-water line and, notwithstanding subsequent regression of the low-water line, the straight baselines shall remain effective until changed by the coastal State in accordance with this Convention.

3. The drawing of straight baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the regime of internal waters.

4. Straight baselines shall not be drawn to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them or except in instances where the drawing of baselines to and from such elevations has received general international recognition.

5. Where the method of straight baselines is applicable under paragraph 1, account may be taken, in determining particular baselines, of economic interests peculiar to the region concerned, the reality and the importance of which are clearly evidenced by long usage.

6. The system of straight baselines may not be applied by a State in such a manner as to cut off the territorial sea of another State from the high seas or an exclusive economic zone.

Article 8
Internal waters

1. Except as provided in Part IV, waters on the landward side of the baseline of the territorial sea form part of the internal waters of the State.

2. Where the establishment of a straight baseline in accordance with the method set forth in article 7 has the effect of enclosing as internal waters areas which had not previously been considered as such, a right of innocent passage as provided in this Convention shall exist in those waters.

Article 9
Mouths of rivers

If a river flows directly into the sea, the baseline shall be a straight line across the mouth of the river between points on the low-water line of its banks.

Article 10
Bays

1. This article relates only to bays the coasts of which belong to a single State.

2. For the purposes of this Convention, a bay is a well-marked indentation whose penetration is in such proportion to the width of its mouth as to contain land-locked waters and constitute more than a mere curvature of the coast. An indentation shall not, however, be regarded as a bay unless its area is as large as, or larger than, that of the semi-circle whose diameter is a line drawn across the mouth of that indentation.

3. For the purpose of measurement, the area of an indentation is that lying between the low-water mark around the shore of the indentation and a line joining the low-water mark of its natural entrance points. Where, because of the presence of islands, an indentation has more than one mouth, the semi-circle shall be drawn on a line as long as the sum total of the lengths of the lines across the different mouths. Islands within an indentation shall be included as if they were part of the water area of the indentation.

4. If the distance between the low-water marks of the natural entrance points of a bay does not exceed 24 nautical miles, a closing line may be drawn between these two low-water marks, and the waters enclosed thereby shall be considered as internal waters.

5. Where the distance between the low-water marks of the natural entrance points of a bay exceeds 24 nautical miles, a straight baseline of 24 nautical miles shall be drawn within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

6. The foregoing provisions do not apply to so-called "historic" bays, or in any case where the system of straight baselines provided for in article 7 is applied.

Article 11
Ports

For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of the harbour system are regarded as forming part of the coast. Off-shore installations and artificial islands shall not be considered as permanent harbour works.

Article 12
Roadsteads

Roadsteads which are normally used for the loading, unloading and anchoring of ships, and which would otherwise be situated wholly or partly outside the outer limit of the territorial sea, are included in the territorial sea.

Article 13
Low-tide elevations

1. A low-tide elevation is a naturally formed area of land which is surrounded by and above water at low tide but submerged at high tide. Where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the mainland or an island, the low-water line on that elevation may be used as the baseline for measuring the breadth of the territorial sea.

2. Where a low-tide elevation is wholly situated at a distance exceeding the breadth of the territorial sea from the mainland or an island, it has no territorial sea of its own.

Article 14
Combination of methods for determining baselines

The coastal State may determine baselines in turn by any of the methods provided for in the foregoing articles to suit different conditions.

Article 15
Delimitation of the territorial sea between States
with opposite or adjacent coasts

Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The above provision does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance therewith.

Article 16
Charts and lists of geographical coordinates

1. The baselines for measuring the breadth of the territorial sea determined in accordance with articles 7, 9 and 10, or the limits derived therefrom, and the lines of delimitation drawn in accordance with articles 12 and 15 shall be shown on charts of a scale or scales adequate for ascertaining their position. Alternatively, a list of geographical coordinates of points, specifying the geodetic datum, may be substituted.

2. The coastal State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.

SECTION 3. INNOCENT PASSAGE IN THE TERRITORIAL SEA

SUBSECTION A. RULES APPLICABLE TO ALL SHIPS

Article 17
Right of innocent passage

Subject to this Convention, ships of all States, whether coastal or land-locked, enjoy the right of innocent passage through the territorial sea.

Article 18
Meaning of passage

1. Passage means navigation through the territorial sea for the purpose of:
 - (a) traversing that sea without entering internal waters or calling at a roadstead or port facility outside internal waters; or
 - (b) proceeding to or from internal waters or a call at such roadstead or port facility.
2. Passage shall be continuous and expeditious. However, passage includes stopping and anchoring, but only in so far as the same are incidental

to ordinary navigation or are rendered necessary by *force majeure* or distress or for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

Article 19
Meaning of innocent passage

1. Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. Such passage shall take place in conformity with this Convention and with other rules of international law.

2. Passage of a foreign ship shall be considered to be prejudicial to the peace, good order or security of the coastal State if in the territorial sea it engages in any of the following activities:

- (a) any threat or use of force against the sovereignty, territorial integrity or political independence of the coastal State, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;
- (b) any exercise or practice with weapons of any kind;
- (c) any act aimed at collecting information to the prejudice of the defence or security of the coastal State;
- (d) any act of propaganda aimed at affecting the defence or security of the coastal State;
- (e) the launching, landing or taking on board of any aircraft;
- (f) the launching, landing or taking on board of any military device;
- (g) the loading or unloading of any commodity, currency or person contrary to the customs, fiscal, immigration or sanitary laws and regulations of the coastal State;
- (h) any act of wilful and serious pollution contrary to this Convention;
- (i) any fishing activities;
- (j) the carrying out of research or survey activities;
- (k) any act aimed at interfering with any systems of communication or any other facilities or installations of the coastal State;
- (l) any other activity not having a direct bearing on passage.

Article 20
Submarines and other underwater vehicles

In the territorial sea, submarines and other underwater vehicles are required to navigate on the surface and to show their flag.

Article 21
Laws and regulations of the coastal State relating to innocent passage

1. The coastal State may adopt laws and regulations, in conformity with the provisions of this Convention and other rules of international law, relating to innocent passage through the territorial sea, in respect of all or any of the following:

- (a) the safety of navigation and the regulation of maritime traffic;
- (b) the protection of navigational aids and facilities and other facilities or installations;
- (c) the protection of cables and pipelines;

- (d) the conservation of the living resources of the sea;
- (e) the prevention of infringement of the fisheries laws and regulations of the coastal State;
- (f) the preservation of the environment of the coastal State and the prevention, reduction and control of pollution thereof;
- (g) marine scientific research and hydrographic surveys;
- (h) the prevention of infringement of the customs, fiscal, immigration or sanitary laws and regulations of the coastal State.

2. Such laws and regulations shall not apply to the design, construction, manning or equipment of foreign ships unless they are giving effect to generally accepted international rules or standards.

3. The coastal State shall give due publicity to all such laws and regulations.

4. Foreign ships exercising the right of innocent passage through the territorial sea shall comply with all such laws and regulations and all generally accepted international regulations relating to the prevention of collisions at sea.

Article 22

Sea lanes and traffic separation schemes in the territorial sea

1. The coastal State may, where necessary having regard to the safety of navigation, require foreign ships exercising the right of innocent passage through its territorial sea to use such sea lanes and traffic separation schemes as it may designate or prescribe for the regulation of the passage of ships.

2. In particular, tankers, nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances or materials may be required to confine their passage to such sea lanes.

3. In the designation of sea lanes and the prescription of traffic separation schemes under this article, the coastal State shall take into account:

- (a) the recommendations of the competent international organization;
- (b) any channels customarily used for international navigation;
- (c) the special characteristics of particular ships and channels; and
- (d) the density of traffic.

4. The coastal State shall clearly indicate such sea lanes and traffic separation schemes on charts to which due publicity shall be given.

Article 23

Foreign nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances

Foreign nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances shall, when exercising the right of innocent passage through the territorial sea, carry documents and observe special precautionary measures established for such ships by international agreements.

Article 24
Duties of the coastal State

1. The coastal State shall not hamper the innocent passage of foreign ships through the territorial sea except in accordance with this Convention. In particular, in the application of this Convention or of any laws or regulations adopted in conformity with this Convention, the coastal State shall not:

- (a) impose requirements on foreign ships which have the practical effect of denying or impairing the right of innocent passage; or
- (b) discriminate in form or in fact against the ships of any State or against ships carrying cargoes to, from or on behalf of any State.

2. The coastal State shall give appropriate publicity to any danger to navigation, of which it has knowledge, within its territorial sea.

Article 25
Rights of protection of the coastal State

1. The coastal State may take the necessary steps in its territorial sea to prevent passage which is not innocent.

2. In the case of ships proceeding to internal waters or a call at a port facility outside internal waters, the coastal State also has the right to take the necessary steps to prevent any breach of the conditions to which admission of those ships to internal waters or such a call is subject.

3. The coastal State may, without discrimination in form or in fact among foreign ships, suspend temporarily in specified areas of its territorial sea the innocent passage of foreign ships if such suspension is essential for the protection of its security, including weapons exercises. Such suspension shall take effect only after having been duly published.

Article 26
Charges which may be levied upon foreign ships

1. No charge may be levied upon foreign ships by reason only of their passage through the territorial sea.

2. Charges may be levied upon a foreign ship passing through the territorial sea as payment only for specific services rendered to the ship. These charges shall be levied without discrimination.

**SUBSECTION B. RULES APPLICABLE TO
MERCHANT SHIPS AND GOVERNMENT SHIPS
OPERATED FOR COMMERCIAL PURPOSES**

Article 27
Criminal jurisdiction on board a foreign ship

1. The criminal jurisdiction of the coastal State should not be exercised on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connection with any crime committed on board the ship during its passage, save only in the following cases:

- (a) if the consequences of the crime extend to the coastal State;

- (b) if the crime is of a kind to disturb the peace of the country or the good order of the territorial sea;
- (c) if the assistance of the local authorities has been requested by the master of the ship or by a diplomatic agent or consular officer of the flag State; or
- (d) if such measures are necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances.

2. The above provisions do not affect the right of the coastal State to take any steps authorized by its laws for the purpose of an arrest or investigation on board a foreign ship passing through the territorial sea after leaving internal waters.

3. In the cases provided for in paragraphs 1 and 2, the coastal State shall, if the master so requests, notify a diplomatic agent or consular officer of the flag State before taking any steps, and shall facilitate contact between such agent or officer and the ship's crew. In cases of emergency this notification may be communicated while the measures are being taken.

4. In considering whether or in what manner an arrest should be made, the local authorities shall have due regard to the interests of navigation.

5. Except as provided in Part XII or with respect to violations of laws and regulations adopted in accordance with Part V, the coastal State may not take any steps on board a foreign ship passing through the territorial sea to arrest any person or to conduct any investigation in connection with any crime committed before the ship entered the territorial sea, if the ship, proceeding from a foreign port, is only passing through the territorial sea without entering internal waters.

Article 28

Civil jurisdiction in relation to foreign ships

1. The coastal State should not stop or divert a foreign ship passing through the territorial sea for the purpose of exercising civil jurisdiction in relation to a person on board the ship.

2. The coastal State may not levy execution against or arrest the ship for the purpose of any civil proceedings, save only in respect of obligations or liabilities assumed or incurred by the ship itself in the course or for the purpose of its voyage through the waters of the coastal State.

3. Paragraph 2 is without prejudice to the right of the coastal State, in accordance with its laws, to levy execution against or to arrest, for the purpose of any civil proceedings, a foreign ship lying in the territorial sea, or passing through the territorial sea after leaving internal waters.

SUBSECTION C. RULES APPLICABLE TO WARSHIPS AND OTHER GOVERNMENT SHIPS OPERATED FOR NON-COMMERCIAL PURPOSES

Article 29

Definition of warships

For the purposes of this Convention, "warship" means a ship belonging to the armed forces of a State bearing the external marks distinguishing such ships of its nationality, under the command of an officer duly commissioned by the government of the State and whose name appears in the appropriate

service list or its equivalent, and manned by a crew which is under regular armed forces discipline.

Article 30
Non-compliance by warships with the laws and regulations
of the coastal State

If any warship does not comply with the laws and regulations of the coastal State concerning passage through the territorial sea and disregards any request for compliance therewith which is made to it, the coastal State may require it to leave the territorial sea immediately.

Article 31
Responsibility of the flag State for damage caused by a warship
or other government ship operated for non-commercial purposes

The flag State shall bear international responsibility for any loss or damage to the coastal State resulting from the non-compliance by a warship or other government ship operated for non-commercial purposes with the laws and regulations of the coastal State concerning passage through the territorial sea or with the provisions of this Convention or other rules of international law.

Article 32
Immunities of warships and other government ships
operated for non-commercial purposes

With such exceptions as are contained in subsection A and in articles 30 and 31, nothing in this Convention affects the immunities of warships and other government ships operated for non-commercial purposes.

SECTION 4. CONTIGUOUS ZONE

Article 33
Contiguous zone

1. In a zone contiguous to its territorial sea, described as the contiguous zone, the coastal State may exercise the control necessary to:
 - (a) prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea;
 - (b) punish infringement of the above laws and regulations committed within its territory or territorial sea.
2. The contiguous zone may not extend beyond 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.

PART III
STRAITS USED FOR INTERNATIONAL
NAVIGATION

SECTION 1. GENERAL PROVISIONS

Article 34

Legal status of waters forming straits used for international navigation

1. The regime of passage through straits used for international navigation established in this Part shall not in other respects affect the legal status of the waters forming such straits or the exercise by the States bordering the straits of their sovereignty or jurisdiction over such waters and their air space, bed and subsoil.

2. The sovereignty or jurisdiction of the States bordering the straits is exercised subject to this Part and to other rules of international law.

Article 35

Scope of this Part

Nothing in this Part affects:

- (a) any areas of internal waters within a strait, except where the establishment of a straight baseline in accordance with the method set forth in article 7 has the effect of enclosing as internal waters areas which had not previously been considered as such;
- (b) the legal status of the waters beyond the territorial seas of States bordering straits as exclusive economic zones or high seas; or
- (c) the legal regime in straits in which passage is regulated in whole or in part by long-standing international conventions in force specifically relating to such straits.

Article 36

*High seas routes or routes through exclusive economic zones
through straits used for international navigation*

This Part does not apply to a strait used for international navigation if there exists through the strait a route through the high seas or through an exclusive economic zone of similar convenience with respect to navigational and hydrographical characteristics; in such routes, the other relevant Parts of this Convention, including the provisions regarding the freedoms of navigation and overflight, apply.

SECTION 2. TRANSIT PASSAGE

Article 37

Scope of this section

This section applies to straits which are used for international navigation between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone.

Article 38
Right of transit passage

1. In straits referred to in article 37, all ships and aircraft enjoy the right of transit passage, which shall not be impeded; except that, if the strait is formed by an island of a State bordering the strait and its mainland, transit passage shall not apply if there exists seaward of the island a route through the high seas or through an exclusive economic zone of similar convenience with respect to navigational and hydrographical characteristics.

2. Transit passage means the exercise in accordance with this Part of the freedom of navigation and overflight solely for the purpose of continuous and expeditious transit of the strait between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone. However, the requirement of continuous and expeditious transit does not preclude passage through the strait for the purpose of entering, leaving or returning from a State bordering the strait, subject to the conditions of entry to that State.

3. Any activity which is not an exercise of the right of transit passage through a strait remains subject to the other applicable provisions of this Convention.

Article 39
Duties of ships and aircraft during transit passage

1. Ships and aircraft, while exercising the right of transit passage, shall:
 - (a) proceed without delay through or over the strait;
 - (b) refrain from any threat or use of force against the sovereignty, territorial integrity or political independence of States bordering the strait, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;
 - (c) refrain from any activities other than those incident to their normal modes of continuous and expeditious transit unless rendered necessary by *force majeure* or by distress;
 - (d) comply with other relevant provisions of this Part.
2. Ships in transit passage shall:
 - (a) comply with generally accepted international regulations, procedures and practices for safety at sea, including the International Regulations for Preventing Collisions at Sea;
 - (b) comply with generally accepted international regulations, procedures and practices for the prevention, reduction and control of pollution from ships.
3. Aircraft in transit passage shall:
 - (a) observe the Rules of the Air established by the International Civil Aviation Organization as they apply to civil aircraft; state aircraft will normally comply with such safety measures and will at all times operate with due regard for the safety of navigation;
 - (b) at all times monitor the radio frequency assigned by the competent internationally designated air traffic control authority or the appropriate international distress radio frequency.

Article 40
Research and survey activities

During transit passage, foreign ships, including marine scientific research and hydrographic survey ships, may not carry out any research or survey activities without the prior authorization of the States bordering straits.

Article 41
Sea lanes and traffic separation schemes in straits
used for international navigation

1. In conformity with this Part, States bordering straits may designate sea lanes and prescribe traffic separation schemes for navigation in straits where necessary to promote the safe passage of ships.

2. Such States may, when circumstances require, and after giving due publicity thereto, substitute other sea lanes or traffic separation schemes for any sea lanes or traffic separation schemes previously designated or prescribed by them.

3. Such sea lanes and traffic separation schemes shall conform to generally accepted international regulations.

4. Before designating or substituting sea lanes or prescribing or substituting traffic separation schemes, States bordering straits shall refer proposals to the competent international organization with a view to their adoption. The organization may adopt only such sea lanes and traffic separation schemes as may be agreed with the States bordering the straits, after which the States may designate, prescribe or substitute them.

5. In respect of a strait where sea lanes or traffic separation schemes through the waters of two or more States bordering the strait are being proposed, the States concerned shall cooperate in formulating proposals in consultation with the competent international organization.

6. States bordering straits shall clearly indicate all sea lanes and traffic separation schemes designated or prescribed by them on charts to which due publicity shall be given.

7. Ships in transit passage shall respect applicable sea lanes and traffic separation schemes established in accordance with this article.

Article 42
Laws and regulations of States bordering straits
relating to transit passage

1. Subject to the provisions of this section, States bordering straits may adopt laws and regulations relating to transit passage through straits, in respect of all or any of the following:

- (a) the safety of navigation and the regulation of maritime traffic, as provided in article 41;
- (b) the prevention, reduction and control of pollution, by giving effect to applicable international regulations regarding the discharge of oil, oily wastes and other noxious substances in the strait;
- (c) with respect to fishing vessels, the prevention of fishing, including the stowage of fishing gear;

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- (d) the loading or unloading of any commodity, currency or person in contravention of the customs, fiscal, immigration or sanitary laws and regulations of States bordering straits.
2. Such laws and regulations shall not discriminate in form or in fact among foreign ships or in their application have the practical effect of denying, hampering or impairing the right of transit passage as defined in this section.
3. States bordering straits shall give due publicity to all such laws and regulations.
4. Foreign ships exercising the right of transit passage shall comply with such laws and regulations.
5. The flag State of a ship or the State of registry of an aircraft entitled to sovereign immunity which acts in a manner contrary to such laws and regulations or other provisions of this Part shall bear international responsibility for any loss or damage which results to States bordering straits.

Article 43
Navigational and safety aids and other improvements
and the prevention, reduction and control of pollution

User States and States bordering a strait should by agreement cooperate:

- (a) in the establishment and maintenance in a strait of necessary navigational and safety aids or other improvements in aid of international navigation; and
- (b) for the prevention, reduction and control of pollution from ships.

Article 44
Duties of States bordering straits

States bordering straits shall not hamper transit passage and shall give appropriate publicity to any danger to navigation or overflight within or over the strait of which they have knowledge. There shall be no suspension of transit passage.

SECTION 3. INNOCENT PASSAGE

Article 45
Innocent passage

1. The regime of innocent passage, in accordance with Part II, section 3, shall apply in straits used for international navigation:
- (a) excluded from the application of the regime of transit passage under article 38, paragraph 1; or
- (b) between a part of the high seas or an exclusive economic zone and the territorial sea of a foreign State.
2. There shall be no suspension of innocent passage through such straits.

PART IV

ARCHIPELAGIC STATES

Article 46 *Use of terms*

For the purposes of this Convention:

- (a) "archipelagic State" means a State constituted wholly by one or more archipelagos and may include other islands;
- (b) "archipelago" means a group of islands, including parts of islands, interconnecting waters and other natural features which are so closely interrelated that such islands, waters and other natural features form an intrinsic geographical, economic and political entity, or which historically have been regarded as such.

Article 47 *Archipelagic baselines*

1. An archipelagic State may draw straight archipelagic baselines joining the outermost points of the outermost islands and drying reefs of the archipelago provided that within such baselines are included the main islands and an area in which the ratio of the area of the water to the area of the land, including atolls, is between 1 to 1 and 9 to 1.

2. The length of such baselines shall not exceed 100 nautical miles, except that up to 3 per cent of the total number of baselines enclosing any archipelago may exceed that length, up to a maximum length of 125 nautical miles.

3. The drawing of such baselines shall not depart to any appreciable extent from the general configuration of the archipelago.

4. Such baselines shall not be drawn to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them or where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the nearest island.

5. The system of such baselines shall not be applied by an archipelagic State in such a manner as to cut off from the high seas or the exclusive economic zone the territorial sea of another State.

6. If a part of the archipelagic waters of an archipelagic State lies between two parts of an immediately adjacent neighbouring State, existing rights and all other legitimate interests which the latter State has traditionally exercised in such waters and all rights stipulated by agreement between those States shall continue and be respected.

7. For the purpose of computing the ratio of water to land under paragraph 1, land areas may include waters lying within the fringing reefs of islands and atolls, including that part of a steep-sided oceanic plateau which is enclosed or nearly enclosed by a chain of limestone islands and drying reefs lying on the perimeter of the plateau.

8. The baselines drawn in accordance with this article shall be shown on charts of a scale or scales adequate for ascertaining their position. Alternatively, lists of geographical coordinates of points, specifying the geodetic datum, may be substituted.

9. The archipelagic State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.

Article 48

Measurement of the breadth of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf

The breadth of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf shall be measured from archipelagic baselines drawn in accordance with article 47.

Article 49

Legal status of archipelagic waters, of the air space over archipelagic waters and of their bed and subsoil

1. The sovereignty of an archipelagic State extends to the waters enclosed by the archipelagic baselines drawn in accordance with article 47, described as archipelagic waters, regardless of their depth or distance from the coast.

2. This sovereignty extends to the air space over the archipelagic waters, as well as to their bed and subsoil, and the resources contained therein.

3. This sovereignty is exercised subject to this Part.

4. The regime of archipelagic sea lanes passage established in this Part shall not in other respects affect the status of the archipelagic waters, including the sea lanes, or the exercise by the archipelagic State of its sovereignty over such waters and their air space, bed and subsoil, and the resources contained therein.

Article 50

Delimitation of internal waters

Within its archipelagic waters, the archipelagic State may draw closing lines for the delimitation of internal waters, in accordance with articles 9, 10 and 11.

Article 51

Existing agreements, traditional fishing rights and existing submarine cables

1. Without prejudice to article 49, an archipelagic State shall respect existing agreements with other States and shall recognize traditional fishing rights and other legitimate activities of the immediately adjacent neighbouring States in certain areas falling within archipelagic waters. The terms and conditions for the exercise of such rights and activities, including the nature, the extent and the areas to which they apply, shall, at the request of any of the States concerned, be regulated by bilateral agreements between them. Such rights shall not be transferred to or shared with third States or their nationals.

2. An archipelagic State shall respect existing submarine cables laid by other States and passing through its waters without making a landfall. An archipelagic State shall permit the maintenance and replacement of such

cables upon receiving due notice of their location and the intention to repair or replace them.

Article 52
Right of innocent passage

1. Subject to article 53 and without prejudice to article 50, ships of all States enjoy the right of innocent passage through archipelagic waters, in accordance with Part II, section 3.

2. The archipelagic State may, without discrimination in form or in fact among foreign ships, suspend temporarily in specified areas of its archipelagic waters the innocent passage of foreign ships if such suspension is essential for the protection of its security. Such suspension shall take effect only after having been duly published.

Article 53
Right of archipelagic sea lanes passage

1. An archipelagic State may designate sea lanes and air routes thereabove, suitable for the continuous and expeditious passage of foreign ships and aircraft through or over its archipelagic waters and the adjacent territorial sea.

2. All ships and aircraft enjoy the right of archipelagic sea lanes passage in such sea lanes and air routes.

3. Archipelagic sea lanes passage means the exercise in accordance with this Convention of the rights of navigation and overflight in the normal mode solely for the purpose of continuous, expeditious and unobstructed transit between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone.

4. Such sea lanes and air routes shall traverse the archipelagic waters and the adjacent territorial sea and shall include all normal passage routes used as routes for international navigation or overflight through or over archipelagic waters and, within such routes, so far as ships are concerned, all normal navigational channels, provided that duplication of routes of similar convenience between the same entry and exit points shall not be necessary.

5. Such sea lanes and air routes shall be defined by a series of continuous axis lines from the entry points of passage routes to the exit points. Ships and aircraft in archipelagic sea lanes passage shall not deviate more than 25 nautical miles to either side of such axis lines during passage, provided that such ships and aircraft shall not navigate closer to the coasts than 10 per cent of the distance between the nearest points on islands bordering the sea lane.

6. An archipelagic State which designates sea lanes under this article may also prescribe traffic separation schemes for the safe passage of ships through narrow channels in such sea lanes.

7. An archipelagic State may, when circumstances require, after giving due publicity thereto, substitute other sea lanes or traffic separation schemes for any sea lanes or traffic separation schemes previously designated or prescribed by it.

8. Such sea lanes and traffic separation schemes shall conform to generally accepted international regulations.

9. In designating or substituting sea lanes or prescribing or substituting traffic separation schemes, an archipelagic State shall refer proposals to the

competent international organization with a view to their adoption. The organization may adopt only such sea lanes and traffic separation schemes as may be agreed with the archipelagic State, after which the archipelagic State may designate, prescribe or substitute them.

10. The archipelagic State shall clearly indicate the axis of the sea lanes and the traffic separation schemes designated or prescribed by it on charts to which due publicity shall be given.

11. Ships in archipelagic sea lanes passage shall respect applicable sea lanes and traffic separation schemes established in accordance with this article.

12. If an archipelagic State does not designate sea lanes or air routes, the right of archipelagic sea lanes passage may be exercised through the routes normally used for international navigation.

Article 54

*Duties of ships and aircraft during their passage,
research and survey activities, duties of the archipelagic State
and laws and regulations of the archipelagic State
relating to archipelagic sea lanes passage*

Articles 39, 40, 42 and 44 apply *mutatis mutandis* to archipelagic sea lanes passage.

PART V

EXCLUSIVE ECONOMIC ZONE

Article 55

Specific legal regime of the exclusive economic zone

The exclusive economic zone is an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention.

Article 56

Rights, jurisdiction and duties of the coastal State in the exclusive economic zone

1. In the exclusive economic zone, the coastal State has:
 - (a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;
 - (b) jurisdiction as provided for in the relevant provisions of this Convention with regard to:
 - (i) the establishment and use of artificial islands, installations and structures;

- (ii) marine scientific research;
- (iii) the protection and preservation of the marine environment;
- (c) other rights and duties provided for in this Convention.

2. In exercising its rights and performing its duties under this Convention in the exclusive economic zone, the coastal State shall have due regard to the rights and duties of other States and shall act in a manner compatible with the provisions of this Convention.

3. The rights set out in this article with respect to the seabed and subsoil shall be exercised in accordance with Part VI.

Article 57

Breadth of the exclusive economic zone

The exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Article 58

Rights and duties of other States in the exclusive economic zone

1. In the exclusive economic zone, all States, whether coastal or land-locked, enjoy, subject to the relevant provisions of this Convention, the freedoms referred to in article 87 of navigation and overflight and of the laying of submarine cables and pipelines, and other internationally lawful uses of the sea related to these freedoms, such as those associated with the operation of ships, aircraft and submarine cables and pipelines, and compatible with the other provisions of this Convention.

2. Articles 88 to 115 and other pertinent rules of international law apply to the exclusive economic zone in so far as they are not incompatible with this Part.

3. In exercising their rights and performing their duties under this Convention in the exclusive economic zone, States shall have due regard to the rights and duties of the coastal State and shall comply with the laws and regulations adopted by the coastal State in accordance with the provisions of this Convention and other rules of international law in so far as they are not incompatible with this Part.

Article 59

*Basis for the resolution of conflicts
regarding the attribution of rights and jurisdiction
in the exclusive economic zone*

In cases where this Convention does not attribute rights or jurisdiction to the coastal State or to other States within the exclusive economic zone, and a conflict arises between the interests of the coastal State and any other State or States, the conflict should be resolved on the basis of equity and in the light of all the relevant circumstances, taking into account the respective importance of the interests involved to the parties as well as to the international community as a whole.

Article 60
Artificial islands, installations and structures
in the exclusive economic zone

1. In the exclusive economic zone, the coastal State shall have the exclusive right to construct and to authorize and regulate the construction, operation and use of:

- (a) artificial islands;
- (b) installations and structures for the purposes provided for in article 56 and other economic purposes;
- (c) installations and structures which may interfere with the exercise of the rights of the coastal State in the zone.

2. The coastal State shall have exclusive jurisdiction over such artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations.

3. Due notice must be given of the construction of such artificial islands, installations or structures, and permanent means for giving warning of their presence must be maintained. Any installations or structures which are abandoned or disused shall be removed to ensure safety of navigation, taking into account any generally accepted international standards established in this regard by the competent international organization. Such removal shall also have due regard to fishing, the protection of the marine environment and the rights and duties of other States. Appropriate publicity shall be given to the depth, position and dimensions of any installations or structures not entirely removed.

4. The coastal State may, where necessary, establish reasonable safety zones around such artificial islands, installations and structures in which it may take appropriate measures to ensure the safety both of navigation and of the artificial islands, installations and structures.

5. The breadth of the safety zones shall be determined by the coastal State, taking into account applicable international standards. Such zones shall be designed to ensure that they are reasonably related to the nature and function of the artificial islands, installations or structures, and shall not exceed a distance of 500 metres around them, measured from each point of their outer edge, except as authorized by generally accepted international standards or as recommended by the competent international organization. Due notice shall be given of the extent of safety zones.

6. All ships must respect these safety zones and shall comply with generally accepted international standards regarding navigation in the vicinity of artificial islands, installations, structures and safety zones.

7. Artificial islands, installations and structures and the safety zones around them may not be established where interference may be caused to the use of recognized sea lanes essential to international navigation.

8. Artificial islands, installations and structures do not possess the status of islands. They have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.

Article 61
Conservation of the living resources

1. The coastal State shall determine the allowable catch of the living resources in its exclusive economic zone.

2. The coastal State, taking into account the best scientific evidence available to it, shall ensure through proper conservation and management measures that the maintenance of the living resources in the exclusive economic zone is not endangered by over-exploitation. As appropriate, the coastal State and competent international organizations, whether subregional, regional or global, shall cooperate to this end.

3. Such measures shall also be designed to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield, as qualified by relevant environmental and economic factors, including the economic needs of coastal fishing communities and the special requirements of developing States, and taking into account fishing patterns, the interdependence of stocks and any generally recommended international minimum standards, whether subregional, regional or global.

4. In taking such measures the coastal State shall take into consideration the effects on species associated with or dependent upon harvested species with a view to maintaining or restoring populations of such associated or dependent species above levels at which their reproduction may become seriously threatened.

5. Available scientific information, catch and fishing effort statistics, and other data relevant to the conservation of fish stocks shall be contributed and exchanged on a regular basis through competent international organizations, whether subregional, regional or global, where appropriate and with participation by all States concerned, including States whose nationals are allowed to fish in the exclusive economic zone.

Article 62
Utilization of the living resources

1. The coastal State shall promote the objective of optimum utilization of the living resources in the exclusive economic zone without prejudice to article 61.

2. The coastal State shall determine its capacity to harvest the living resources of the exclusive economic zone. Where the coastal State does not have the capacity to harvest the entire allowable catch, it shall, through agreements or other arrangements and pursuant to the terms, conditions, laws and regulations referred to in paragraph 4, give other States access to the surplus of the allowable catch, having particular regard to the provisions of articles 69 and 70, especially in relation to the developing States mentioned therein.

3. In giving access to other States to its exclusive economic zone under this article, the coastal State shall take into account all relevant factors, including, *inter alia*, the significance of the living resources of the area to the economy of the coastal State concerned and its other national interests, the provisions of articles 69 and 70, the requirements of developing States in the subregion or region in harvesting part of the surplus and the need to minimize economic dislocation in States whose nationals have habitually fished in the zone or which have made substantial efforts in research and identification of stocks.

4. Nationals of other States fishing in the exclusive economic zone shall comply with the conservation measures and with the other terms and conditions established in the laws and regulations of the coastal State. These laws and regulations shall be consistent with this Convention and may relate, *inter alia*, to the following:

-
- (a) licensing of fishermen, fishing vessels and equipment, including payment of fees and other forms of remuneration, which, in the case of developing coastal States, may consist of adequate compensation in the field of financing, equipment and technology relating to the fishing industry;
 - (b) determining the species which may be caught, and fixing quotas of catch, whether in relation to particular stocks or groups of stocks or catch per vessel over a period of time or to the catch by nationals of any State during a specified period;
 - (c) regulating seasons and areas of fishing, the types, sizes and amount of gear, and the types, sizes and number of fishing vessels that may be used;
 - (d) fixing the age and size of fish and other species that may be caught;
 - (e) specifying information required of fishing vessels, including catch and effort statistics and vessel position reports;
 - (f) requiring, under the authorization and control of the coastal State, the conduct of specified fisheries research programmes and regulating the conduct of such research, including the sampling of catches, disposition of samples and reporting of associated scientific data;
 - (g) the placing of observers or trainees on board such vessels by the coastal State;
 - (h) the landing of all or any part of the catch by such vessels in the ports of the coastal State;
 - (i) terms and conditions relating to joint ventures or other cooperative arrangements;
 - (j) requirements for the training of personnel and the transfer of fisheries technology, including enhancement of the coastal State's capability of undertaking fisheries research;
 - (k) enforcement procedures.
5. Coastal States shall give due notice of conservation and management laws and regulations.

Article 63

Stocks occurring within the exclusive economic zones of two or more coastal States or both within the exclusive economic zone and in an area beyond and adjacent to it

1. Where the same stock or stocks of associated species occur within the exclusive economic zones of two or more coastal States, these States shall seek, either directly or through appropriate subregional or regional organizations, to agree upon the measures necessary to coordinate and ensure the conservation and development of such stocks without prejudice to the other provisions of this Part.

2. Where the same stock or stocks of associated species occur both within the exclusive economic zone and in an area beyond and adjacent to the zone, the coastal State and the States fishing for such stocks in the adjacent area shall seek, either directly or through appropriate subregional or regional organizations, to agree upon the measures necessary for the conservation of these stocks in the adjacent area.

Article 64

Highly migratory species

1. The coastal State and other States whose nationals fish in the region for the highly migratory species listed in Annex I shall cooperate directly or through appropriate international organizations with a view to ensuring conservation and promoting the objective of optimum utilization of such species throughout the region, both within and beyond the exclusive economic zone. In regions for which no appropriate international organization exists, the coastal State and other States whose nationals harvest these species in the region shall cooperate to establish such an organization and participate in its work.

2. The provisions of paragraph 1 apply in addition to the other provisions of this Part.

Article 65
Marine mammals

Nothing in this Part restricts the right of a coastal State or the competence of an international organization, as appropriate, to prohibit, limit or regulate the exploitation of marine mammals more strictly than provided for in this Part. States shall cooperate with a view to the conservation of marine mammals and in the case of cetaceans shall in particular work through the appropriate international organizations for their conservation, management and study.

Article 66
Anadromous stocks

1. States in whose rivers anadromous stocks originate shall have the primary interest in and responsibility for such stocks.

2. The State of origin of anadromous stocks shall ensure their conservation by the establishment of appropriate regulatory measures for fishing in all waters landward of the outer limits of its exclusive economic zone and for fishing provided for in paragraph 3(b). The State of origin may, after consultations with the other States referred to in paragraphs 3 and 4 fishing these stocks, establish total allowable catches for stocks originating in its rivers.

3. (a) Fisheries for anadromous stocks shall be conducted only in waters landward of the outer limits of exclusive economic zones, except in cases where this provision would result in economic dislocation for a State other than the State of origin. With respect to such fishing beyond the outer limits of the exclusive economic zone, States concerned shall maintain consultations with a view to achieving agreement on terms and conditions of such fishing giving due regard to the conservation requirements and the needs of the State of origin in respect of these stocks.
- (b) The State of origin shall cooperate in minimizing economic dislocation in such other States fishing these stocks, taking into account the normal catch and the mode of operations of such States, and all the areas in which such fishing has occurred.
- (c) States referred to in subparagraph (b), participating by agreement with the State of origin in measures to renew

anadromous stocks, particularly by expenditures for that purpose, shall be given special consideration by the State of origin in the harvesting of stocks originating in its rivers.

- (d) Enforcement of regulations regarding anadromous stocks beyond the exclusive economic zone shall be by agreement between the State of origin and the other States concerned.

4. In cases where anadromous stocks migrate into or through the waters landward of the outer limits of the exclusive economic zone of a State other than the State of origin, such State shall cooperate with the State of origin with regard to the conservation and management of such stocks.

5. The State of origin of anadromous stocks and other States fishing these stocks shall make arrangements for the implementation of the provisions of this article, where appropriate, through regional organizations.

Article 67
Catadromous species

1. A coastal State in whose waters catadromous species spend the greater part of their life cycle shall have responsibility for the management of these species and shall ensure the ingress and egress of migrating fish.

2. Harvesting of catadromous species shall be conducted only in waters landward of the outer limits of exclusive economic zones. When conducted in exclusive economic zones, harvesting shall be subject to this article and the other provisions of this Convention concerning fishing in these zones.

3. In cases where catadromous fish migrate through the exclusive economic zone of another State, whether as juvenile or maturing fish, the management, including harvesting, of such fish shall be regulated by agreement between the State mentioned in paragraph 1 and the other State concerned. Such agreement shall ensure the rational management of the species and take into account the responsibilities of the State mentioned in paragraph 1 for the maintenance of these species.

Article 68
Sedentary species

This Part does not apply to sedentary species as defined in article 77, paragraph 4.

Article 69
Right of land-locked States

1. Land-locked States shall have the right to participate, on an equitable basis, in the exploitation of an appropriate part of the surplus of the living resources of the exclusive economic zones of coastal States of the same subregion or region, taking into account the relevant economic and geographical circumstances of all the States concerned and in conformity with the provisions of this article and of articles 61 and 62.

2. The terms and modalities of such participation shall be established by the States concerned through bilateral, subregional or regional agreements taking into account, *inter alia*:

- (a) the need to avoid effects detrimental to fishing communities or fishing industries of the coastal State;

- (b) the extent to which the land-locked State, in accordance with the provisions of this article, is participating or is entitled to participate under existing bilateral, subregional or regional agreements in the exploitation of living resources of the exclusive economic zones of other coastal States;
- (c) the extent to which other land-locked States and geographically disadvantaged States are participating in the exploitation of the living resources of the exclusive economic zone of the coastal State and the consequent need to avoid a particular burden for any single coastal State or a part of it;
- (d) the nutritional needs of the populations of the respective States.

3. When the harvesting capacity of a coastal State approaches a point which would enable it to harvest the entire allowable catch of the living resources in its exclusive economic zone, the coastal State and other States concerned shall cooperate in the establishment of equitable arrangements on a bilateral, subregional or regional basis to allow for participation of developing land-locked States of the same subregion or region in the exploitation of the living resources of the exclusive economic zones of coastal States of the subregion or region, as may be appropriate in the circumstances and on terms satisfactory to all parties. In the implementation of this provision the factors mentioned in paragraph 2 shall also be taken into account.

4. Developed land-locked States shall, under the provisions of this article, be entitled to participate in the exploitation of living resources only in the exclusive economic zones of developed coastal States of the same subregion or region having regard to the extent to which the coastal State, in giving access to other States to the living resources of its exclusive economic zone, has taken into account the need to minimize detrimental effects on fishing communities and economic dislocation in States whose nationals have habitually fished in the zone.

5. The above provisions are without prejudice to arrangements agreed upon in subregions or regions where the coastal States may grant to land-locked States of the same subregion or region equal or preferential rights for the exploitation of the living resources in the exclusive economic zones.

Article 70

Right of geographically disadvantaged States

1. Geographically disadvantaged States shall have the right to participate, on an equitable basis, in the exploitation of an appropriate part of the surplus of the living resources of the exclusive economic zones of coastal States of the same subregion or region, taking into account the relevant economic and geographical circumstances of all the States concerned and in conformity with the provisions of this article and of articles 61 and 62.

2. For the purposes of this Part, "geographically disadvantaged States" means coastal States, including States bordering enclosed or semi-enclosed seas, whose geographical situation makes them dependent upon the exploitation of the living resources of the exclusive economic zones of other States in the subregion or region for adequate supplies of fish for the nutritional purposes of their populations or parts thereof, and coastal States which can claim no exclusive economic zones of their own.

3. The terms and modalities of such participation shall be established by the States concerned through bilateral, subregional or regional agreements taking into account, *inter alia*:

- (a) the need to avoid effects detrimental to fishing communities or fishing industries of the coastal State;
- (b) the extent to which the geographically disadvantaged State, in accordance with the provisions of this article, is participating or is entitled to participate under existing bilateral, subregional or regional agreements in the exploitation of living resources of the exclusive economic zones of other coastal States;
- (c) the extent to which other geographically disadvantaged States and land-locked States are participating in the exploitation of the living resources of the exclusive economic zone of the coastal State and the consequent need to avoid a particular burden for any single coastal State or a part of it;
- (d) the nutritional needs of the populations of the respective States.

4. When the harvesting capacity of a coastal State approaches a point which would enable it to harvest the entire allowable catch of the living resources in its exclusive economic zone, the coastal State and other States concerned shall cooperate in the establishment of equitable arrangements on a bilateral, subregional or regional basis to allow for participation of developing geographically disadvantaged States of the same subregion or region in the exploitation of the living resources of the exclusive economic zones of coastal States of the subregion or region, as may be appropriate in the circumstances and on terms satisfactory to all parties. In the implementation of this provision the factors mentioned in paragraph 3 shall also be taken into account.

5. Developed geographically disadvantaged States shall, under the provisions of this article, be entitled to participate in the exploitation of living resources only in the exclusive economic zones of developed coastal States of the same subregion or region having regard to the extent to which the coastal State, in giving access to other States to the living resources of its exclusive economic zone, has taken into account the need to minimize detrimental effects on fishing communities and economic dislocation in States whose nationals have habitually fished in the zone.

6. The above provisions are without prejudice to arrangements agreed upon in subregions or regions where the coastal States may grant to geographically disadvantaged States of the same subregion or region equal or preferential rights for the exploitation of the living resources in the exclusive economic zones.

Article 71

Non-applicability of articles 69 and 70

The provisions of articles 69 and 70 do not apply in the case of a coastal State whose economy is overwhelmingly dependent on the exploitation of the living resources of its exclusive economic zone.

Article 72

Restrictions on transfer of rights

1. Rights provided under articles 69 and 70 to exploit living resources shall not be directly or indirectly transferred to third States or their nationals

by lease or licence, by establishing joint ventures or in any other manner which has the effect of such transfer unless otherwise agreed by the States concerned.

2. The foregoing provision does not preclude the States concerned from obtaining technical or financial assistance from third States or international organizations in order to facilitate the exercise of the rights pursuant to articles 69 and 70, provided that it does not have the effect referred to in paragraph 1.

Article 73

Enforcement of laws and regulations of the coastal State

1. The coastal State may, in the exercise of its sovereign rights to explore, exploit, conserve and manage the living resources in the exclusive economic zone, take such measures, including boarding, inspection, arrest and judicial proceedings, as may be necessary to ensure compliance with the laws and regulations adopted by it in conformity with this Convention.

2. Arrested vessels and their crews shall be promptly released upon the posting of reasonable bond or other security.

3. Coastal State penalties for violations of fisheries laws and regulations in the exclusive economic zone may not include imprisonment, in the absence of agreements to the contrary by the States concerned, or any other form of corporal punishment.

4. In cases of arrest or detention of foreign vessels the coastal State shall promptly notify the flag State, through appropriate channels, of the action taken and of any penalties subsequently imposed.

Article 74

Delimitation of the exclusive economic zone between States with opposite or adjacent coasts

1. The delimitation of the exclusive economic zone between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.

2. If no agreement can be reached within a reasonable period of time, the States concerned shall resort to the procedures provided for in Part XV.

3. Pending agreement as provided for in paragraph 1, the States concerned, in a spirit of understanding and cooperation, shall make every effort to enter into provisional arrangements of a practical nature and, during this transitional period, not to jeopardize or hamper the reaching of the final agreement. Such arrangements shall be without prejudice to the final delimitation.

4. Where there is an agreement in force between the States concerned, questions relating to the delimitation of the exclusive economic zone shall be determined in accordance with the provisions of that agreement.

Article 75

Charts and lists of geographical coordinates

1. Subject to this Part, the outer limit lines of the exclusive economic zone and the lines of delimitation drawn in accordance with article 74 shall be shown on charts of a scale or scales adequate for ascertaining their

position. Where appropriate, lists of geographical coordinates of points, specifying the geodetic datum, may be substituted for such outer limit lines or lines of delimitation.

2. The coastal State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations.

PART VI

CONTINENTAL SHELF

Article 76 *Definition of the continental shelf*

1. The continental shelf of a coastal State comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance.

2. The continental shelf of a coastal State shall not extend beyond the limits provided for in paragraphs 4 to 6.

3. The continental margin comprises the submerged prolongation of the land mass of the coastal State, and consists of the seabed and subsoil of the shelf, the slope and the rise. It does not include the deep ocean floor with its oceanic ridges or the subsoil thereof.

4. (a) For the purposes of this Convention, the coastal State shall establish the outer edge of the continental margin wherever the margin extends beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, by either:
- (i) a line delineated in accordance with paragraph 7 by reference to the outermost fixed points at each of which the thickness of sedimentary rocks is at least 1 per cent of the shortest distance from such point to the foot of the continental slope; or
 - (ii) a line delineated in accordance with paragraph 7 by reference to fixed points not more than 60 nautical miles from the foot of the continental slope.
- (b) In the absence of evidence to the contrary, the foot of the continental slope shall be determined as the point of maximum change in the gradient at its base.

5. The fixed points comprising the line of the outer limits of the continental shelf on the seabed, drawn in accordance with paragraph 4 (a)(i) and (ii), either shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured or shall not exceed 100 nautical miles from the 2,500 metre isobath, which is a line connecting the depth of 2,500 metres.

6. Notwithstanding the provisions of paragraph 5, on submarine ridges, the outer limit of the continental shelf shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured. This paragraph does not apply to submarine elevations that are natural

components of the continental margin, such as its plateaux, rises, caps, banks and spurs.

7. The coastal State shall delineate the outer limits of its continental shelf, where that shelf extends beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, by straight lines not exceeding 60 nautical miles in length, connecting fixed points, defined by coordinates of latitude and longitude.

8. Information on the limits of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured shall be submitted by the coastal State to the Commission on the Limits of the Continental Shelf set up under Annex II on the basis of equitable geographical representation. The Commission shall make recommendations to coastal States on matters related to the establishment of the outer limits of their continental shelf. The limits of the shelf established by a coastal State on the basis of these recommendations shall be final and binding.

9. The coastal State shall deposit with the Secretary-General of the United Nations charts and relevant information, including geodetic data, permanently describing the outer limits of its continental shelf. The Secretary-General shall give due publicity thereto.

10. The provisions of this article are without prejudice to the question of delimitation of the continental shelf between States with opposite or adjacent coasts.

Article 77

Rights of the coastal State over the continental shelf

1. The coastal State exercises over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources.

2. The rights referred to in paragraph 1 are exclusive in the sense that if the coastal State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities without the express consent of the coastal State.

3. The rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation.

4. The natural resources referred to in this Part consist of the mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species, that is to say, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil.

Article 78

Legal status of the superjacent waters and air space and the rights and freedoms of other States

1. The rights of the coastal State over the continental shelf do not affect the legal status of the superjacent waters or of the air space above those waters.

2. The exercise of the rights of the coastal State over the continental shelf must not infringe or result in any unjustifiable interference with navigation and other rights and freedoms of other States as provided for in this Convention.

Article 79
Submarine cables and pipelines on the continental shelf

1. All States are entitled to lay submarine cables and pipelines on the continental shelf, in accordance with the provisions of this article.

2. Subject to its right to take reasonable measures for the exploration of the continental shelf, the exploitation of its natural resources and the prevention, reduction and control of pollution from pipelines, the coastal State may not impede the laying or maintenance of such cables or pipelines.

3. The delineation of the course for the laying of such pipelines on the continental shelf is subject to the consent of the coastal State.

4. Nothing in this Part affects the right of the coastal State to establish conditions for cables or pipelines entering its territory or territorial sea, or its jurisdiction over cables and pipelines constructed or used in connection with the exploration of its continental shelf or exploitation of its resources or the operations of artificial islands, installations and structures under its jurisdiction.

5. When laying submarine cables or pipelines, States shall have due regard to cables or pipelines already in position. In particular, possibilities of repairing existing cables or pipelines shall not be prejudiced.

Article 80
Artificial islands, installations and structures on the continental shelf

Article 60 applies *mutatis mutandis* to artificial islands, installations and structures on the continental shelf.

Article 81
Drilling on the continental shelf

The coastal State shall have the exclusive right to authorize and regulate drilling on the continental shelf for all purposes.

Article 82
Payments and contributions with respect to the exploitation of the continental shelf beyond 200 nautical miles

1. The coastal State shall make payments or contributions in kind in respect of the exploitation of the non-living resources of the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

2. The payments and contributions shall be made annually with respect to all production at a site after the first five years of production at that site. For the sixth year, the rate of payment or contribution shall be 1 per cent of the value or volume of production at the site. The rate shall increase by 1 per cent for each subsequent year until the twelfth year and shall remain at 7 per cent thereafter. Production does not include resources used in connection with exploitation.

3. A developing State which is a net importer of a mineral resource produced from its continental shelf is exempt from making such payments or contributions in respect of that mineral resource.

4. The payments or contributions shall be made through the Authority, which shall distribute them to States Parties to this Convention, on the basis

of equitable sharing criteria, taking into account the interests and needs of developing States, particularly the least developed and the land-locked among them.

Article 83
Delimitation of the continental shelf
between States with opposite or adjacent coasts

1. The delimitation of the continental shelf between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.

2. If no agreement can be reached within a reasonable period of time, the States concerned shall resort to the procedures provided for in Part XV.

3. Pending agreement as provided for in paragraph 1, the States concerned, in a spirit of understanding and cooperation, shall make every effort to enter into provisional arrangements of a practical nature and, during this transitional period, not to jeopardize or hamper the reaching of the final agreement. Such arrangements shall be without prejudice to the final delimitation.

4. Where there is an agreement in force between the States concerned, questions relating to the delimitation of the continental shelf shall be determined in accordance with the provisions of that agreement.

Article 84
Charts and lists of geographical coordinates

1. Subject to this Part, the outer limit lines of the continental shelf and the lines of delimitation drawn in accordance with article 83 shall be shown on charts of a scale or scales adequate for ascertaining their position. Where appropriate, lists of geographical coordinates of points, specifying the geodetic datum, may be substituted for such outer limit lines or lines of delimitation.

2. The coastal State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations and, in the case of those showing the outer limit lines of the continental shelf, with the Secretary-General of the Authority.

Article 85
Tunnelling

This Part does not prejudice the right of the coastal State to exploit the subsoil by means of tunnelling, irrespective of the depth of water above the subsoil.

PART VII

HIGH SEAS

SECTION 1. GENERAL PROVISIONS

Article 86

Application of the provisions of this Part

The provisions of this Part apply to all parts of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State. This article does not entail any abridgement of the freedoms enjoyed by all States in the exclusive economic zone in accordance with article 58.

Article 87

Freedom of the high seas

1. The high seas are open to all States, whether coastal or land-locked. Freedom of the high seas is exercised under the conditions laid down by this Convention and by other rules of international law. It comprises, *inter alia*, both for coastal and land-locked States:

- (a) freedom of navigation;
- (b) freedom of overflight;
- (c) freedom to lay submarine cables and pipelines, subject to Part VI;
- (d) freedom to construct artificial islands and other installations permitted under international law, subject to Part VI;
- (e) freedom of fishing, subject to the conditions laid down in section 2;
- (f) freedom of scientific research, subject to Parts VI and XIII.

2. These freedoms shall be exercised by all States with due regard for the interests of other States in their exercise of the freedom of the high seas, and also with due regard for the rights under this Convention with respect to activities in the Area.

Article 88

Reservation of the high seas for peaceful purposes

The high seas shall be reserved for peaceful purposes.

Article 89

Invalidity of claims of sovereignty over the high seas

No State may validly purport to subject any part of the high seas to its sovereignty.

Article 90

Right of navigation

Every State, whether coastal or land-locked, has the right to sail ships flying its flag on the high seas.

Article 91
Nationality of ships

1. Every State shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. Ships have the nationality of the State whose flag they are entitled to fly. There must exist a genuine link between the State and the ship.

2. Every State shall issue to ships to which it has granted the right to fly its flag documents to that effect.

Article 92
Status of ships

1. Ships shall sail under the flag of one State only and, save in exceptional cases expressly provided for in international treaties or in this Convention, shall be subject to its exclusive jurisdiction on the high seas. A ship may not change its flag during a voyage or while in a port of call, save in the case of a real transfer of ownership or change of registry.

2. A ship which sails under the flags of two or more States, using them according to convenience, may not claim any of the nationalities in question with respect to any other State, and may be assimilated to a ship without nationality.

Article 93
*Ships flying the flag of the United Nations, its specialized agencies
and the International Atomic Energy Agency*

The preceding articles do not prejudice the question of ships employed on the official service of the United Nations, its specialized agencies or the International Atomic Energy Agency, flying the flag of the organization.

Article 94
Duties of the flag State

1. Every State shall effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag.

2. In particular every State shall:

- (a) maintain a register of ships containing the names and particulars of ships flying its flag, except those which are excluded from generally accepted international regulations on account of their small size; and
- (b) assume jurisdiction under its internal law over each ship flying its flag and its master, officers and crew in respect of administrative, technical and social matters concerning the ship.

3. Every State shall take such measures for ships flying its flag as are necessary to ensure safety at sea with regard, *inter alia*, to:

- (a) the construction, equipment and seaworthiness of ships;
- (b) the manning of ships, labour conditions and the training of crews, taking into account the applicable international instruments;
- (c) the use of signals, the maintenance of communications and the prevention of collisions.

4. Such measures shall include those necessary to ensure:

- (a) that each ship, before registration and thereafter at appropriate intervals, is surveyed by a qualified surveyor of ships, and has on board such charts, nautical publications and navigational equipment and instruments as are appropriate for the safe navigation of the ship;
- (b) that each ship is in the charge of a master and officers who possess appropriate qualifications, in particular in seamanship, navigation, communications and marine engineering, and that the crew is appropriate in qualification and numbers for the type, size, machinery and equipment of the ship;
- (c) that the master, officers and, to the extent appropriate, the crew are fully conversant with and required to observe the applicable international regulations concerning the safety of life at sea, the prevention of collisions, the prevention, reduction and control of marine pollution, and the maintenance of communications by radio.

5. In taking the measures called for in paragraphs 3 and 4 each State is required to conform to generally accepted international regulations, procedures and practices and to take any steps which may be necessary to secure their observance.

6. A State which has clear grounds to believe that proper jurisdiction and control with respect to a ship have not been exercised may report the facts to the flag State. Upon receiving such a report, the flag State shall investigate the matter and, if appropriate, take any action necessary to remedy the situation.

7. Each State shall cause an inquiry to be held by or before a suitably qualified person or persons into every marine casualty or incident of navigation on the high seas involving a ship flying its flag and causing loss of life or serious injury to nationals of another State or serious damage to ships or installations of another State or to the marine environment. The flag State and the other State shall cooperate in the conduct of any inquiry held by that other State into any such marine casualty or incident of navigation.

Article 95

Immunity of warships on the high seas

Warships on the high seas have complete immunity from the jurisdiction of any State other than the flag State.

Article 96

Immunity of ships used only on government non-commercial service

Ships owned or operated by a State and used only on government non-commercial service shall, on the high seas, have complete immunity from the jurisdiction of any State other than the flag State.

Article 97

Penal jurisdiction in matters of collision or any other incident of navigation

1. In the event of a collision or any other incident of navigation concerning a ship on the high seas, involving the penal or disciplinary responsibility of the master or of any other person in the service of the ship,

no penal or disciplinary proceedings may be instituted against such person except before the judicial or administrative authorities either of the flag State or of the State of which such person is a national.

2. In disciplinary matters, the State which has issued a master's certificate or a certificate of competence or licence shall alone be competent, after due legal process, to pronounce the withdrawal of such certificates, even if the holder is not a national of the State which issued them.

3. No arrest or detention of the ship, even as a measure of investigation, shall be ordered by any authorities other than those of the flag State.

Article 98

Duty to render assistance

1. Every State shall require the master of a ship flying its flag, in so far as he can do so without serious danger to the ship, the crew or the passengers:

- (a) to render assistance to any person found at sea in danger of being lost;
- (b) to proceed with all possible speed to the rescue of persons in distress, if informed of their need of assistance, in so far as such action may reasonably be expected of him;
- (c) after a collision, to render assistance to the other ship, its crew and its passengers and, where possible, to inform the other ship of the name of his own ship, its port of registry and the nearest port at which it will call.

2. Every coastal State shall promote the establishment, operation and maintenance of an adequate and effective search and rescue service regarding safety on and over the sea and, where circumstances so require, by way of mutual regional arrangements cooperate with neighbouring States for this purpose.

Article 99

Prohibition of the transport of slaves

Every State shall take effective measures to prevent and punish the transport of slaves in ships authorized to fly its flag and to prevent the unlawful use of its flag for that purpose. Any slave taking refuge on board any ship, whatever its flag, shall *ipso facto* be free.

Article 100

Duty to cooperate in the repression of piracy

All States shall cooperate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State.

Article 101

Definition of piracy

Piracy consists of any of the following acts:

-
- (a) any illegal acts of violence or detention, or any act of depredation, committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:
 - (i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;
 - (ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;
 - (b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;
 - (c) any act of inciting or of intentionally facilitating an act described in subparagraph (a) or (b).

Article 102

*Piracy by a warship, government ship or government aircraft
whose crew has mutinied*

The acts of piracy, as defined in article 101, committed by a warship, government ship or government aircraft whose crew has mutinied and taken control of the ship or aircraft are assimilated to acts committed by a private ship or aircraft.

Article 103

Definition of a pirate ship or aircraft

A ship or aircraft is considered a pirate ship or aircraft if it is intended by the persons in dominant control to be used for the purpose of committing one of the acts referred to in article 101. The same applies if the ship or aircraft has been used to commit any such act, so long as it remains under the control of the persons guilty of that act.

Article 104

Retention or loss of the nationality of a pirate ship or aircraft

A ship or aircraft may retain its nationality although it has become a pirate ship or aircraft. The retention or loss of nationality is determined by the law of the State from which such nationality was derived.

Article 105

Seizure of a pirate ship or aircraft

On the high seas, or in any other place outside the jurisdiction of any State, every State may seize a pirate ship or aircraft, or a ship or aircraft taken by piracy and under the control of pirates, and arrest the persons and seize the property on board. The courts of the State which carried out the seizure may decide upon the penalties to be imposed, and may also determine the action to be taken with regard to the ships, aircraft or property, subject to the rights of third parties acting in good faith.

*Article 106**Liability for seizure without adequate grounds*

Where the seizure of a ship or aircraft on suspicion of piracy has been effected without adequate grounds, the State making the seizure shall be liable to the State the nationality of which is possessed by the ship or aircraft for any loss or damage caused by the seizure.

*Article 107**Ships and aircraft which are entitled to seize on account of piracy*

A seizure on account of piracy may be carried out only by warships or military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect.

*Article 108**Illicit traffic in narcotic drugs or psychotropic substances*

1. All States shall cooperate in the suppression of illicit traffic in narcotic drugs and psychotropic substances engaged in by ships on the high seas contrary to international conventions.

2. Any State which has reasonable grounds for believing that a ship flying its flag is engaged in illicit traffic in narcotic drugs or psychotropic substances may request the cooperation of other States to suppress such traffic.

*Article 109**Unauthorized broadcasting from the high seas*

1. All States shall cooperate in the suppression of unauthorized broadcasting from the high seas.

2. For the purposes of this Convention, "unauthorized broadcasting" means the transmission of sound radio or television broadcasts from a ship or installation on the high seas intended for reception by the general public contrary to international regulations, but excluding the transmission of distress calls.

3. Any person engaged in unauthorized broadcasting may be prosecuted before the court of:

- (a) the flag State of the ship;
- (b) the State of registry of the installation;
- (c) the State of which the person is a national;
- (d) any State where the transmissions can be received; or
- (e) any State where authorized radio communication is suffering interference.

4. On the high seas, a State having jurisdiction in accordance with paragraph 3 may, in conformity with article 110, arrest any person or ship engaged in unauthorized broadcasting and seize the broadcasting apparatus.

Article 110
Right of visit

1. Except where acts of interference derive from powers conferred by treaty, a warship which encounters on the high seas a foreign ship, other than a ship entitled to complete immunity in accordance with articles 95 and 96, is not justified in boarding it unless there is reasonable ground for suspecting that:

- (a) the ship is engaged in piracy;
- (b) the ship is engaged in the slave trade;
- (c) the ship is engaged in unauthorized broadcasting and the flag State of the warship has jurisdiction under article 109;
- (d) the ship is without nationality; or
- (e) though flying a foreign flag or refusing to show its flag, the ship is, in reality, of the same nationality as the warship.

2. In the cases provided for in paragraph 1, the warship may proceed to verify the ship's right to fly its flag. To this end, it may send a boat under the command of an officer to the suspected ship. If suspicion remains after the documents have been checked, it may proceed to a further examination on board the ship, which must be carried out with all possible consideration.

3. If the suspicions prove to be unfounded, and provided that the ship boarded has not committed any act justifying them, it shall be compensated for any loss or damage that may have been sustained.

4. These provisions apply *mutatis mutandis* to military aircraft.

5. These provisions also apply to any other duly authorized ships or aircraft clearly marked and identifiable as being on government service.

Article 111
Right of hot pursuit

1. The hot pursuit of a foreign ship may be undertaken when the competent authorities of the coastal State have good reason to believe that the ship has violated the laws and regulations of that State. Such pursuit must be commenced when the foreign ship or one of its boats is within the internal waters, the archipelagic waters, the territorial sea or the contiguous zone of the pursuing State, and may only be continued outside the territorial sea or the contiguous zone if the pursuit has not been interrupted. It is not necessary that, at the time when the foreign ship within the territorial sea or the contiguous zone receives the order to stop, the ship giving the order should likewise be within the territorial sea or the contiguous zone. If the foreign ship is within a contiguous zone, as defined in article 33, the pursuit may only be undertaken if there has been a violation of the rights for the protection of which the zone was established.

2. The right of hot pursuit shall apply *mutatis mutandis* to violations in the exclusive economic zone or on the continental shelf, including safety zones around continental shelf installations, of the laws and regulations of the coastal State applicable in accordance with this Convention to the exclusive economic zone or the continental shelf, including such safety zones.

3. The right of hot pursuit ceases as soon as the ship pursued enters the territorial sea of its own State or of a third State.

4. Hot pursuit is not deemed to have begun unless the pursuing ship has satisfied itself by such practicable means as may be available that the ship pursued or one of its boats or other craft working as a team and using the ship

pursued as a mother ship is within the limits of the territorial sea, or, as the case may be, within the contiguous zone or the exclusive economic zone or above the continental shelf. The pursuit may only be commenced after a visual or auditory signal to stop has been given at a distance which enables it to be seen or heard by the foreign ship.

5. The right of hot pursuit may be exercised only by warships or military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect.

6. Where hot pursuit is effected by an aircraft:

- (a) the provisions of paragraphs 1 to 4 shall apply *mutatis mutandis*;
- (b) the aircraft giving the order to stop must itself actively pursue the ship until a ship or another aircraft of the coastal State, summoned by the aircraft, arrives to take over the pursuit, unless the aircraft is itself able to arrest the ship. It does not suffice to justify an arrest outside the territorial sea that the ship was merely sighted by the aircraft as an offender or suspected offender, if it was not both ordered to stop and pursued by the aircraft itself or other aircraft or ships which continue the pursuit without interruption.

7. The release of a ship arrested within the jurisdiction of a State and escorted to a port of that State for the purposes of an inquiry before the competent authorities may not be claimed solely on the ground that the ship, in the course of its voyage, was escorted across a portion of the exclusive economic zone or the high seas, if the circumstances rendered this necessary.

8. Where a ship has been stopped or arrested outside the territorial sea in circumstances which do not justify the exercise of the right of hot pursuit, it shall be compensated for any loss or damage that may have been thereby sustained.

Article 112

Right to lay submarine cables and pipelines

1. All States are entitled to lay submarine cables and pipelines on the bed of the high seas beyond the continental shelf.

2. Article 79, paragraph 5, applies to such cables and pipelines.

Article 113

Breaking or injury of a submarine cable or pipeline

Every State shall adopt the laws and regulations necessary to provide that the breaking or injury by a ship flying its flag or by a person subject to its jurisdiction of a submarine cable beneath the high seas done wilfully or through culpable negligence, in such a manner as to be liable to interrupt or obstruct telegraphic or telephonic communications, and similarly the breaking or injury of a submarine pipeline or high-voltage power cable, shall be a punishable offence. This provision shall apply also to conduct calculated or likely to result in such breaking or injury. However, it shall not apply to any break or injury caused by persons who acted merely with the legitimate object of saving their lives or their ships, after having taken all necessary precautions to avoid such break or injury.

*Article 114**Breaking or injury by owners of a submarine cable or pipeline
of another submarine cable or pipeline*

Every State shall adopt the laws and regulations necessary to provide that, if persons subject to its jurisdiction who are the owners of a submarine cable or pipeline beneath the high seas, in laying or repairing that cable or pipeline, cause a break in or injury to another cable or pipeline, they shall bear the cost of the repairs.

*Article 115**Indemnity for loss incurred in avoiding injury
to a submarine cable or pipeline*

Every State shall adopt the laws and regulations necessary to ensure that the owners of ships who can prove that they have sacrificed an anchor, a net or any other fishing gear, in order to avoid injuring a submarine cable or pipeline, shall be indemnified by the owner of the cable or pipeline, provided that the owner of the ship has taken all reasonable precautionary measures beforehand.

**SECTION 2. CONSERVATION AND MANAGEMENT OF THE
LIVING RESOURCES OF THE HIGH SEAS***Article 116**Right to fish on the high seas*

All States have the right for their nationals to engage in fishing on the high seas subject to:

- (a) their treaty obligations;
- (b) the rights and duties as well as the interests of coastal States provided for, *inter alia*, in article 63, paragraph 2, and articles 64 to 67; and
- (c) the provisions of this section.

*Article 117**Duty of States to adopt with respect to their nationals
measures for the conservation of the living resources of the high seas*

All States have the duty to take, or to cooperate with other States in taking, such measures for their respective nationals as may be necessary for the conservation of the living resources of the high seas.

*Article 118**Cooperation of States in the conservation and management
of living resources*

States shall cooperate with each other in the conservation and management of living resources in the areas of the high seas. States whose nationals exploit identical living resources, or different living resources in the same area, shall enter into negotiations with a view to taking the measures necessary for the conservation of the living resources concerned. They shall,

as appropriate, cooperate to establish subregional or regional fisheries organizations to this end.

Article 119

Conservation of the living resources of the high seas

1. In determining the allowable catch and establishing other conservation measures for the living resources in the high seas, States shall:
 - (a) take measures which are designed, on the best scientific evidence available to the States concerned, to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield, as qualified by relevant environmental and economic factors, including the special requirements of developing States, and taking into account fishing patterns, the interdependence of stocks and any generally recommended international minimum standards, whether subregional, regional or global;
 - (b) take into consideration the effects on species associated with or dependent upon harvested species with a view to maintaining or restoring populations of such associated or dependent species above levels at which their reproduction may become seriously threatened.
2. Available scientific information, catch and fishing effort statistics, and other data relevant to the conservation of fish stocks shall be contributed and exchanged on a regular basis through competent international organizations, whether subregional, regional or global, where appropriate and with participation by all States concerned.
3. States concerned shall ensure that conservation measures and their implementation do not discriminate in form or in fact against the fishermen of any State.

Article 120

Marine mammals

Article 65 also applies to the conservation and management of marine mammals in the high seas.

PART VIII

REGIME OF ISLANDS

Article 121

Regime of islands

1. An island is a naturally formed area of land, surrounded by water, which is above water at high tide.
2. Except as provided for in paragraph 3, the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of an island are determined in accordance with the provisions of this Convention applicable to other land territory.
3. Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf.

PART IX
ENCLOSED OR SEMI-ENCLOSED SEAS

Article 122
Definition

For the purposes of this Convention, "enclosed or semi-enclosed sea" means a gulf, basin or sea surrounded by two or more States and connected to another sea or the ocean by a narrow outlet or consisting entirely or primarily of the territorial seas and exclusive economic zones of two or more coastal States.

Article 123
Cooperation of States bordering enclosed or semi-enclosed seas

States bordering an enclosed or semi-enclosed sea should cooperate with each other in the exercise of their rights and in the performance of their duties under this Convention. To this end they shall endeavour, directly or through an appropriate regional organization:

- (a) to coordinate the management, conservation, exploration and exploitation of the living resources of the sea;
- (b) to coordinate the implementation of their rights and duties with respect to the protection and preservation of the marine environment;
- (c) to coordinate their scientific research policies and undertake where appropriate joint programmes of scientific research in the area;
- (d) to invite, as appropriate, other interested States or international organizations to cooperate with them in furtherance of the provisions of this article.

PART X
**RIGHT OF ACCESS OF LAND-LOCKED
STATES TO AND FROM THE SEA
AND FREEDOM OF TRANSIT**

Article 124
Use of terms

1. For the purposes of this Convention:
 - (a) "land-locked State" means a State which has no sea-coast;
 - (b) "transit State" means a State, with or without a sea-coast, situated between a land-locked State and the sea, through whose territory traffic in transit passes;
 - (c) "traffic in transit" means transit of persons, baggage, goods and means of transport across the territory of one or more transit States, when the passage across such territory, with or without trans-shipment, warehousing, breaking bulk or change in the mode of transport, is only a portion of a complete journey

which begins or terminates within the territory of the land-locked State;

- (d) "means of transport" means:
- (i) railway rolling stock, sea, lake and river craft and road vehicles;
 - (ii) where local conditions so require, porters and pack animals.

2. Land-locked States and transit States may, by agreement between them, include as means of transport pipelines and gas lines and means of transport other than those included in paragraph 1.

Article 125

Right of access to and from the sea and freedom of transit

1. Land-locked States shall have the right of access to and from the sea for the purpose of exercising the rights provided for in this Convention including those relating to the freedom of the high seas and the common heritage of mankind. To this end, land-locked States shall enjoy freedom of transit through the territory of transit States by all means of transport.

2. The terms and modalities for exercising freedom of transit shall be agreed between the land-locked States and transit States concerned through bilateral, subregional or regional agreements.

3. Transit States, in the exercise of their full sovereignty over their territory, shall have the right to take all measures necessary to ensure that the rights and facilities provided for in this Part for land-locked States shall in no way infringe their legitimate interests.

Article 126

Exclusion of application of the most-favoured-nation clause

The provisions of this Convention, as well as special agreements relating to the exercise of the right of access to and from the sea, establishing rights and facilities on account of the special geographical position of land-locked States, are excluded from the application of the most-favoured-nation clause.

Article 127

Customs duties, taxes and other charges

1. Traffic in transit shall not be subject to any customs duties, taxes or other charges except charges levied for specific services rendered in connection with such traffic.

2. Means of transport in transit and other facilities provided for and used by land-locked States shall not be subject to taxes or charges higher than those levied for the use of means of transport of the transit State.

Article 128

Free zones and other customs facilities

For the convenience of traffic in transit, free zones or other customs facilities may be provided at the ports of entry and exit in the transit States, by agreement between those States and the land-locked States.

*Article 129**Cooperation in the construction and improvement of means of transport*

Where there are no means of transport in transit States to give effect to the freedom of transit or where the existing means, including the port installations and equipment, are inadequate in any respect, the transit States and land-locked States concerned may cooperate in constructing or improving them.

*Article 130**Measures to avoid or eliminate delays
or other difficulties of a technical nature in traffic in transit*

1. Transit States shall take all appropriate measures to avoid delays or other difficulties of a technical nature in traffic in transit.

2. Should such delays or difficulties occur, the competent authorities of the transit States and land-locked States concerned shall cooperate towards their expeditious elimination.

*Article 131**Equal treatment in maritime ports*

Ships flying the flag of land-locked States shall enjoy treatment equal to that accorded to other foreign ships in maritime ports.

*Article 132**Grant of greater transit facilities*

This Convention does not entail in any way the withdrawal of transit facilities which are greater than those provided for in this Convention and which are agreed between States Parties to this Convention or granted by a State Party. This Convention also does not preclude such grant of greater facilities in the future.

PART XI**THE AREA****SECTION 1. GENERAL PROVISIONS***Article 133**Use of terms*

For the purposes of this Part:

- (a) "resources" means all solid, liquid or gaseous mineral resources *in situ* in the Area at or beneath the seabed, including polymetallic nodules;
- (b) resources, when recovered from the Area, are referred to as "minerals".

Article 134
Scope of this Part

1. This Part applies to the Area.
2. Activities in the Area shall be governed by the provisions of this Part.
3. The requirements concerning deposit of, and publicity to be given to, the charts or lists of geographical coordinates showing the limits referred to in article 1, paragraph 1(1), are set forth in Part VI.
4. Nothing in this article affects the establishment of the outer limits of the continental shelf in accordance with Part VI or the validity of agreements relating to delimitation between States with opposite or adjacent coasts.

Article 135
Legal status of the superjacent waters and air space

Neither this Part nor any rights granted or exercised pursuant thereto shall affect the legal status of the waters superjacent to the Area or that of the air space above those waters.

SECTION 2. PRINCIPLES GOVERNING THE AREA

Article 136
Common heritage of mankind

The Area and its resources are the common heritage of mankind.

Article 137
Legal status of the Area and its resources

1. No State shall claim or exercise sovereignty or sovereign rights over any part of the Area or its resources, nor shall any State or natural or juridical person appropriate any part thereof. No such claim or exercise of sovereignty or sovereign rights nor such appropriation shall be recognized.

2. All rights in the resources of the Area are vested in mankind as a whole, on whose behalf the Authority shall act. These resources are not subject to alienation. The minerals recovered from the Area, however, may only be alienated in accordance with this Part and the rules, regulations and procedures of the Authority.

3. No State or natural or juridical person shall claim, acquire or exercise rights with respect to the minerals recovered from the Area except in accordance with this Part. Otherwise, no such claim, acquisition or exercise of such rights shall be recognized.

Article 138
General conduct of States in relation to the Area

The general conduct of States in relation to the Area shall be in accordance with the provisions of this Part, the principles embodied in the Charter of the United Nations and other rules of international law in the interests of maintaining peace and security and promoting international cooperation and mutual understanding.

*Article 139**Responsibility to ensure compliance and liability for damage*

1. States Parties shall have the responsibility to ensure that activities in the Area, whether carried out by States Parties, or state enterprises or natural or juridical persons which possess the nationality of States Parties or are effectively controlled by them or their nationals, shall be carried out in conformity with this Part. The same responsibility applies to international organizations for activities in the Area carried out by such organizations.

2. Without prejudice to the rules of international law and Annex III, article 22, damage caused by the failure of a State Party or international organization to carry out its responsibilities under this Part shall entail liability; States Parties or international organizations acting together shall bear joint and several liability. A State Party shall not however be liable for damage caused by any failure to comply with this Part by a person whom it has sponsored under article 153, paragraph 2(b), if the State Party has taken all necessary and appropriate measures to secure effective compliance under article 153, paragraph 4, and Annex III, article 4, paragraph 4.

3. States Parties that are members of international organizations shall take appropriate measures to ensure the implementation of this article with respect to such organizations.

*Article 140**Benefit of mankind*

1. Activities in the Area shall, as specifically provided for in this Part, be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States, whether coastal or land-locked, and taking into particular consideration the interests and needs of developing States and of peoples who have not attained full independence or other self-governing status recognized by the United Nations in accordance with General Assembly resolution 1514 (XV) and other relevant General Assembly resolutions.

2. The Authority shall provide for the equitable sharing of financial and other economic benefits derived from activities in the Area through any appropriate mechanism, on a non-discriminatory basis, in accordance with article 160, paragraph 2(f)(i).

*Article 141**Use of the Area exclusively for peaceful purposes*

The Area shall be open to use exclusively for peaceful purposes by all States, whether coastal or land-locked, without discrimination and without prejudice to the other provisions of this Part.

*Article 142**Rights and legitimate interests of coastal States*

1. Activities in the Area, with respect to resource deposits in the Area which lie across limits of national jurisdiction, shall be conducted with due regard to the rights and legitimate interests of any coastal State across whose jurisdiction such deposits lie.

2. Consultations, including a system of prior notification, shall be maintained with the State concerned, with a view to avoiding infringement of such rights and interests. In cases where activities in the Area may result in the exploitation of resources lying within national jurisdiction, the prior consent of the coastal State concerned shall be required.

3. Neither this Part nor any rights granted or exercised pursuant thereto shall affect the rights of coastal States to take such measures consistent with the relevant provisions of Part XII as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline, or related interests from pollution or threat thereof or from other hazardous occurrences resulting from or caused by any activities in the Area.

Article 143
Marine scientific research

1. Marine scientific research in the Area shall be carried out exclusively for peaceful purposes and for the benefit of mankind as a whole, in accordance with Part XIII.

2. The Authority may carry out marine scientific research concerning the Area and its resources, and may enter into contracts for that purpose. The Authority shall promote and encourage the conduct of marine scientific research in the Area, and shall coordinate and disseminate the results of such research and analysis when available.

3. States Parties may carry out marine scientific research in the Area. States Parties shall promote international cooperation in marine scientific research in the Area by:

- (a) participating in international programmes and encouraging cooperation in marine scientific research by personnel of different countries and of the Authority;
- (b) ensuring that programmes are developed through the Authority or other international organizations as appropriate for the benefit of developing States and technologically less developed States with a view to:
 - (i) strengthening their research capabilities;
 - (ii) training their personnel and the personnel of the Authority in the techniques and applications of research;
 - (iii) fostering the employment of their qualified personnel in research in the Area;
- (c) effectively disseminating the results of research and analysis when available, through the Authority or other international channels when appropriate.

Article 144
Transfer of technology

1. The Authority shall take measures in accordance with this Convention:

- (a) to acquire technology and scientific knowledge relating to activities in the Area; and
- (b) to promote and encourage the transfer to developing States of such technology and scientific knowledge so that all States Parties benefit therefrom.

2. To this end the Authority and States Parties shall cooperate in promoting the transfer of technology and scientific knowledge relating to activities in the Area so that the Enterprise and all States Parties may benefit therefrom. In particular they shall initiate and promote:

- (a) programmes for the transfer of technology to the Enterprise and to developing States with regard to activities in the Area, including, *inter alia*, facilitating the access of the Enterprise and of developing States to the relevant technology, under fair and reasonable terms and conditions;
- (b) measures directed towards the advancement of the technology of the Enterprise and the domestic technology of developing States, particularly by providing opportunities to personnel from the Enterprise and from developing States for training in marine science and technology and for their full participation in activities in the Area.

Article 145

Protection of the marine environment

Necessary measures shall be taken in accordance with this Convention with respect to activities in the Area to ensure effective protection for the marine environment from harmful effects which may arise from such activities. To this end the Authority shall adopt appropriate rules, regulations and procedures for *inter alia*:

- (a) the prevention, reduction and control of pollution and other hazards to the marine environment, including the coastline, and of interference with the ecological balance of the marine environment, particular attention being paid to the need for protection from harmful effects of such activities as drilling, dredging, excavation, disposal of waste, construction and operation or maintenance of installations, pipelines and other devices related to such activities;
- (b) the protection and conservation of the natural resources of the Area and the prevention of damage to the flora and fauna of the marine environment.

Article 146

Protection of human life

With respect to activities in the Area, necessary measures shall be taken to ensure effective protection of human life. To this end the Authority shall adopt appropriate rules, regulations and procedures to supplement existing international law as embodied in relevant treaties.

Article 147

Accommodation of activities in the Area and in the marine environment

1. Activities in the Area shall be carried out with reasonable regard for other activities in the marine environment.
2. Installations used for carrying out activities in the Area shall be subject to the following conditions:
 - (a) such installations shall be erected, emplaced and removed solely in accordance with this Part and subject to the rules, regulations and procedures of the Authority. Due notice must

- be given of the erection, emplacement and removal of such installations, and permanent means for giving warning of their presence must be maintained;
- (b) such installations may not be established where interference may be caused to the use of recognized sea lanes essential to international navigation or in areas of intense fishing activity;
 - (c) safety zones shall be established around such installations with appropriate markings to ensure the safety of both navigation and the installations. The configuration and location of such safety zones shall not be such as to form a belt impeding the lawful access of shipping to particular maritime zones or navigation along international sea lanes;
 - (d) such installations shall be used exclusively for peaceful purposes;
 - (e) such installations do not possess the status of islands. They have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.
3. Other activities in the marine environment shall be conducted with reasonable regard for activities in the Area.

Article 148

Participation of developing States in activities in the Area

The effective participation of developing States in activities in the Area shall be promoted as specifically provided for in this Part, having due regard to their special interests and needs, and in particular to the special need of the land-locked and geographically disadvantaged among them to overcome obstacles arising from their disadvantaged location, including remoteness from the Area and difficulty of access to and from it.

Article 149

Archaeological and historical objects

All objects of an archaeological and historical nature found in the Area shall be preserved or disposed of for the benefit of mankind as a whole, particular regard being paid to the preferential rights of the State or country of origin, or the State of cultural origin, or the State of historical and archaeological origin.

SECTION 3. DEVELOPMENT OF RESOURCES OF THE AREA

Article 150

Policies relating to activities in the Area

Activities in the Area shall, as specifically provided for in this Part, be carried out in such a manner as to foster healthy development of the world economy and balanced growth of international trade, and to promote international cooperation for the over-all development of all countries, especially developing States, and with a view to ensuring:

- (a) the development of the resources of the Area;
- (b) orderly, safe and rational management of the resources of the Area, including the efficient conduct of activities in the Area and, in

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- accordance with sound principles of conservation, the avoidance of unnecessary waste;
- (c) the expansion of opportunities for participation in such activities consistent in particular with articles 144 and 148;
 - (d) participation in revenues by the Authority and the transfer of technology to the Enterprise and developing States as provided for in this Convention;
 - (e) increased availability of the minerals derived from the Area as needed in conjunction with minerals derived from other sources, to ensure supplies to consumers of such minerals;
 - (f) the promotion of just and stable prices remunerative to producers and fair to consumers for minerals derived both from the Area and from other sources, and the promotion of long-term equilibrium between supply and demand;
 - (g) the enhancement of opportunities for all States Parties, irrespective of their social and economic systems or geographical location, to participate in the development of the resources of the Area and the prevention of monopolization of activities in the Area;
 - (h) the protection of developing countries from adverse effects on their economies or on their export earnings resulting from a reduction in the price of an affected mineral, or in the volume of exports of that mineral, to the extent that such reduction is caused by activities in the Area, as provided in article 151;
 - (i) the development of the common heritage for the benefit of mankind as a whole; and
 - (j) conditions of access to markets for the imports of minerals produced from the resources of the Area and for imports of commodities produced from such minerals shall not be more favourable than the most favourable applied to imports from other sources.

Article 151
Production policies

1. (a) Without prejudice to the objectives set forth in article 150 and for the purpose of implementing subparagraph (h) of that article, the Authority, acting through existing forums or such new arrangements or agreements as may be appropriate, in which all interested parties, including both producers and consumers, participate, shall take measures necessary to promote the growth, efficiency and stability of markets for those commodities produced from the minerals derived from the Area, at prices remunerative to producers and fair to consumers. All States Parties shall cooperate to this end.
- (b) The Authority shall have the right to participate in any commodity conference dealing with those commodities and in which all interested parties including both producers and consumers participate. The Authority shall have the right to become a party to any arrangement or agreement resulting from such conferences. Participation of the Authority in any organs established under those arrangements or agreements shall be in respect of production in the Area and in accordance with the relevant rules of those organs.

- (c) The Authority shall carry out its obligations under the arrangements or agreements referred to in this paragraph in a manner which assures a uniform and non-discriminatory implementation in respect of all production in the Area of the minerals concerned. In doing so, the Authority shall act in a manner consistent with the terms of existing contracts and approved plans of work of the Enterprise.
2. (a) During the interim period specified in paragraph 3, commercial production shall not be undertaken pursuant to an approved plan of work until the operator has applied for and has been issued a production authorization by the Authority. Such production authorizations may not be applied for or issued more than five years prior to the planned commencement of commercial production under the plan of work unless, having regard to the nature and timing of project development, the rules, regulations and procedures of the Authority prescribe another period.
- (b) In the application for the production authorization, the operator shall specify the annual quantity of nickel expected to be recovered under the approved plan of work. The application shall include a schedule of expenditures to be made by the operator after he has received the authorization which are reasonably calculated to allow him to begin commercial production on the date planned.
- (c) For the purposes of subparagraphs (a) and (b), the Authority shall establish appropriate performance requirements in accordance with Annex III, article 17.
- (d) The Authority shall issue a production authorization for the level of production applied for unless the sum of that level and the levels already authorized exceeds the nickel production ceiling, as calculated pursuant to paragraph 4 in the year of issuance of the authorization, during any year of planned production falling within the interim period.
- (e) When issued, the production authorization and approved application shall become a part of the approved plan of work.
- (f) If the operator's application for a production authorization is denied pursuant to subparagraph (d), the operator may apply again to the Authority at any time.
3. The interim period shall begin five years prior to 1 January of the year in which the earliest commercial production is planned to commence under an approved plan of work. If the earliest commercial production is delayed beyond the year originally planned, the beginning of the interim period and the production ceiling originally calculated shall be adjusted accordingly. The interim period shall last 25 years or until the end of the Review Conference referred to in article 155 or until the day when such new arrangements or agreements as are referred to in paragraph 1 enter into force, whichever is earliest. The Authority shall resume the power provided in this article for the remainder of the interim period if the said arrangements or agreements should lapse or become ineffective for any reason whatsoever.
4. (a) The production ceiling for any year of the interim period shall be the sum of:
- (i) the difference between the trend line values for nickel consumption, as calculated pursuant to subparagraph (b),

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- for the year immediately prior to the year of the earliest commercial production and the year immediately prior to the commencement of the interim period; and
- (ii) sixty per cent of the difference between the trend line values for nickel consumption, as calculated pursuant to subparagraph (b), for the year for which the production authorization is being applied for and the year immediately prior to the year of the earliest commercial production.
- (b) For the purposes of subparagraph (a):
- (i) trend line values used for computing the nickel production ceiling shall be those annual nickel consumption values on a trend line computed during the year in which a production authorization is issued. The trend line shall be derived from a linear regression of the logarithms of actual nickel consumption for the most recent 15-year period for which such data are available, time being the independent variable. This trend line shall be referred to as the original trend line;
 - (ii) if the annual rate of increase of the original trend line is less than 3 per cent, then the trend line used to determine the quantities referred to in subparagraph (a) shall instead be one passing through the original trend line at the value for the first year of the relevant 15-year period, and increasing at 3 per cent annually; provided however that the production ceiling established for any year of the interim period may not in any case exceed the difference between the original trend line value for that year and the original trend line value for the year immediately prior to the commencement of the interim period.
5. The Authority shall reserve to the Enterprise for its initial production a quantity of 38,000 metric tonnes of nickel from the available production ceiling calculated pursuant to paragraph 4.
6. (a) An operator may in any year produce less than or up to 8 per cent more than the level of annual production of minerals from polymetallic nodules specified in his production authorization, provided that the over-all amount of production shall not exceed that specified in the authorization. Any excess over 8 per cent and up to 20 per cent in any year, or any excess in the first and subsequent years following two consecutive years in which excesses occur, shall be negotiated with the Authority, which may require the operator to obtain a supplementary production authorization to cover additional production.
- (b) Applications for such supplementary production authorizations shall be considered by the Authority only after all pending applications by operators who have not yet received production authorizations have been acted upon and due account has been taken of other likely applicants. The Authority shall be guided by the principle of not exceeding the total production allowed under the production ceiling in any year of the interim period. It shall not authorize the production under any plan of work of a quantity in excess of 46,500 metric tonnes of nickel per year.

7. The levels of production of other metals such as copper, cobalt and manganese extracted from the polymetallic nodules that are recovered pursuant to a production authorization should not be higher than those which would have been produced had the operator produced the maximum level of nickel from those nodules pursuant to this article. The Authority shall establish rules, regulations and procedures pursuant to Annex III, article 17, to implement this paragraph.

8. Rights and obligations relating to unfair economic practices under relevant multilateral trade agreements shall apply to the exploration for and exploitation of minerals from the Area. In the settlement of disputes arising under this provision, States Parties which are Parties to such multilateral trade agreements shall have recourse to the dispute settlement procedures of such agreements.

9. The Authority shall have the power to limit the level of production of minerals from the Area, other than minerals from polymetallic nodules, under such conditions and applying such methods as may be appropriate by adopting regulations in accordance with article 161, paragraph 8.

10. Upon the recommendation of the Council on the basis of advice from the Economic Planning Commission, the Assembly shall establish a system of compensation or take other measures of economic adjustment assistance including cooperation with specialized agencies and other international organizations to assist developing countries which suffer serious adverse effects on their export earnings or economies resulting from a reduction in the price of an affected mineral or in the volume of exports of that mineral, to the extent that such reduction is caused by activities in the Area. The Authority on request shall initiate studies on the problems of those States which are likely to be most seriously affected with a view to minimizing their difficulties and assisting them in their economic adjustment.

Article 152

Exercise of powers and functions by the Authority

1. The Authority shall avoid discrimination in the exercise of its powers and functions, including the granting of opportunities for activities in the Area.

2. Nevertheless, special consideration for developing States, including particular consideration for the land-locked and geographically disadvantaged among them, specifically provided for in this Part shall be permitted.

Article 153

System of exploration and exploitation

1. Activities in the Area shall be organized, carried out and controlled by the Authority on behalf of mankind as a whole in accordance with this article as well as other relevant provisions of this Part and the relevant Annexes, and the rules, regulations and procedures of the Authority.

2. Activities in the Area shall be carried out as prescribed in paragraph 3:

- (a) by the Enterprise, and
- (b) in association with the Authority by States Parties, or state enterprises or natural or juridical persons which possess the nationality of States Parties or are effectively controlled by them or their nationals, when sponsored by such States, or any

group of the foregoing which meets the requirements provided in this Part and in Annex III.

3. Activities in the Area shall be carried out in accordance with a formal written plan of work drawn up in accordance with Annex III and approved by the Council after review by the Legal and Technical Commission. In the case of activities in the Area carried out as authorized by the Authority by the entities specified in paragraph 2(b), the plan of work shall, in accordance with Annex III, article 3, be in the form of a contract. Such contracts may provide for joint arrangements in accordance with Annex III, article 11.

4. The Authority shall exercise such control over activities in the Area as is necessary for the purpose of securing compliance with the relevant provisions of this Part and the Annexes relating thereto, and the rules, regulations and procedures of the Authority, and the plans of work approved in accordance with paragraph 3. States Parties shall assist the Authority by taking all measures necessary to ensure such compliance in accordance with article 139.

5. The Authority shall have the right to take at any time any measures provided for under this Part to ensure compliance with its provisions and the exercise of the functions of control and regulation assigned to it thereunder or under any contract. The Authority shall have the right to inspect all installations in the Area used in connection with activities in the Area.

6. A contract under paragraph 3 shall provide for security of tenure. Accordingly, the contract shall not be revised, suspended or terminated except in accordance with Annex III, articles 18 and 19.

Article 154
Periodic review

Every five years from the entry into force of this Convention, the Assembly shall undertake a general and systematic review of the manner in which the international regime of the Area established in this Convention has operated in practice. In the light of this review the Assembly may take, or recommend that other organs take, measures in accordance with the provisions and procedures of this Part and the Annexes relating thereto which will lead to the improvement of the operation of the regime.

Article 155
The Review Conference

1. Fifteen years from 1 January of the year in which the earliest commercial production commences under an approved plan of work, the Assembly shall convene a conference for the review of those provisions of this Part and the relevant Annexes which govern the system of exploration and exploitation of the resources of the Area. The Review Conference shall consider in detail, in the light of the experience acquired during that period:

- (a) whether the provisions of this Part which govern the system of exploration and exploitation of the resources of the Area have achieved their aims in all respects, including whether they have benefited mankind as a whole;
- (b) whether, during the 15-year period, reserved areas have been exploited in an effective and balanced manner in comparison with non-reserved areas;

- (c) whether the development and use of the Area and its resources have been undertaken in such a manner as to foster healthy development of the world economy and balanced growth of international trade;
- (d) whether monopolization of activities in the Area has been prevented;
- (e) whether the policies set forth in articles 150 and 151 have been fulfilled; and
- (f) whether the system has resulted in the equitable sharing of benefits derived from activities in the Area, taking into particular consideration the interests and needs of the developing States.

2. The Review Conference shall ensure the maintenance of the principle of the common heritage of mankind, the international regime designed to ensure equitable exploitation of the resources of the Area for the benefit of all countries, especially the developing States, and an Authority to organize, conduct and control activities in the Area. It shall also ensure the maintenance of the principles laid down in this Part with regard to the exclusion of claims or exercise of sovereignty over any part of the Area, the rights of States and their general conduct in relation to the Area, and their participation in activities in the Area in conformity with this Convention, the prevention of monopolization of activities in the Area, the use of the Area exclusively for peaceful purposes, economic aspects of activities in the Area, marine scientific research, transfer of technology, protection of the marine environment, protection of human life, rights of coastal States, the legal status of the waters superjacent to the Area and that of the air space above those waters and accommodation between activities in the Area and other activities in the marine environment.

3. The decision-making procedure applicable at the Review Conference shall be the same as that applicable at the Third United Nations Conference on the Law of the Sea. The Conference shall make every effort to reach agreement on any amendments by way of consensus and there should be no voting on such matters until all efforts at achieving consensus have been exhausted.

4. If, five years after its commencement, the Review Conference has not reached agreement on the system of exploration and exploitation of the resources of the Area, it may decide during the ensuing 12 months, by a three-fourths majority of the States Parties, to adopt and submit to the States Parties for ratification or accession such amendments changing or modifying the system as it determines necessary and appropriate. Such amendments shall enter into force for all States Parties 12 months after the deposit of instruments of ratification or accession by three fourths of the States Parties.

5. Amendments adopted by the Review Conference pursuant to this article shall not affect rights acquired under existing contracts.

SECTION 4. THE AUTHORITY

SUBSECTION A. GENERAL PROVISIONS

Article 156

Establishment of the Authority

1. There is hereby established the International Seabed Authority, which shall function in accordance with this Part.
2. All States Parties are *ipso facto* members of the Authority.
3. Observers at the Third United Nations Conference on the Law of the Sea who have signed the Final Act and who are not referred to in article 305, paragraph 1(c), (d), (e) or (f), shall have the right to participate in the Authority as observers, in accordance with its rules, regulations and procedures.
4. The seat of the Authority shall be in Jamaica.
5. The Authority may establish such regional centres or offices as it deems necessary for the exercise of its functions.

Article 157

Nature and fundamental principles of the Authority

1. The Authority is the organization through which States Parties shall, in accordance with this Part, organize and control activities in the Area, particularly with a view to administering the resources of the Area.
2. The powers and functions of the Authority shall be those expressly conferred upon it by this Convention. The Authority shall have such incidental powers, consistent with this Convention, as are implicit in and necessary for the exercise of those powers and functions with respect to activities in the Area.
3. The Authority is based on the principle of the sovereign equality of all its members.
4. All members of the Authority shall fulfil in good faith the obligations assumed by them in accordance with this Part in order to ensure to all of them the rights and benefits resulting from membership.

Article 158

Organs of the Authority

1. There are hereby established, as the principal organs of the Authority, an Assembly, a Council and a Secretariat.
2. There is hereby established the Enterprise, the organ through which the Authority shall carry out the functions referred to in article 170, paragraph 1.
3. Such subsidiary organs as may be found necessary may be established in accordance with this Part.
4. Each principal organ of the Authority and the Enterprise shall be responsible for exercising those powers and functions which are conferred upon it. In exercising such powers and functions each organ shall avoid taking any action which may derogate from or impede the exercise of specific powers and functions conferred upon another organ.

SUBSECTION B. THE ASSEMBLY*Article 159**Composition, procedure and voting*

1. The Assembly shall consist of all the members of the Authority. Each member shall have one representative in the Assembly, who may be accompanied by alternates and advisers.

2. The Assembly shall meet in regular annual sessions and in such special sessions as may be decided by the Assembly, or convened by the Secretary-General at the request of the Council or of a majority of the members of the Authority.

3. Sessions shall take place at the seat of the Authority unless otherwise decided by the Assembly.

4. The Assembly shall adopt its rules of procedure. At the beginning of each regular session, it shall elect its President and such other officers as may be required. They shall hold office until a new President and other officers are elected at the next regular session.

5. A majority of the members of the Assembly shall constitute a quorum.

6. Each member of the Assembly shall have one vote.

7. Decisions on questions of procedure, including decisions to convene special sessions of the Assembly, shall be taken by a majority of the members present and voting.

8. Decisions on questions of substance shall be taken by a two-thirds majority of the members present and voting, provided that such majority includes a majority of the members participating in the session. When the issue arises as to whether a question is one of substance or not, that question shall be treated as one of substance unless otherwise decided by the Assembly by the majority required for decisions on questions of substance.

9. When a question of substance comes up for voting for the first time, the President may, and shall, if requested by at least one fifth of the members of the Assembly, defer the issue of taking a vote on that question for a period not exceeding five calendar days. This rule may be applied only once to any question, and shall not be applied so as to defer the question beyond the end of the session.

10. Upon a written request addressed to the President and sponsored by at least one fourth of the members of the Authority for an advisory opinion on the conformity with this Convention of a proposal before the Assembly on any matter, the Assembly shall request the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea to give an advisory opinion thereon and shall defer voting on that proposal pending receipt of the advisory opinion by the Chamber. If the advisory opinion is not received before the final week of the session in which it is requested, the Assembly shall decide when it will meet to vote upon the deferred proposal.

*Article 160**Powers and functions*

1. The Assembly, as the sole organ of the Authority consisting of all the members, shall be considered the supreme organ of the Authority to which the other principal organs shall be accountable as specifically provided for in this Convention. The Assembly shall have the power to establish general

policies in conformity with the relevant provisions of this Convention on any question or matter within the competence of the Authority.

2. In addition, the powers and functions of the Assembly shall be:

- (a) to elect the members of the Council in accordance with article 161;
- (b) to elect the Secretary-General from among the candidates proposed by the Council;
- (c) to elect, upon the recommendation of the Council, the members of the Governing Board of the Enterprise and the Director-General of the Enterprise;
- (d) to establish such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Part. In the composition of these subsidiary organs due account shall be taken of the principle of equitable geographical distribution and of special interests and the need for members qualified and competent in the relevant technical questions dealt with by such organs;
- (e) to assess the contributions of members to the administrative budget of the Authority in accordance with an agreed scale of assessment based upon the scale used for the regular budget of the United Nations until the Authority shall have sufficient income from other sources to meet its administrative expenses;
- (f)
 - (i) to consider and approve, upon the recommendation of the Council, the rules, regulations and procedures on the equitable sharing of financial and other economic benefits derived from activities in the Area and the payments and contributions made pursuant to article 82, taking into particular consideration the interests and needs of developing States and peoples who have not attained full independence or other self-governing status. If the Assembly does not approve the recommendations of the Council, the Assembly shall return them to the Council for reconsideration in the light of the views expressed by the Assembly;
 - (ii) to consider and approve the rules, regulations and procedures of the Authority, and any amendments thereto, provisionally adopted by the Council pursuant to article 162, paragraph 2 (o)(ii). These rules, regulations and procedures shall relate to prospecting, exploration and exploitation in the Area, the financial management and internal administration of the Authority, and, upon the recommendation of the Governing Board of the Enterprise, to the transfer of funds from the Enterprise to the Authority;
- (g) to decide upon the equitable sharing of financial and other economic benefits derived from activities in the Area, consistent with this Convention and the rules, regulations and procedures of the Authority;
- (h) to consider and approve the proposed annual budget of the Authority submitted by the Council;
- (i) to examine periodic reports from the Council and from the Enterprise and special reports requested from the Council or any other organ of the Authority;

- (j) to initiate studies and make recommendations for the purpose of promoting international cooperation concerning activities in the Area and encouraging the progressive development of international law relating thereto and its codification;
- (k) to consider problems of a general nature in connection with activities in the Area arising in particular for developing States, as well as those problems for States in connection with activities in the Area that are due to their geographical location, particularly for land-locked and geographically disadvantaged States;
- (l) to establish, upon the recommendation of the Council, on the basis of advice from the Economic Planning Commission, a system of compensation or other measures of economic adjustment assistance as provided in article 151, paragraph 10;
- (m) to suspend the exercise of rights and privileges of membership pursuant to article 185;
- (n) to discuss any question or matter within the competence of the Authority and to decide as to which organ of the Authority shall deal with any such question or matter not specifically entrusted to a particular organ, consistent with the distribution of powers and functions among the organs of the Authority.

SUBSECTION C. THE COUNCIL

Article 161

Composition, procedure and voting

1. The Council shall consist of 36 members of the Authority elected by the Assembly in the following order:
 - (a) four members from among those States Parties which, during the last five years for which statistics are available, have either consumed more than 2 per cent of total world consumption or have had net imports of more than 2 per cent of total world imports of the commodities produced from the categories of minerals to be derived from the Area, and in any case one State from the Eastern European (Socialist) region, as well as the largest consumer;
 - (b) four members from among the eight States Parties which have the largest investments in preparation for and in the conduct of activities in the Area, either directly or through their nationals, including at least one State from the Eastern European (Socialist) region;
 - (c) four members from among States Parties which on the basis of production in areas under their jurisdiction are major net exporters of the categories of minerals to be derived from the Area, including at least two developing States whose exports of such minerals have a substantial bearing upon their economies;
 - (d) six members from among developing States Parties, representing special interests. The special interests to be represented shall include those of States with large populations, States which are land-locked or geographically disadvantaged, States which are major importers of the categories of minerals

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- to be derived from the Area, States which are potential producers of such minerals, and least developed States;
- (e) eighteen members elected according to the principle of ensuring an equitable geographical distribution of seats in the Council as a whole, provided that each geographical region shall have at least one member elected under this subparagraph. For this purpose, the geographical regions shall be Africa, Asia, Eastern European (Socialist), Latin America and Western European and Others.
2. In electing the members of the Council in accordance with paragraph 1, the Assembly shall ensure that:
- (a) land-locked and geographically disadvantaged States are represented to a degree which is reasonably proportionate to their representation in the Assembly;
 - (b) coastal States, especially developing States, which do not qualify under paragraph 1(a), (b), (c) or (d) are represented to a degree which is reasonably proportionate to their representation in the Assembly;
 - (c) each group of States Parties to be represented on the Council is represented by those members, if any, which are nominated by that group.
3. Elections shall take place at regular sessions of the Assembly. Each member of the Council shall be elected for four years. At the first election, however, the term of one half of the members of each group referred to in paragraph 1 shall be two years.
4. Members of the Council shall be eligible for re-election, but due regard should be paid to the desirability of rotation of membership.
5. The Council shall function at the seat of the Authority, and shall meet as often as the business of the Authority may require, but not less than three times a year.
6. A majority of the members of the Council shall constitute a quorum.
7. Each member of the Council shall have one vote.
8. (a) Decisions on questions of procedure shall be taken by a majority of the members present and voting.
- (b) Decisions on questions of substance arising under the following provisions shall be taken by a two-thirds majority of the members present and voting, provided that such majority includes a majority of the members of the Council: article 162, paragraph 2, subparagraphs (f); (g); (h); (i); (n); (p); (v); article 191.
 - (c) Decisions on questions of substance arising under the following provisions shall be taken by a three-fourths majority of the members present and voting, provided that such majority includes a majority of the members of the Council: article 162, paragraph 1; article 162, paragraph 2, subparagraphs (a); (b); (c); (d); (e); (l); (q); (r); (s); (t); (u) in cases of non-compliance by a contractor or a sponsor; (w) provided that orders issued thereunder may be binding for not more than 30 days unless confirmed by a decision taken in accordance with subparagraph (d); article 162, paragraph 2, subparagraphs (x); (y); (z); article 163, paragraph 2; article 174, paragraph 3; Annex IV, article 11.

- (d) Decisions on questions of substance arising under the following provisions shall be taken by consensus: article 162, paragraph 2(m) and (o); adoption of amendments to Part XI.
 - (e) For the purposes of subparagraphs (d), (f) and (g), "consensus" means the absence of any formal objection. Within 14 days of the submission of a proposal to the Council, the President of the Council shall determine whether there would be a formal objection to the adoption of the proposal. If the President determines that there would be such an objection, the President shall establish and convene, within three days following such determination, a conciliation committee consisting of not more than nine members of the Council, with the President as chairman, for the purpose of reconciling the differences and producing a proposal which can be adopted by consensus. The committee shall work expeditiously and report to the Council within 14 days following its establishment. If the committee is unable to recommend a proposal which can be adopted by consensus, it shall set out in its report the grounds on which the proposal is being opposed.
 - (f) Decisions on questions not listed above which the Council is authorized to take by the rules, regulations and procedures of the Authority or otherwise shall be taken pursuant to the subparagraphs of this paragraph specified in the rules, regulations and procedures or, if not specified therein, then pursuant to the subparagraph determined by the Council if possible in advance, by consensus.
 - (g) When the issue arises as to whether a question is within subparagraph (a), (b), (c) or (d), the question shall be treated as being within the subparagraph requiring the higher or highest majority or consensus as the case may be, unless otherwise decided by the Council by the said majority or by consensus.
9. The Council shall establish a procedure whereby a member of the Authority not represented on the Council may send a representative to attend a meeting of the Council when a request is made by such member, or a matter particularly affecting it is under consideration. Such a representative shall be entitled to participate in the deliberations but not to vote.

Article 162
Powers and functions

1. The Council is the executive organ of the Authority. The Council shall have the power to establish, in conformity with this Convention and the general policies established by the Assembly, the specific policies to be pursued by the Authority on any question or matter within the competence of the Authority.
2. In addition, the Council shall:
 - (a) supervise and coordinate the implementation of the provisions of this Part on all questions and matters within the competence of the Authority and invite the attention of the Assembly to cases of non-compliance;
 - (b) propose to the Assembly a list of candidates for the election of the Secretary-General;

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- (c) recommend to the Assembly candidates for the election of the members of the Governing Board of the Enterprise and the Director-General of the Enterprise;
 - (d) establish, as appropriate, and with due regard to economy and efficiency, such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Part. In the composition of subsidiary organs, emphasis shall be placed on the need for members qualified and competent in relevant technical matters dealt with by those organs provided that due account shall be taken of the principle of equitable geographical distribution and of special interests;
 - (e) adopt its rules of procedure including the method of selecting its president;
 - (f) enter into agreements with the United Nations or other international organizations on behalf of the Authority and within its competence, subject to approval by the Assembly;
 - (g) consider the reports of the Enterprise and transmit them to the Assembly with its recommendations;
 - (h) present to the Assembly annual reports and such special reports as the Assembly may request;
 - (i) issue directives to the Enterprise in accordance with article 170;
 - (j) approve plans of work in accordance with Annex III, article 6. The Council shall act upon each plan of work within 60 days of its submission by the Legal and Technical Commission at a session of the Council in accordance with the following procedures:
 - (i) if the Commission recommends the approval of a plan of work, it shall be deemed to have been approved by the Council if no member of the Council submits in writing to the President within 14 days a specific objection alleging non-compliance with the requirements of Annex III, article 6. If there is an objection, the conciliation procedure set forth in article 161, paragraph 8(e), shall apply. If, at the end of the conciliation procedure, the objection is still maintained, the plan of work shall be deemed to have been approved by the Council unless the Council disapproves it by consensus among its members excluding any State or States making the application or sponsoring the applicant;
 - (ii) if the Commission recommends the disapproval of a plan of work or does not make a recommendation, the Council may approve the plan of work by a three-fourths majority of the members present and voting, provided that such majority includes a majority of the members participating in the session;
 - (k) approve plans of work submitted by the Enterprise in accordance with Annex IV, article 12, applying, *mutatis mutandis*, the procedures set forth in subparagraph (j);
 - (l) exercise control over activities in the Area in accordance with article 153, paragraph 4, and the rules, regulations and procedures of the Authority;
 - (m) take, upon the recommendation of the Economic Planning Commission, necessary and appropriate measures in accordance

with article 150, subparagraph (h), to provide protection from the adverse economic effects specified therein;

- (n) make recommendations to the Assembly, on the basis of advice from the Economic Planning Commission, for a system of compensation or other measures of economic adjustment assistance as provided in article 151, paragraph 10;
- (o) (i) recommend to the Assembly rules, regulations and procedures on the equitable sharing of financial and other economic benefits derived from activities in the Area and the payments and contributions made pursuant to article 82, taking into particular consideration the interests and needs of the developing States and peoples who have not attained full independence or other self-governing status;
- (ii) adopt and apply provisionally, pending approval by the Assembly, the rules, regulations and procedures of the Authority, and any amendments thereto, taking into account the recommendations of the Legal and Technical Commission or other subordinate organ concerned. These rules, regulations and procedures shall relate to prospecting, exploration and exploitation in the Area and the financial management and internal administration of the Authority. Priority shall be given to the adoption of rules, regulations and procedures for the exploration for and exploitation of polymetallic nodules. Rules, regulations and procedures for the exploration for and exploitation of any resource other than polymetallic nodules shall be adopted within three years from the date of a request to the Authority by any of its members to adopt such rules, regulations and procedures in respect of such resource. All rules, regulations and procedures shall remain in effect on a provisional basis until approved by the Assembly or until amended by the Council in the light of any views expressed by the Assembly;
- (p) review the collection of all payments to be made by or to the Authority in connection with operations pursuant to this Part;
- (q) make the selection from among applicants for production authorizations pursuant to Annex III, article 7, where such selection is required by that provision;
- (r) submit the proposed annual budget of the Authority to the Assembly for its approval;
- (s) make recommendations to the Assembly concerning policies on any question or matter within the competence of the Authority;
- (t) make recommendations to the Assembly concerning suspension of the exercise of the rights and privileges of membership pursuant to article 185;
- (u) institute proceedings on behalf of the Authority before the Seabed Disputes Chamber in cases of non-compliance;
- (v) notify the Assembly upon a decision by the Seabed Disputes Chamber in proceedings instituted under subparagraph (u), and make any recommendations which it may find appropriate with respect to measures to be taken;

- (w) issue emergency orders, which may include orders for the suspension or adjustment of operations, to prevent serious harm to the marine environment arising out of activities in the Area;
- (x) disapprove areas for exploitation by contractors or the Enterprise in cases where substantial evidence indicates the risk of serious harm to the marine environment;
- (y) establish a subsidiary organ for the elaboration of draft financial rules, regulations and procedures relating to:
 - (i) financial management in accordance with articles 171 to 175; and
 - (ii) financial arrangements in accordance with Annex III, article 13 and article 17, paragraph 1(c);
- (z) establish appropriate mechanisms for directing and supervising a staff of inspectors who shall inspect activities in the Area to determine whether this Part, the rules, regulations and procedures of the Authority, and the terms and conditions of any contract with the Authority are being complied with.

Article 163
Organs of the Council

1. There are hereby established the following organs of the Council:
 - (a) an Economic Planning Commission;
 - (b) a Legal and Technical Commission.
2. Each Commission shall be composed of 15 members, elected by the Council from among the candidates nominated by the States Parties. However, if necessary, the Council may decide to increase the size of either Commission having due regard to economy and efficiency.
3. Members of a Commission shall have appropriate qualifications in the area of competence of that Commission. States Parties shall nominate candidates of the highest standards of competence and integrity with qualifications in relevant fields so as to ensure the effective exercise of the functions of the Commissions.
4. In the election of members of the Commissions, due account shall be taken of the need for equitable geographical distribution and the representation of special interests.
5. No State Party may nominate more than one candidate for the same Commission. No person shall be elected to serve on more than one Commission.
6. Members of the Commissions shall hold office for a term of five years. They shall be eligible for re-election for a further term.
7. In the event of the death, incapacity or resignation of a member of a Commission prior to the expiration of the term of office, the Council shall elect for the remainder of the term, a member from the same geographical region or area of interest.
8. Members of Commissions shall have no financial interest in any activity relating to exploration and exploitation in the Area. Subject to their responsibilities to the Commissions upon which they serve, they shall not disclose, even after the termination of their functions, any industrial secret, proprietary data which are transferred to the Authority in accordance with Annex III, article 14, or any other confidential information coming to their knowledge by reason of their duties for the Authority.

9. Each Commission shall exercise its functions in accordance with such guidelines and directives as the Council may adopt.

10. Each Commission shall formulate and submit to the Council for approval such rules and regulations as may be necessary for the efficient conduct of the Commission's functions.

11. The decision-making procedures of the Commissions shall be established by the rules, regulations and procedures of the Authority. Recommendations to the Council shall, where necessary, be accompanied by a summary on the divergencies of opinion in the Commission.

12. Each Commission shall normally function at the seat of the Authority and shall meet as often as is required for the efficient exercise of its functions.

13. In the exercise of its functions, each Commission may, where appropriate, consult another commission, any competent organ of the United Nations or of its specialized agencies or any international organizations with competence in the subject-matter of such consultation.

Article 164
The Economic Planning Commission

1. Members of the Economic Planning Commission shall have appropriate qualifications such as those relevant to mining, management of mineral resource activities, international trade or international economics. The Council shall endeavour to ensure that the membership of the Commission reflects all appropriate qualifications. The Commission shall include at least two members from developing States whose exports of the categories of minerals to be derived from the Area have a substantial bearing upon their economies.

2. The Commission shall:

- (a) propose, upon the request of the Council, measures to implement decisions relating to activities in the Area taken in accordance with this Convention;
- (b) review the trends of and the factors affecting supply, demand and prices of minerals which may be derived from the Area, bearing in mind the interests of both importing and exporting countries, and in particular of the developing States among them;
- (c) examine any situation likely to lead to the adverse effects referred to in article 150, subparagraph (h), brought to its attention by the State Party or States Parties concerned, and make appropriate recommendations to the Council;
- (d) propose to the Council for submission to the Assembly, as provided in article 151, paragraph 10, a system of compensation or other measures of economic adjustment assistance for developing States which suffer adverse effects caused by activities in the Area. The Commission shall make the recommendations to the Council that are necessary for the application of the system or other measures adopted by the Assembly in specific cases.

Article 165
The Legal and Technical Commission

1. Members of the Legal and Technical Commission shall have appropriate qualifications such as those relevant to exploration for and exploitation and processing of mineral resources, oceanology, protection of the marine environment, or economic or legal matters relating to ocean mining and related fields of expertise. The Council shall endeavour to ensure that the membership of the Commission reflects all appropriate qualifications.

2. The Commission shall:

- (a) make recommendations with regard to the exercise of the Authority's functions upon the request of the Council;
- (b) review formal written plans of work for activities in the Area in accordance with article 153, paragraph 3, and submit appropriate recommendations to the Council. The Commission shall base its recommendations solely on the grounds stated in Annex III and shall report fully thereon to the Council;
- (c) supervise, upon the request of the Council, activities in the Area, where appropriate, in consultation and collaboration with any entity carrying out such activities or State or States concerned and report to the Council;
- (d) prepare assessments of the environmental implications of activities in the Area;
- (e) make recommendations to the Council on the protection of the marine environment, taking into account the views of recognized experts in that field;
- (f) formulate and submit to the Council the rules, regulations and procedures referred to in article 162, paragraph 2(o), taking into account all relevant factors including assessments of the environmental implications of activities in the Area;
- (g) keep such rules, regulations and procedures under review and recommend to the Council from time to time such amendments thereto as it may deem necessary or desirable;
- (h) make recommendations to the Council regarding the establishment of a monitoring programme to observe, measure, evaluate and analyse, by recognized scientific methods, on a regular basis, the risks or effects of pollution of the marine environment resulting from activities in the Area, ensure that existing regulations are adequate and are complied with and coordinate the implementation of the monitoring programme approved by the Council;
- (i) recommend to the Council that proceedings be instituted on behalf of the Authority before the Seabed Disputes Chamber, in accordance with this Part and the relevant Annexes taking into account particularly article 187;
- (j) make recommendations to the Council with respect to measures to be taken, upon a decision by the Seabed Disputes Chamber in proceedings instituted in accordance with subparagraph (i);
- (k) make recommendations to the Council to issue emergency orders, which may include orders for the suspension or adjustment of operations, to prevent serious harm to the marine environment arising out of activities in the Area. Such

recommendations shall be taken up by the Council on a priority basis;

- (l) make recommendations to the Council to disapprove areas for exploitation by contractors or the Enterprise in cases where substantial evidence indicates the risk of serious harm to the marine environment;
- (m) make recommendations to the Council regarding the direction and supervision of a staff of inspectors who shall inspect activities in the Area to determine whether the provisions of this Part, the rules, regulations and procedures of the Authority, and the terms and conditions of any contract with the Authority are being complied with;
- (n) calculate the production ceiling and issue production authorizations on behalf of the Authority pursuant to article 151, paragraphs 2 to 7, following any necessary selection among applicants for production authorizations by the Council in accordance with Annex III, article 7.

3. The members of the Commission shall, upon request by any State Party or other party concerned, be accompanied by a representative of such State or other party concerned when carrying out their function of supervision and inspection.

SUBSECTION D. THE SECRETARIAT

Article 166 The Secretariat

1. The Secretariat of the Authority shall comprise a Secretary-General and such staff as the Authority may require.

2. The Secretary-General shall be elected for four years by the Assembly from among the candidates proposed by the Council and may be re-elected.

3. The Secretary-General shall be the chief administrative officer of the Authority, and shall act in that capacity in all meetings of the Assembly, of the Council and of any subsidiary organ, and shall perform such other administrative functions as are entrusted to the Secretary-General by these organs.

4. The Secretary-General shall make an annual report to the Assembly on the work of the Authority.

Article 167 The staff of the Authority

1. The staff of the Authority shall consist of such qualified scientific and technical and other personnel as may be required to fulfil the administrative functions of the Authority.

2. The paramount consideration in the recruitment and employment of the staff and in the determination of their conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Subject to this consideration, due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

3. The staff shall be appointed by the Secretary-General. The terms and conditions on which they shall be appointed, remunerated and dismissed

shall be in accordance with the rules, regulations and procedures of the Authority.

Article 168
International character of the Secretariat

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other source external to the Authority. They shall refrain from any action which might reflect on their position as international officials responsible only to the Authority. Each State Party undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities. Any violation of responsibilities by a staff member shall be submitted to the appropriate administrative tribunal as provided in the rules, regulations and procedures of the Authority.

2. The Secretary-General and the staff shall have no financial interest in any activity relating to exploration and exploitation in the Area. Subject to their responsibilities to the Authority, they shall not disclose, even after the termination of their functions, any industrial secret, proprietary data which are transferred to the Authority in accordance with Annex III, article 14, or any other confidential information coming to their knowledge by reason of their employment with the Authority.

3. Violations of the obligations of a staff member of the Authority set forth in paragraph 2 shall, on the request of a State Party affected by such violation, or a natural or juridical person, sponsored by a State Party as provided in article 153, paragraph 2(b), and affected by such violation, be submitted by the Authority against the staff member concerned to a tribunal designated by the rules, regulations and procedures of the Authority. The Party affected shall have the right to take part in the proceedings. If the tribunal so recommends, the Secretary-General shall dismiss the staff member concerned.

4. The rules, regulations and procedures of the Authority shall contain such provisions as are necessary to implement this article.

Article 169
*Consultation and cooperation with international
and non-governmental organizations*

1. The Secretary-General shall, on matters within the competence of the Authority, make suitable arrangements, with the approval of the Council, for consultation and cooperation with international and non-governmental organizations recognized by the Economic and Social Council of the United Nations.

2. Any organization with which the Secretary-General has entered into an arrangement under paragraph 1 may designate representatives to attend meetings of the organs of the Authority as observers in accordance with the rules of procedure of these organs. Procedures shall be established for obtaining the views of such organizations in appropriate cases.

3. The Secretary-General may distribute to States Parties written reports submitted by the non-governmental organizations referred to in paragraph 1 on subjects in which they have special competence and which are related to the work of the Authority.

SUBSECTION E. THE ENTERPRISE*Article 170
The Enterprise*

1. The Enterprise shall be the organ of the Authority which shall carry out activities in the Area directly, pursuant to article 153, paragraph 2(a), as well as the transporting, processing and marketing of minerals recovered from the Area.

2. The Enterprise shall, within the framework of the international legal personality of the Authority, have such legal capacity as is provided for in the Statute set forth in Annex IV. The Enterprise shall act in accordance with this Convention and the rules, regulations and procedures of the Authority, as well as the general policies established by the Assembly, and shall be subject to the directives and control of the Council.

3. The Enterprise shall have its principal place of business at the seat of the Authority.

4. The Enterprise shall, in accordance with article 173, paragraph 2, and Annex IV, article 11, be provided with such funds as it may require to carry out its functions, and shall receive technology as provided in article 144 and other relevant provisions of this Convention.

SUBSECTION F. FINANCIAL ARRANGEMENTS OF THE AUTHORITY*Article 171
Funds of the Authority*

The funds of the Authority shall include:

- (a) assessed contributions made by members of the Authority in accordance with article 160, paragraph 2(e);
- (b) funds received by the Authority pursuant to Annex III, article 13, in connection with activities in the Area;
- (c) funds transferred from the Enterprise in accordance with Annex IV, article 10;
- (d) funds borrowed pursuant to article 174;
- (e) voluntary contributions made by members or other entities; and
- (f) payments to a compensation fund, in accordance with article 151, paragraph 10, whose sources are to be recommended by the Economic Planning Commission.

*Article 172
Annual budget of the Authority*

The Secretary-General shall draft the proposed annual budget of the Authority and submit it to the Council. The Council shall consider the proposed annual budget and submit it to the Assembly, together with any recommendations thereon. The Assembly shall consider and approve the proposed annual budget in accordance with article 160, paragraph 2(h).

Article 173
Expenses of the Authority

1. The contributions referred to in article 171, subparagraph (a), shall be paid into a special account to meet the administrative expenses of the Authority until the Authority has sufficient funds from other sources to meet those expenses.

2. The administrative expenses of the Authority shall be a first call upon the funds of the Authority. Except for the assessed contributions referred to in article 171, subparagraph (a), the funds which remain after payment of administrative expenses may, *inter alia*:

- (a) be shared in accordance with article 140 and article 160, paragraph 2(g);
- (b) be used to provide the Enterprise with funds in accordance with article 170, paragraph 4;
- (c) be used to compensate developing States in accordance with article 151, paragraph 10, and article 160, paragraph 2(l).

Article 174
Borrowing power of the Authority

1. The Authority shall have the power to borrow funds.
2. The Assembly shall prescribe the limits on the borrowing power of the Authority in the financial regulations adopted pursuant to article 160, paragraph 2(f).
3. The Council shall exercise the borrowing power of the Authority.
4. States Parties shall not be liable for the debts of the Authority.

Article 175
Annual audit

The records, books and accounts of the Authority, including its annual financial statements, shall be audited annually by an independent auditor appointed by the Assembly.

**SUBSECTION G. LEGAL STATUS, PRIVILEGES AND
IMMUNITIES**

Article 176
Legal status

The Authority shall have international legal personality and such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes.

Article 177
Privileges and immunities

To enable the Authority to exercise its functions, it shall enjoy in the territory of each State Party the privileges and immunities set forth in this subsection. The privileges and immunities relating to the Enterprise shall be those set forth in Annex IV, article 13.

Article 178
Immunity from legal process

The Authority, its property and assets, shall enjoy immunity from legal process except to the extent that the Authority expressly waives this immunity in a particular case.

Article 179
Immunity from search and any form of seizure

The property and assets of the Authority, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.

Article 180
Exemption from restrictions, regulations, controls and moratoria

The property and assets of the Authority shall be exempt from restrictions, regulations, controls and moratoria of any nature.

Article 181
Archives and official communications of the Authority

1. The archives of the Authority, wherever located, shall be inviolable.
2. Proprietary data, industrial secrets or similar information and personnel records shall not be placed in archives which are open to public inspection.
3. With regard to its official communications, the Authority shall be accorded by each State Party treatment no less favourable than that accorded by that State to other international organizations.

Article 182
Privileges and immunities of certain persons connected with the Authority

Representatives of States Parties attending meetings of the Assembly, the Council or organs of the Assembly or the Council, and the Secretary-General and staff of the Authority, shall enjoy in the territory of each State Party:

- (a) immunity from legal process with respect to acts performed by them in the exercise of their functions, except to the extent that the State which they represent or the Authority, as appropriate, expressly waives this immunity in a particular case;
- (b) if they are not nationals of that State Party, the same exemptions from immigration restrictions, alien registration requirements and national service obligations, the same facilities as regards exchange restrictions and the same treatment in respect of travelling facilities as are accorded by that State to the representatives, officials and employees of comparable rank of other States Parties.

Article 183
Exemption from taxes and customs duties

1. Within the scope of its official activities, the Authority, its assets and property, its income, and its operations and transactions, authorized by this

Convention, shall be exempt from all direct taxation and goods imported or exported for its official use shall be exempt from all customs duties. The Authority shall not claim exemption from taxes which are no more than charges for services rendered.

2. When purchases of goods or services of substantial value necessary for the official activities of the Authority are made by or on behalf of the Authority, and when the price of such goods or services includes taxes or duties, appropriate measures shall, to the extent practicable, be taken by States Parties to grant exemption from such taxes or duties or provide for their reimbursement. Goods imported or purchased under an exemption provided for in this article shall not be sold or otherwise disposed of in the territory of the State Party which granted the exemption, except under conditions agreed with that State Party.

3. No tax shall be levied by States Parties on or in respect of salaries and emoluments paid or any other form of payment made by the Authority to the Secretary-General and staff of the Authority, as well as experts performing missions for the Authority, who are not their nationals.

SUBSECTION H. SUSPENSION OF THE EXERCISE OF RIGHTS AND PRIVILEGES OF MEMBERS

Article 184

Suspension of the exercise of voting rights

A State Party which is in arrears in the payment of its financial contributions to the Authority shall have no vote if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The Assembly may, nevertheless, permit such a member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the member.

Article 185

Suspension of exercise of rights and privileges of membership

1. A State Party which has grossly and persistently violated the provisions of this Part may be suspended from the exercise of the rights and privileges of membership by the Assembly upon the recommendation of the Council.

2. No action may be taken under paragraph 1 until the Seabed Disputes Chamber has found that a State Party has grossly and persistently violated the provisions of this Part.

SECTION 5. SETTLEMENT OF DISPUTES AND ADVISORY OPINIONS

Article 186

Seabed Disputes Chamber of the International Tribunal for the Law of the Sea

The establishment of the Seabed Disputes Chamber and the manner in which it shall exercise its jurisdiction shall be governed by the provisions of this section, of Part XV and of Annex VI.

Article 187
Jurisdiction of the Seabed Disputes Chamber

The Seabed Disputes Chamber shall have jurisdiction under this Part and the Annexes relating thereto in disputes with respect to activities in the Area falling within the following categories:

- (a) disputes between States Parties concerning the interpretation or application of this Part and the Annexes relating thereto;
- (b) disputes between a State Party and the Authority concerning:
 - (i) acts or omissions of the Authority or of a State Party alleged to be in violation of this Part or the Annexes relating thereto or of rules, regulations and procedures of the Authority adopted in accordance therewith; or
 - (ii) acts of the Authority alleged to be in excess of jurisdiction or a misuse of power;
- (c) disputes between parties to a contract, being States Parties, the Authority or the Enterprise, state enterprises and natural or juridical persons referred to in article 153, paragraph 2(b), concerning:
 - (i) the interpretation or application of a relevant contract or a plan of work; or
 - (ii) acts or omissions of a party to the contract relating to activities in the Area and directed to the other party or directly affecting its legitimate interests;
- (d) disputes between the Authority and a prospective contractor who has been sponsored by a State as provided in article 153, paragraph 2(b), and has duly fulfilled the conditions referred to in Annex III, article 4, paragraph 6, and article 13, paragraph 2, concerning the refusal of a contract or a legal issue arising in the negotiation of the contract;
- (e) disputes between the Authority and a State Party, a state enterprise or a natural or juridical person sponsored by a State Party as provided for in article 153, paragraph 2(b), where it is alleged that the Authority has incurred liability as provided in Annex III, article 22;
- (f) any other disputes for which the jurisdiction of the Chamber is specifically provided in this Convention.

Article 188
Submission of disputes to a special chamber of the
International Tribunal for the Law of the Sea
or an ad hoc chamber of the Seabed Disputes Chamber
or to binding commercial arbitration

1. Disputes between States Parties referred to in article 187, subparagraph (a), may be submitted:
 - (a) at the request of the parties to the dispute, to a special chamber of the International Tribunal for the Law of the Sea to be formed in accordance with Annex VI, articles 15 and 17; or
 - (b) at the request of any party to the dispute, to an ad hoc chamber of the Seabed Disputes Chamber to be formed in accordance with Annex VI, article 36.
2. (a) Disputes concerning the interpretation or application of a contract referred to in article 187, subparagraph (c)(i), shall be

submitted, at the request of any party to the dispute, to binding commercial arbitration, unless the parties otherwise agree. A commercial arbitral tribunal to which the dispute is submitted shall have no jurisdiction to decide any question of interpretation of this Convention. When the dispute also involves a question of the interpretation of Part XI and the Annexes relating thereto, with respect to activities in the Area, that question shall be referred to the Seabed Disputes Chamber for a ruling.

- (b) If, at the commencement of or in the course of such arbitration, the arbitral tribunal determines, either at the request of any party to the dispute or *proprio motu*, that its decision depends upon a ruling of the Seabed Disputes Chamber, the arbitral tribunal shall refer such question to the Seabed Disputes Chamber for such ruling. The arbitral tribunal shall then proceed to render its award in conformity with the ruling of the Seabed Disputes Chamber.
- (c) In the absence of a provision in the contract on the arbitration procedure to be applied in the dispute, the arbitration shall be conducted in accordance with the UNCITRAL Arbitration Rules or such other arbitration rules as may be prescribed in the rules, regulations and procedures of the Authority, unless the parties to the dispute otherwise agree.

Article 189
Limitation on jurisdiction
with regard to decisions of the Authority

The Seabed Disputes Chamber shall have no jurisdiction with regard to the exercise by the Authority of its discretionary powers in accordance with this Part; in no case shall it substitute its discretion for that of the Authority. Without prejudice to article 191, in exercising its jurisdiction pursuant to article 187, the Seabed Disputes Chamber shall not pronounce itself on the question of whether any rules, regulations and procedures of the Authority are in conformity with this Convention, nor declare invalid any such rules, regulations and procedures. Its jurisdiction in this regard shall be confined to deciding claims that the application of any rules, regulations and procedures of the Authority in individual cases would be in conflict with the contractual obligations of the parties to the dispute or their obligations under this Convention, claims concerning excess of jurisdiction or misuse of power, and to claims for damages to be paid or other remedy to be given to the party concerned for the failure of the other party to comply with its contractual obligations or its obligations under this Convention.

Article 190
Participation and appearance
of sponsoring States Parties in proceedings

1. If a natural or juridical person is a party to a dispute referred to in article 187, the sponsoring State shall be given notice thereof and shall have the right to participate in the proceedings by submitting written or oral statements.

2. If an action is brought against a State Party by a natural or juridical person sponsored by another State Party in a dispute referred to in article 187, subparagraph (c), the respondent State may request the State sponsoring that person to appear in the proceedings on behalf of that person. Failing such appearance, the respondent State may arrange to be represented by a juridical person of its nationality.

Article 191
Advisory opinions

The Seabed Disputes Chamber shall give advisory opinions at the request of the Assembly or the Council on legal questions arising within the scope of their activities. Such opinions shall be given as a matter of urgency.

PART XII
PROTECTION AND PRESERVATION
OF THE MARINE ENVIRONMENT

SECTION 1. GENERAL PROVISIONS

Article 192
General obligation

States have the obligation to protect and preserve the marine environment.

Article 193
Sovereign right of States to exploit their natural resources

States have the sovereign right to exploit their natural resources pursuant to their environmental policies and in accordance with their duty to protect and preserve the marine environment.

Article 194
Measures to prevent, reduce and control pollution
of the marine environment

1. States shall take, individually or jointly as appropriate, all measures consistent with this Convention that are necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance with their capabilities, and they shall endeavour to harmonize their policies in this connection.

2. States shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted as not to cause damage by pollution to other States and their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights in accordance with this Convention.

3. The measures taken pursuant to this Part shall deal with all sources of pollution of the marine environment. These measures shall include, *inter alia*, those designed to minimize to the fullest possible extent:

- (a) the release of toxic, harmful or noxious substances, especially those which are persistent, from land-based sources, from or through the atmosphere or by dumping;
- (b) pollution from vessels, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, preventing intentional and unintentional discharges, and regulating the design, construction, equipment, operation and manning of vessels;
- (c) pollution from installations and devices used in exploration or exploitation of the natural resources of the seabed and subsoil, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, and regulating the design, construction, equipment, operation and manning of such installations or devices;
- (d) pollution from other installations and devices operating in the marine environment, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, and regulating the design, construction, equipment, operation and manning of such installations or devices.

4. In taking measures to prevent, reduce or control pollution of the marine environment, States shall refrain from unjustifiable interference with activities carried out by other States in the exercise of their rights and in pursuance of their duties in conformity with this Convention.

5. The measures taken in accordance with this Part shall include those necessary to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life.

Article 195

Duty not to transfer damage or hazards or transform one type of pollution into another

In taking measures to prevent, reduce and control pollution of the marine environment, States shall act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another.

Article 196

Use of technologies or introduction of alien or new species

1. States shall take all measures necessary to prevent, reduce and control pollution of the marine environment resulting from the use of technologies under their jurisdiction or control, or the intentional or accidental introduction of species, alien or new, to a particular part of the marine environment, which may cause significant and harmful changes thereto.

2. This article does not affect the application of this Convention regarding the prevention, reduction and control of pollution of the marine environment.

SECTION 2. GLOBAL AND REGIONAL COOPERATION*Article 197**Cooperation on a global or regional basis*

States shall cooperate on a global basis and, as appropriate, on a regional basis, directly or through competent international organizations, in formulating and elaborating international rules, standards and recommended practices and procedures consistent with this Convention, for the protection and preservation of the marine environment, taking into account characteristic regional features.

*Article 198**Notification of imminent or actual damage*

When a State becomes aware of cases in which the marine environment is in imminent danger of being damaged or has been damaged by pollution, it shall immediately notify other States it deems likely to be affected by such damage, as well as the competent international organizations.

*Article 199**Contingency plans against pollution*

In the cases referred to in article 198, States in the area affected, in accordance with their capabilities, and the competent international organizations shall cooperate, to the extent possible, in eliminating the effects of pollution and preventing or minimizing the damage. To this end, States shall jointly develop and promote contingency plans for responding to pollution incidents in the marine environment.

*Article 200**Studies, research programmes and exchange of information and data*

States shall cooperate, directly or through competent international organizations, for the purpose of promoting studies, undertaking programmes of scientific research and encouraging the exchange of information and data acquired about pollution of the marine environment. They shall endeavour to participate actively in regional and global programmes to acquire knowledge for the assessment of the nature and extent of pollution, exposure to it, and its pathways, risks and remedies.

*Article 201**Scientific criteria for regulations*

In the light of the information and data acquired pursuant to article 200, States shall cooperate, directly or through competent international organizations, in establishing appropriate scientific criteria for the formulation and elaboration of rules, standards and recommended practices and procedures for the prevention, reduction and control of pollution of the marine environment.

SECTION 3. TECHNICAL ASSISTANCE

Article 202

Scientific and technical assistance to developing States

States shall, directly or through competent international organizations:

- (a) promote programmes of scientific, educational, technical and other assistance to developing States for the protection and preservation of the marine environment and the prevention, reduction and control of marine pollution. Such assistance shall include, *inter alia*:
 - (i) training of their scientific and technical personnel;
 - (ii) facilitating their participation in relevant international programmes;
 - (iii) supplying them with necessary equipment and facilities;
 - (iv) enhancing their capacity to manufacture such equipment;
 - (v) advice on and developing facilities for research, monitoring, educational and other programmes;
- (b) provide appropriate assistance, especially to developing States, for the minimization of the effects of major incidents which may cause serious pollution of the marine environment;
- (c) provide appropriate assistance, especially to developing States, concerning the preparation of environmental assessments.

Article 203

Preferential treatment for developing States

Developing States shall, for the purposes of prevention, reduction and control of pollution of the marine environment or minimization of its effects, be granted preference by international organizations in:

- (a) the allocation of appropriate funds and technical assistance; and
- (b) the utilization of their specialized services.

SECTION 4. MONITORING AND ENVIRONMENTAL ASSESSMENT

Article 204

Monitoring of the risks or effects of pollution

1. States shall, consistent with the rights of other States, endeavour, as far as practicable, directly or through the competent international organizations, to observe, measure, evaluate and analyse, by recognized scientific methods, the risks or effects of pollution of the marine environment.

2. In particular, States shall keep under surveillance the effects of any activities which they permit or in which they engage in order to determine whether these activities are likely to pollute the marine environment.

Article 205

Publication of reports

States shall publish reports of the results obtained pursuant to article 204 or provide such reports at appropriate intervals to the competent international organizations, which should make them available to all States.

Article 206
Assessment of potential effects of activities

When States have reasonable grounds for believing that planned activities under their jurisdiction or control may cause substantial pollution of or significant and harmful changes to the marine environment, they shall, as far as practicable, assess the potential effects of such activities on the marine environment and shall communicate reports of the results of such assessments in the manner provided in article 205.

**SECTION 5. INTERNATIONAL RULES AND NATIONAL
LEGISLATION
TO PREVENT, REDUCE AND CONTROL
POLLUTION OF THE MARINE ENVIRONMENT**

Article 207
Pollution from land-based sources

1. States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment from land-based sources, including rivers, estuaries, pipelines and outfall structures, taking into account internationally agreed rules, standards and recommended practices and procedures.

2. States shall take other measures as may be necessary to prevent, reduce and control such pollution.

3. States shall endeavour to harmonize their policies in this connection at the appropriate regional level.

4. States, acting especially through competent international organizations or diplomatic conference, shall endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control pollution of the marine environment from land-based sources, taking into account characteristic regional features, the economic capacity of developing States and their need for economic development. Such rules, standards and recommended practices and procedures shall be re-examined from time to time as necessary.

5. Laws, regulations, measures, rules, standards and recommended practices and procedures referred to in paragraphs 1, 2 and 4 shall include those designed to minimize, to the fullest extent possible, the release of toxic, harmful or noxious substances, especially those which are persistent, into the marine environment.

Article 208
Pollution from seabed activities subject to national jurisdiction

1. Coastal States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment arising from or in connection with seabed activities subject to their jurisdiction and from artificial islands, installations and structures under their jurisdiction, pursuant to articles 60 and 80.

2. States shall take other measures as may be necessary to prevent, reduce and control such pollution.

3. Such laws, regulations and measures shall be no less effective than international rules, standards and recommended practices and procedures.

4. States shall endeavour to harmonize their policies in this connection at the appropriate regional level.

5. States, acting especially through competent international organizations or diplomatic conference, shall establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control pollution of the marine environment referred to in paragraph 1. Such rules, standards and recommended practices and procedures shall be re-examined from time to time as necessary.

Article 209

Pollution from activities in the Area

1. International rules, regulations and procedures shall be established in accordance with Part XI to prevent, reduce and control pollution of the marine environment from activities in the Area. Such rules, regulations and procedures shall be re-examined from time to time as necessary.

2. Subject to the relevant provisions of this section, States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment from activities in the Area undertaken by vessels, installations, structures and other devices flying their flag or of their registry or operating under their authority, as the case may be. The requirements of such laws and regulations shall be no less effective than the international rules, regulations and procedures referred to in paragraph 1.

Article 210

Pollution by dumping

1. States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment by dumping.

2. States shall take other measures as may be necessary to prevent, reduce and control such pollution.

3. Such laws, regulations and measures shall ensure that dumping is not carried out without the permission of the competent authorities of States.

4. States, acting especially through competent international organizations or diplomatic conference, shall endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control such pollution. Such rules, standards and recommended practices and procedures shall be re-examined from time to time as necessary.

5. Dumping within the territorial sea and the exclusive economic zone or onto the continental shelf shall not be carried out without the express prior approval of the coastal State, which has the right to permit, regulate and control such dumping after due consideration of the matter with other States which by reason of their geographical situation may be adversely affected thereby.

6. National laws, regulations and measures shall be no less effective in preventing, reducing and controlling such pollution than the global rules and standards.

Article 211
Pollution from vessels

1. States, acting through the competent international organization or general diplomatic conference, shall establish international rules and standards to prevent, reduce and control pollution of the marine environment from vessels and promote the adoption, in the same manner, wherever appropriate, of routing systems designed to minimize the threat of accidents which might cause pollution of the marine environment, including the coastline, and pollution damage to the related interests of coastal States. Such rules and standards shall, in the same manner, be re-examined from time to time as necessary.

2. States shall adopt laws and regulations for the prevention, reduction and control of pollution of the marine environment from vessels flying their flag or of their registry. Such laws and regulations shall at least have the same effect as that of generally accepted international rules and standards established through the competent international organization or general diplomatic conference.

3. States which establish particular requirements for the prevention, reduction and control of pollution of the marine environment as a condition for the entry of foreign vessels into their ports or internal waters or for a call at their off-shore terminals shall give due publicity to such requirements and shall communicate them to the competent international organization. Whenever such requirements are established in identical form by two or more coastal States in an endeavour to harmonize policy, the communication shall indicate which States are participating in such cooperative arrangements. Every State shall require the master of a vessel flying its flag or of its registry, when navigating within the territorial sea of a State participating in such cooperative arrangements, to furnish, upon the request of that State, information as to whether it is proceeding to a State of the same region participating in such cooperative arrangements and, if so, to indicate whether it complies with the port entry requirements of that State. This article is without prejudice to the continued exercise by a vessel of its right of innocent passage or to the application of article 25, paragraph 2.

4. Coastal States may, in the exercise of their sovereignty within their territorial sea, adopt laws and regulations for the prevention, reduction and control of marine pollution from foreign vessels, including vessels exercising the right of innocent passage. Such laws and regulations shall, in accordance with Part II, section 3, not hamper innocent passage of foreign vessels.

5. Coastal States, for the purpose of enforcement as provided for in section 6, may in respect of their exclusive economic zones adopt laws and regulations for the prevention, reduction and control of pollution from vessels conforming to and giving effect to generally accepted international rules and standards established through the competent international organization or general diplomatic conference.

6. (a) Where the international rules and standards referred to in paragraph 1 are inadequate to meet special circumstances and coastal States have reasonable grounds for believing that a particular, clearly defined area of their respective exclusive economic zones is an area where the adoption of special mandatory measures for the prevention of pollution from vessels is required for recognized technical reasons in relation to its oceanographical and ecological conditions, as well as its

utilization or the protection of its resources and the particular character of its traffic, the coastal States, after appropriate consultations through the competent international organization with any other States concerned, may, for that area, direct a communication to that organization, submitting scientific and technical evidence in support and information on necessary reception facilities. Within 12 months after receiving such a communication, the organization shall determine whether the conditions in that area correspond to the requirements set out above. If the organization so determines, the coastal States may, for that area, adopt laws and regulations for the prevention, reduction and control of pollution from vessels implementing such international rules and standards or navigational practices as are made applicable, through the organization, for special areas. These laws and regulations shall not become applicable to foreign vessels until 15 months after the submission of the communication to the organization.

- (b) The coastal States shall publish the limits of any such particular, clearly defined area.
- (c) If the coastal States intend to adopt additional laws and regulations for the same area for the prevention, reduction and control of pollution from vessels, they shall, when submitting the aforesaid communication, at the same time notify the organization thereof. Such additional laws and regulations may relate to discharges or navigational practices but shall not require foreign vessels to observe design, construction, manning or equipment standards other than generally accepted international rules and standards; they shall become applicable to foreign vessels 15 months after the submission of the communication to the organization, provided that the organization agrees within 12 months after the submission of the communication.

7. The international rules and standards referred to in this article should include *inter alia* those relating to prompt notification to coastal States, whose coastline or related interests may be affected by incidents, including maritime casualties, which involve discharges or probability of discharges.

Article 212

Pollution from or through the atmosphere

1. States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment from or through the atmosphere, applicable to the air space under their sovereignty and to vessels flying their flag or vessels or aircraft of their registry, taking into account internationally agreed rules, standards and recommended practices and procedures and the safety of air navigation.

2. States shall take other measures as may be necessary to prevent, reduce and control such pollution.

3. States, acting especially through competent international organizations or diplomatic conference, shall endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control such pollution.

SECTION 6. ENFORCEMENT*Article 213**Enforcement with respect to pollution from land-based sources*

States shall enforce their laws and regulations adopted in accordance with article 207 and shall adopt laws and regulations and take other measures necessary to implement applicable international rules and standards established through competent international organizations or diplomatic conference to prevent, reduce and control pollution of the marine environment from land-based sources.

*Article 214**Enforcement with respect to pollution from seabed activities*

States shall enforce their laws and regulations adopted in accordance with article 208 and shall adopt laws and regulations and take other measures necessary to implement applicable international rules and standards established through competent international organizations or diplomatic conference to prevent, reduce and control pollution of the marine environment arising from or in connection with seabed activities subject to their jurisdiction and from artificial islands, installations and structures under their jurisdiction, pursuant to articles 60 and 80.

*Article 215**Enforcement with respect to pollution from activities in the Area*

Enforcement of international rules, regulations and procedures established in accordance with Part XI to prevent, reduce and control pollution of the marine environment from activities in the Area shall be governed by that Part.

*Article 216**Enforcement with respect to pollution by dumping*

1. Laws and regulations adopted in accordance with this Convention and applicable international rules and standards established through competent international organizations or diplomatic conference for the prevention, reduction and control of pollution of the marine environment by dumping shall be enforced:

- (a) by the coastal State with regard to dumping within its territorial sea or its exclusive economic zone or onto its continental shelf;
- (b) by the flag State with regard to vessels flying its flag or vessels or aircraft of its registry;
- (c) by any State with regard to acts of loading of wastes or other matter occurring within its territory or at its off-shore terminals.

2. No State shall be obliged by virtue of this article to institute proceedings when another State has already instituted proceedings in accordance with this article.

Article 217
Enforcement by flag States

1. States shall ensure compliance by vessels flying their flag or of their registry with applicable international rules and standards, established through the competent international organization or general diplomatic conference, and with their laws and regulations adopted in accordance with this Convention for the prevention, reduction and control of pollution of the marine environment from vessels and shall accordingly adopt laws and regulations and take other measures necessary for their implementation. Flag States shall provide for the effective enforcement of such rules, standards, laws and regulations, irrespective of where a violation occurs.

2. States shall, in particular, take appropriate measures in order to ensure that vessels flying their flag or of their registry are prohibited from sailing, until they can proceed to sea in compliance with the requirements of the international rules and standards referred to in paragraph 1, including requirements in respect of design, construction, equipment and manning of vessels.

3. States shall ensure that vessels flying their flag or of their registry carry on board certificates required by and issued pursuant to international rules and standards referred to in paragraph 1. States shall ensure that vessels flying their flag are periodically inspected in order to verify that such certificates are in conformity with the actual condition of the vessels. These certificates shall be accepted by other States as evidence of the condition of the vessels and shall be regarded as having the same force as certificates issued by them, unless there are clear grounds for believing that the condition of the vessel does not correspond substantially with the particulars of the certificates.

4. If a vessel commits a violation of rules and standards established through the competent international organization or general diplomatic conference, the flag State, without prejudice to articles 218, 220 and 228, shall provide for immediate investigation and where appropriate institute proceedings in respect of the alleged violation irrespective of where the violation occurred or where the pollution caused by such violation has occurred or has been spotted.

5. Flag States conducting an investigation of the violation may request the assistance of any other State whose cooperation could be useful in clarifying the circumstances of the case. States shall endeavour to meet appropriate requests of flag States.

6. States shall, at the written request of any State, investigate any violation alleged to have been committed by vessels flying their flag. If satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, flag States shall without delay institute such proceedings in accordance with their laws.

7. Flag States shall promptly inform the requesting State and the competent international organization of the action taken and its outcome. Such information shall be available to all States.

8. Penalties provided for by the laws and regulations of States for vessels flying their flag shall be adequate in severity to discourage violations wherever they occur.

Article 218
Enforcement by port States

1. When a vessel is voluntarily within a port or at an off-shore terminal of a State, that State may undertake investigations and, where the evidence so warrants, institute proceedings in respect of any discharge from that vessel outside the internal waters, territorial sea or exclusive economic zone of that State in violation of applicable international rules and standards established through the competent international organization or general diplomatic conference.

2. No proceedings pursuant to paragraph 1 shall be instituted in respect of a discharge violation in the internal waters, territorial sea or exclusive economic zone of another State unless requested by that State, the flag State, or a State damaged or threatened by the discharge violation, or unless the violation has caused or is likely to cause pollution in the internal waters, territorial sea or exclusive economic zone of the State instituting the proceedings.

3. When a vessel is voluntarily within a port or at an off-shore terminal of a State, that State shall, as far as practicable, comply with requests from any State for investigation of a discharge violation referred to in paragraph 1, believed to have occurred in, caused, or threatened damage to the internal waters, territorial sea or exclusive economic zone of the requesting State. It shall likewise, as far as practicable, comply with requests from the flag State for investigation of such a violation, irrespective of where the violation occurred.

4. The records of the investigation carried out by a port State pursuant to this article shall be transmitted upon request to the flag State or to the coastal State. Any proceedings instituted by the port State on the basis of such an investigation may, subject to section 7, be suspended at the request of the coastal State when the violation has occurred within its internal waters, territorial sea or exclusive economic zone. The evidence and records of the case, together with any bond or other financial security posted with the authorities of the port State, shall in that event be transmitted to the coastal State. Such transmittal shall preclude the continuation of proceedings in the port State.

Article 219
Measures relating to seaworthiness of vessels to avoid pollution

Subject to section 7, States which, upon request or on their own initiative, have ascertained that a vessel within one of their ports or at one of their off-shore terminals is in violation of applicable international rules and standards relating to seaworthiness of vessels and thereby threatens damage to the marine environment shall, as far as practicable, take administrative measures to prevent the vessel from sailing. Such States may permit the vessel to proceed only to the nearest appropriate repair yard and, upon removal of the causes of the violation, shall permit the vessel to continue immediately.

Article 220
Enforcement by coastal States

1. When a vessel is voluntarily within a port or at an off-shore terminal of a State, that State may, subject to section 7, institute proceedings in respect of any violation of its laws and regulations adopted in accordance with this Convention or applicable international rules and standards for the prevention, reduction and control of pollution from vessels when the violation has occurred within the territorial sea or the exclusive economic zone of that State.

2. Where there are clear grounds for believing that a vessel navigating in the territorial sea of a State has, during its passage therein, violated laws and regulations of that State adopted in accordance with this Convention or applicable international rules and standards for the prevention, reduction and control of pollution from vessels, that State, without prejudice to the application of the relevant provisions of Part II, section 3, may undertake physical inspection of the vessel relating to the violation and may, where the evidence so warrants, institute proceedings, including detention of the vessel, in accordance with its laws, subject to the provisions of section 7.

3. Where there are clear grounds for believing that a vessel navigating in the exclusive economic zone or the territorial sea of a State has, in the exclusive economic zone, committed a violation of applicable international rules and standards for the prevention, reduction and control of pollution from vessels or laws and regulations of that State conforming and giving effect to such rules and standards, that State may require the vessel to give information regarding its identity and port of registry, its last and its next port of call and other relevant information required to establish whether a violation has occurred.

4. States shall adopt laws and regulations and take other measures so that vessels flying their flag comply with requests for information pursuant to paragraph 3.

5. Where there are clear grounds for believing that a vessel navigating in the exclusive economic zone or the territorial sea of a State has, in the exclusive economic zone, committed a violation referred to in paragraph 3 resulting in a substantial discharge causing or threatening significant pollution of the marine environment, that State may undertake physical inspection of the vessel for matters relating to the violation if the vessel has refused to give information or if the information supplied by the vessel is manifestly at variance with the evident factual situation and if the circumstances of the case justify such inspection.

6. Where there is clear objective evidence that a vessel navigating in the exclusive economic zone or the territorial sea of a State has, in the exclusive economic zone, committed a violation referred to in paragraph 3 resulting in a discharge causing major damage or threat of major damage to the coastline or related interests of the coastal State, or to any resources of its territorial sea or exclusive economic zone, that State may, subject to section 7, provided that the evidence so warrants, institute proceedings, including detention of the vessel, in accordance with its laws.

7. Notwithstanding the provisions of paragraph 6, whenever appropriate procedures have been established, either through the competent international organization or as otherwise agreed, whereby compliance with requirements for bonding or other appropriate financial security has been

assured, the coastal State if bound by such procedures shall allow the vessel to proceed.

8. The provisions of paragraphs 3, 4, 5, 6 and 7 also apply in respect of national laws and regulations adopted pursuant to article 211, paragraph 6.

Article 221

Measures to avoid pollution arising from maritime casualties

1. Nothing in this Part shall prejudice the right of States, pursuant to international law, both customary and conventional, to take and enforce measures beyond the territorial sea proportionate to the actual or threatened damage to protect their coastline or related interests, including fishing, from pollution or threat of pollution following upon a maritime casualty or acts relating to such a casualty, which may reasonably be expected to result in major harmful consequences.

2. For the purposes of this article, "maritime casualty" means a collision of vessels, stranding or other incident of navigation, or other occurrence on board a vessel or external to it resulting in material damage or imminent threat of material damage to a vessel or cargo.

Article 222

Enforcement with respect to pollution from or through the atmosphere

States shall enforce, within the air space under their sovereignty or with regard to vessels flying their flag or vessels or aircraft of their registry, their laws and regulations adopted in accordance with article 212, paragraph 1, and with other provisions of this Convention and shall adopt laws and regulations and take other measures necessary to implement applicable international rules and standards established through competent international organizations or diplomatic conference to prevent, reduce and control pollution of the marine environment from or through the atmosphere, in conformity with all relevant international rules and standards concerning the safety of air navigation.

SECTION 7. SAFEGUARDS

Article 223

Measures to facilitate proceedings

In proceedings instituted pursuant to this Part, States shall take measures to facilitate the hearing of witnesses and the admission of evidence submitted by authorities of another State, or by the competent international organization, and shall facilitate the attendance at such proceedings of official representatives of the competent international organization, the flag State and any State affected by pollution arising out of any violation. The official representatives attending such proceedings shall have such rights and duties as may be provided under national laws and regulations or international law.

Article 224
Exercise of powers of enforcement

The powers of enforcement against foreign vessels under this Part may only be exercised by officials or by warships, military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service and authorized to that effect.

Article 225
Duty to avoid adverse consequences
in the exercise of the powers of enforcement

In the exercise under this Convention of their powers of enforcement against foreign vessels, States shall not endanger the safety of navigation or otherwise create any hazard to a vessel, or bring it to an unsafe port or anchorage, or expose the marine environment to an unreasonable risk.

Article 226
Investigation of foreign vessels

1. (a) States shall not delay a foreign vessel longer than is essential for purposes of the investigations provided for in articles 216, 218 and 220. Any physical inspection of a foreign vessel shall be limited to an examination of such certificates, records or other documents as the vessel is required to carry by generally accepted international rules and standards or of any similar documents which it is carrying; further physical inspection of the vessel may be undertaken only after such an examination and only when:
 - (i) there are clear grounds for believing that the condition of the vessel or its equipment does not correspond substantially with the particulars of those documents;
 - (ii) the contents of such documents are not sufficient to confirm or verify a suspected violation; or
 - (iii) the vessel is not carrying valid certificates and records.
 - (b) If the investigation indicates a violation of applicable laws and regulations or international rules and standards for the protection and preservation of the marine environment, release shall be made promptly subject to reasonable procedures such as bonding or other appropriate financial security.
 - (c) Without prejudice to applicable international rules and standards relating to the seaworthiness of vessels, the release of a vessel may, whenever it would present an unreasonable threat of damage to the marine environment, be refused or made conditional upon proceeding to the nearest appropriate repair yard. Where release has been refused or made conditional, the flag State of the vessel must be promptly notified, and may seek release of the vessel in accordance with Part XV.
2. States shall cooperate to develop procedures for the avoidance of unnecessary physical inspection of vessels at sea.

*Article 227**Non-discrimination with respect to foreign vessels*

In exercising their rights and performing their duties under this Part, States shall not discriminate in form or in fact against vessels of any other State.

*Article 228**Suspension and restrictions on institution of proceedings*

1. Proceedings to impose penalties in respect of any violation of applicable laws and regulations or international rules and standards relating to the prevention, reduction and control of pollution from vessels committed by a foreign vessel beyond the territorial sea of the State instituting proceedings shall be suspended upon the taking of proceedings to impose penalties in respect of corresponding charges by the flag State within six months of the date on which proceedings were first instituted, unless those proceedings relate to a case of major damage to the coastal State or the flag State in question has repeatedly disregarded its obligation to enforce effectively the applicable international rules and standards in respect of violations committed by its vessels. The flag State shall in due course make available to the State previously instituting proceedings a full dossier of the case and the records of the proceedings, whenever the flag State has requested the suspension of proceedings in accordance with this article. When proceedings instituted by the flag State have been brought to a conclusion, the suspended proceedings shall be terminated. Upon payment of costs incurred in respect of such proceedings, any bond posted or other financial security provided in connection with the suspended proceedings shall be released by the coastal State.

2. Proceedings to impose penalties on foreign vessels shall not be instituted after the expiry of three years from the date on which the violation was committed, and shall not be taken by any State in the event of proceedings having been instituted by another State subject to the provisions set out in paragraph 1.

3. The provisions of this article are without prejudice to the right of the flag State to take any measures, including proceedings to impose penalties, according to its laws irrespective of prior proceedings by another State.

*Article 229**Institution of civil proceedings*

Nothing in this Convention affects the institution of civil proceedings in respect of any claim for loss or damage resulting from pollution of the marine environment.

*Article 230**Monetary penalties and the observance of recognized rights of the accused*

1. Monetary penalties only may be imposed with respect to violations of national laws and regulations or applicable international rules and standards for the prevention, reduction and control of pollution of the marine environment, committed by foreign vessels beyond the territorial sea.

2. Monetary penalties only may be imposed with respect to violations of national laws and regulations or applicable international rules and standards for the prevention, reduction and control of pollution of the marine environment, committed by foreign vessels in the territorial sea, except in the case of a wilful and serious act of pollution in the territorial sea.

3. In the conduct of proceedings in respect of such violations committed by a foreign vessel which may result in the imposition of penalties, recognized rights of the accused shall be observed.

Article 231

Notification to the flag State and other States concerned

States shall promptly notify the flag State and any other State concerned of any measures taken pursuant to section 6 against foreign vessels, and shall submit to the flag State all official reports concerning such measures. However, with respect to violations committed in the territorial sea, the foregoing obligations of the coastal State apply only to such measures as are taken in proceedings. The diplomatic agents or consular officers and where possible the maritime authority of the flag State, shall be immediately informed of any such measures taken pursuant to section 6 against foreign vessels.

Article 232

Liability of States arising from enforcement measures

States shall be liable for damage or loss attributable to them arising from measures taken pursuant to section 6 when such measures are unlawful or exceed those reasonably required in the light of available information. States shall provide for recourse in their courts for actions in respect of such damage or loss.

Article 233

Safeguards with respect to straits used for international navigation

Nothing in sections 5, 6 and 7 affects the legal regime of straits used for international navigation. However, if a foreign ship other than those referred to in section 10 has committed a violation of the laws and regulations referred to in article 42, paragraph 1(a) and (b), causing or threatening major damage to the marine environment of the straits, the States bordering the straits may take appropriate enforcement measures and if so shall respect *mutatis mutandis* the provisions of this section.

SECTION 8. ICE-COVERED AREAS

Article 234

Ice-covered areas

Coastal States have the right to adopt and enforce non-discriminatory laws and regulations for the prevention, reduction and control of marine pollution from vessels in ice-covered areas within the limits of the exclusive economic zone, where particularly severe climatic conditions and the presence of ice covering such areas for most of the year create obstructions or exceptional hazards to navigation, and pollution of the marine environment

could cause major harm to or irreversible disturbance of the ecological balance. Such laws and regulations shall have due regard to navigation and the protection and preservation of the marine environment based on the best available scientific evidence.

SECTION 9. RESPONSIBILITY AND LIABILITY

Article 235 Responsibility and liability

1. States are responsible for the fulfilment of their international obligations concerning the protection and preservation of the marine environment. They shall be liable in accordance with international law.

2. States shall ensure that recourse is available in accordance with their legal systems for prompt and adequate compensation or other relief in respect of damage caused by pollution of the marine environment by natural or juridical persons under their jurisdiction.

3. With the objective of assuring prompt and adequate compensation in respect of all damage caused by pollution of the marine environment, States shall cooperate in the implementation of existing international law and the further development of international law relating to responsibility and liability for the assessment of and compensation for damage and the settlement of related disputes, as well as, where appropriate, development of criteria and procedures for payment of adequate compensation, such as compulsory insurance or compensation funds.

SECTION 10. SOVEREIGN IMMUNITY

Article 236 Sovereign immunity

The provisions of this Convention regarding the protection and preservation of the marine environment do not apply to any warship, naval auxiliary, other vessels or aircraft owned or operated by a State and used, for the time being, only on government non-commercial service. However, each State shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such vessels or aircraft owned or operated by it, that such vessels or aircraft act in a manner consistent, so far as is reasonable and practicable, with this Convention.

SECTION 11. OBLIGATIONS UNDER OTHER CONVENTIONS ON THE PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

Article 237 Obligations under other conventions on the protection and preservation of the marine environment

1. The provisions of this Part are without prejudice to the specific obligations assumed by States under special conventions and agreements concluded previously which relate to the protection and preservation of the marine environment and to agreements which may be concluded in furtherance of the general principles set forth in this Convention.

2. Specific obligations assumed by States under special conventions, with respect to the protection and preservation of the marine environment, should be carried out in a manner consistent with the general principles and objectives of this Convention.

PART XIII

MARINE SCIENTIFIC RESEARCH

SECTION 1. GENERAL PROVISIONS

Article 238

Right to conduct marine scientific research

All States, irrespective of their geographical location, and competent international organizations have the right to conduct marine scientific research subject to the rights and duties of other States as provided for in this Convention.

Article 239

Promotion of marine scientific research

States and competent international organizations shall promote and facilitate the development and conduct of marine scientific research in accordance with this Convention.

Article 240

General principles for the conduct of marine scientific research

In the conduct of marine scientific research the following principles shall apply:

- (a) marine scientific research shall be conducted exclusively for peaceful purposes;
- (b) marine scientific research shall be conducted with appropriate scientific methods and means compatible with this Convention;
- (c) marine scientific research shall not unjustifiably interfere with other legitimate uses of the sea compatible with this Convention and shall be duly respected in the course of such uses;
- (d) marine scientific research shall be conducted in compliance with all relevant regulations adopted in conformity with this Convention including those for the protection and preservation of the marine environment.

Article 241

Non-recognition of marine scientific research activities as the legal basis for claims

Marine scientific research activities shall not constitute the legal basis for any claim to any part of the marine environment or its resources.

SECTION 2. INTERNATIONAL COOPERATION

Article 242

Promotion of international cooperation

1. States and competent international organizations shall, in accordance with the principle of respect for sovereignty and jurisdiction and on the basis of mutual benefit, promote international cooperation in marine scientific research for peaceful purposes.

2. In this context, without prejudice to the rights and duties of States under this Convention, a State, in the application of this Part, shall provide, as appropriate, other States with a reasonable opportunity to obtain from it, or with its cooperation, information necessary to prevent and control damage to the health and safety of persons and to the marine environment.

Article 243

Creation of favourable conditions

States and competent international organizations shall cooperate, through the conclusion of bilateral and multilateral agreements, to create favourable conditions for the conduct of marine scientific research in the marine environment and to integrate the efforts of scientists in studying the essence of phenomena and processes occurring in the marine environment and the interrelations between them.

Article 244

Publication and dissemination of information and knowledge

1. States and competent international organizations shall, in accordance with this Convention, make available by publication and dissemination through appropriate channels information on proposed major programmes and their objectives as well as knowledge resulting from marine scientific research.

2. For this purpose, States, both individually and in cooperation with other States and with competent international organizations, shall actively promote the flow of scientific data and information and the transfer of knowledge resulting from marine scientific research, especially to developing States, as well as the strengthening of the autonomous marine scientific research capabilities of developing States through, *inter alia*, programmes to provide adequate education and training of their technical and scientific personnel.

SECTION 3. CONDUCT AND PROMOTION OF MARINE SCIENTIFIC RESEARCH

Article 245

Marine scientific research in the territorial sea

Coastal States, in the exercise of their sovereignty, have the exclusive right to regulate, authorize and conduct marine scientific research in their territorial sea. Marine scientific research therein shall be conducted only with the express consent of and under the conditions set forth by the coastal State.

Article 246
Marine scientific research in the exclusive economic zone
and on the continental shelf

1. Coastal States, in the exercise of their jurisdiction, have the right to regulate, authorize and conduct marine scientific research in their exclusive economic zone and on their continental shelf in accordance with the relevant provisions of this Convention.

2. Marine scientific research in the exclusive economic zone and on the continental shelf shall be conducted with the consent of the coastal State.

3. Coastal States shall, in normal circumstances, grant their consent for marine scientific research projects by other States or competent international organizations in their exclusive economic zone or on their continental shelf to be carried out in accordance with this Convention exclusively for peaceful purposes and in order to increase scientific knowledge of the marine environment for the benefit of all mankind. To this end, coastal States shall establish rules and procedures ensuring that such consent will not be delayed or denied unreasonably.

4. For the purposes of applying paragraph 3, normal circumstances may exist in spite of the absence of diplomatic relations between the coastal State and the researching State.

5. Coastal States may however in their discretion withhold their consent to the conduct of a marine scientific research project of another State or competent international organization in the exclusive economic zone or on the continental shelf of the coastal State if that project:

- (a) is of direct significance for the exploration and exploitation of natural resources, whether living or non-living;
- (b) involves drilling into the continental shelf, the use of explosives or the introduction of harmful substances into the marine environment;
- (c) involves the construction, operation or use of artificial islands, installations and structures referred to in articles 60 and 80;
- (d) contains information communicated pursuant to article 248 regarding the nature and objectives of the project which is inaccurate or if the researching State or competent international organization has outstanding obligations to the coastal State from a prior research project.

6. Notwithstanding the provisions of paragraph 5, coastal States may not exercise their discretion to withhold consent under subparagraph (a) of that paragraph in respect of marine scientific research projects to be undertaken in accordance with the provisions of this Part on the continental shelf, beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, outside those specific areas which coastal States may at any time publicly designate as areas in which exploitation or detailed exploratory operations focused on those areas are occurring or will occur within a reasonable period of time. Coastal States shall give reasonable notice of the designation of such areas, as well as any modifications thereto, but shall not be obliged to give details of the operations therein.

7. The provisions of paragraph 6 are without prejudice to the rights of coastal States over the continental shelf as established in article 77.

8. Marine scientific research activities referred to in this article shall not unjustifiably interfere with activities undertaken by coastal States in the

exercise of their sovereign rights and jurisdiction provided for in this Convention.

Article 247

*Marine scientific research projects undertaken
by or under the auspices of international organizations*

A coastal State which is a member of or has a bilateral agreement with an international organization, and in whose exclusive economic zone or on whose continental shelf that organization wants to carry out a marine scientific research project, directly or under its auspices, shall be deemed to have authorized the project to be carried out in conformity with the agreed specifications if that State approved the detailed project when the decision was made by the organization for the undertaking of the project, or is willing to participate in it, and has not expressed any objection within four months of notification of the project by the organization to the coastal State.

Article 248

Duty to provide information to the coastal State

States and competent international organizations which intend to undertake marine scientific research in the exclusive economic zone or on the continental shelf of a coastal State shall, not less than six months in advance of the expected starting date of the marine scientific research project, provide that State with a full description of:

- (a) the nature and objectives of the project;
- (b) the method and means to be used, including name, tonnage, type and class of vessels and a description of scientific equipment;
- (c) the precise geographical areas in which the project is to be conducted;
- (d) the expected date of first appearance and final departure of the research vessels, or deployment of the equipment and its removal, as appropriate;
- (e) the name of the sponsoring institution, its director, and the person in charge of the project; and
- (f) the extent to which it is considered that the coastal State should be able to participate or to be represented in the project.

Article 249

Duty to comply with certain conditions

1. States and competent international organizations when undertaking marine scientific research in the exclusive economic zone or on the continental shelf of a coastal State shall comply with the following conditions:

- (a) ensure the right of the coastal State, if it so desires, to participate or be represented in the marine scientific research project, especially on board research vessels and other craft or scientific research installations, when practicable, without payment of any remuneration to the scientists of the coastal State and without obligation to contribute towards the costs of the project;

- (b) provide the coastal State, at its request, with preliminary reports, as soon as practicable, and with the final results and conclusions after the completion of the research;
- (c) undertake to provide access for the coastal State, at its request, to all data and samples derived from the marine scientific research project and likewise to furnish it with data which may be copied and samples which may be divided without detriment to their scientific value;
- (d) if requested, provide the coastal State with an assessment of such data, samples and research results or provide assistance in their assessment or interpretation;
- (e) ensure, subject to paragraph 2, that the research results are made internationally available through appropriate national or international channels, as soon as practicable;
- (f) inform the coastal State immediately of any major change in the research programme;
- (g) unless otherwise agreed, remove the scientific research installations or equipment once the research is completed.

2. This article is without prejudice to the conditions established by the laws and regulations of the coastal State for the exercise of its discretion to grant or withhold consent pursuant to article 246, paragraph 5, including requiring prior agreement for making internationally available the research results of a project of direct significance for the exploration and exploitation of natural resources.

Article 250

Communications concerning marine scientific research projects

Communications concerning the marine scientific research projects shall be made through appropriate official channels, unless otherwise agreed.

Article 251

General criteria and guidelines

States shall seek to promote through competent international organizations the establishment of general criteria and guidelines to assist States in ascertaining the nature and implications of marine scientific research.

Article 252

Implied consent

States or competent international organizations may proceed with a marine scientific research project six months after the date upon which the information required pursuant to article 248 was provided to the coastal State unless within four months of the receipt of the communication containing such information the coastal State has informed the State or organization conducting the research that:

- (a) it has withheld its consent under the provisions of article 246; or
- (b) the information given by that State or competent international organization regarding the nature or objectives of the project does not conform to the manifestly evident facts; or

- (c) it requires supplementary information relevant to conditions and the information provided for under articles 248 and 249; or
- (d) outstanding obligations exist with respect to a previous marine scientific research project carried out by that State or organization, with regard to conditions established in article 249.

Article 253

Suspension or cessation of marine scientific research activities

1. A coastal State shall have the right to require the suspension of any marine scientific research activities in progress within its exclusive economic zone or on its continental shelf if:

- (a) the research activities are not being conducted in accordance with the information communicated as provided under article 248 upon which the consent of the coastal State was based; or
- (b) the State or competent international organization conducting the research activities fails to comply with the provisions of article 249 concerning the rights of the coastal State with respect to the marine scientific research project.

2. A coastal State shall have the right to require the cessation of any marine scientific research activities in case of any non-compliance with the provisions of article 248 which amounts to a major change in the research project or the research activities.

3. A coastal State may also require cessation of marine scientific research activities if any of the situations contemplated in paragraph 1 are not rectified within a reasonable period of time.

4. Following notification by the coastal State of its decision to order suspension or cessation, States or competent international organizations authorized to conduct marine scientific research activities shall terminate the research activities that are the subject of such a notification.

5. An order of suspension under paragraph 1 shall be lifted by the coastal State and the marine scientific research activities allowed to continue once the researching State or competent international organization has complied with the conditions required under articles 248 and 249.

Article 254

*Rights of neighbouring land-locked
and geographically disadvantaged States*

1. States and competent international organizations which have submitted to a coastal State a project to undertake marine scientific research referred to in article 246, paragraph 3, shall give notice to the neighbouring land-locked and geographically disadvantaged States of the proposed research project, and shall notify the coastal State thereof.

2. After the consent has been given for the proposed marine scientific research project by the coastal State concerned, in accordance with article 246 and other relevant provisions of this Convention, States and competent international organizations undertaking such a project shall provide to the neighbouring land-locked and geographically disadvantaged States, at their request and when appropriate, relevant information as specified in article 248 and article 249, paragraph 1(f).

3. The neighbouring land-locked and geographically disadvantaged States referred to above shall, at their request, be given the opportunity to participate, whenever feasible, in the proposed marine scientific research project through qualified experts appointed by them and not objected to by the coastal State, in accordance with the conditions agreed for the project, in conformity with the provisions of this Convention, between the coastal State concerned and the State or competent international organizations conducting the marine scientific research.

4. States and competent international organizations referred to in paragraph 1 shall provide to the above-mentioned land-locked and geographically disadvantaged States, at their request, the information and assistance specified in article 249, paragraph 1(d), subject to the provisions of article 249, paragraph 2.

Article 255

*Measures to facilitate marine scientific research
and assist research vessels*

States shall endeavour to adopt reasonable rules, regulations and procedures to promote and facilitate marine scientific research conducted in accordance with this Convention beyond their territorial sea and, as appropriate, to facilitate, subject to the provisions of their laws and regulations, access to their harbours and promote assistance for marine scientific research vessels which comply with the relevant provisions of this Part.

Article 256

Marine scientific research in the Area

All States, irrespective of their geographical location, and competent international organizations have the right, in conformity with the provisions of Part XI, to conduct marine scientific research in the Area.

Article 257

*Marine scientific research in the water column
beyond the exclusive economic zone*

All States, irrespective of their geographical location, and competent international organizations have the right, in conformity with this Convention, to conduct marine scientific research in the water column beyond the limits of the exclusive economic zone.

**SECTION 4. SCIENTIFIC RESEARCH INSTALLATIONS OR
EQUIPMENT IN THE MARINE ENVIRONMENT**

Article 258

Deployment and use

The deployment and use of any type of scientific research installations or equipment in any area of the marine environment shall be subject to the same conditions as are prescribed in this Convention for the conduct of marine scientific research in any such area.

Article 259
Legal status

The installations or equipment referred to in this section do not possess the status of islands. They have no territorial sea of their own, and their presence does not affect the delimitation of the territorial sea, the exclusive economic zone or the continental shelf.

Article 260
Safety zones

Safety zones of a reasonable breadth not exceeding a distance of 500 metres may be created around scientific research installations in accordance with the relevant provisions of this Convention. All States shall ensure that such safety zones are respected by their vessels.

Article 261
Non-interference with shipping routes

The deployment and use of any type of scientific research installations or equipment shall not constitute an obstacle to established international shipping routes.

Article 262
Identification markings and warning signals

Installations or equipment referred to in this section shall bear identification markings indicating the State of registry or the international organization to which they belong and shall have adequate internationally agreed warning signals to ensure safety at sea and the safety of air navigation, taking into account rules and standards established by competent international organizations.

SECTION 5. RESPONSIBILITY AND LIABILITY

Article 263
Responsibility and liability

1. States and competent international organizations shall be responsible for ensuring that marine scientific research, whether undertaken by them or on their behalf, is conducted in accordance with this Convention.

2. States and competent international organizations shall be responsible and liable for the measures they take in contravention of this Convention in respect of marine scientific research conducted by other States, their natural or juridical persons or by competent international organizations, and shall provide compensation for damage resulting from such measures.

3. States and competent international organizations shall be responsible and liable pursuant to article 235 for damage caused by pollution of the marine environment arising out of marine scientific research undertaken by them or on their behalf.

**SECTION 6. SETTLEMENT OF DISPUTES
AND INTERIM MEASURES***Article 264
Settlement of disputes*

Disputes concerning the interpretation or application of the provisions of this Convention with regard to marine scientific research shall be settled in accordance with Part XV, sections 2 and 3.

*Article 265
Interim measures*

Pending settlement of a dispute in accordance with Part XV, sections 2 and 3, the State or competent international organization authorized to conduct a marine scientific research project shall not allow research activities to commence or continue without the express consent of the coastal State concerned.

PART XIV**DEVELOPMENT AND TRANSFER OF MARINE
TECHNOLOGY****SECTION 1. GENERAL PROVISIONS***Article 266
Promotion of the development and transfer of marine technology*

1. States, directly or through competent international organizations, shall cooperate in accordance with their capabilities to promote actively the development and transfer of marine science and marine technology on fair and reasonable terms and conditions.

2. States shall promote the development of the marine scientific and technological capacity of States which may need and request technical assistance in this field, particularly developing States, including land-locked and geographically disadvantaged States, with regard to the exploration, exploitation, conservation and management of marine resources, the protection and preservation of the marine environment, marine scientific research and other activities in the marine environment compatible with this Convention, with a view to accelerating the social and economic development of the developing States.

3. States shall endeavour to foster favourable economic and legal conditions for the transfer of marine technology for the benefit of all parties concerned on an equitable basis.

*Article 267
Protection of legitimate interests*

States, in promoting cooperation pursuant to article 266, shall have due regard for all legitimate interests including, *inter alia*, the rights and duties of holders, suppliers and recipients of marine technology.

Article 268
Basic objectives

States, directly or through competent international organizations, shall promote:

- (a) the acquisition, evaluation and dissemination of marine technological knowledge and facilitate access to such information and data;
- (b) the development of appropriate marine technology;
- (c) the development of the necessary technological infrastructure to facilitate the transfer of marine technology;
- (d) the development of human resources through training and education of nationals of developing States and countries and especially the nationals of the least developed among them;
- (e) international cooperation at all levels, particularly at the regional, subregional and bilateral levels.

Article 269
Measures to achieve the basic objectives

In order to achieve the objectives referred to in article 268, States, directly or through competent international organizations, shall endeavour, *inter alia*, to:

- (a) establish programmes of technical cooperation for the effective transfer of all kinds of marine technology to States which may need and request technical assistance in this field, particularly the developing land-locked and geographically disadvantaged States, as well as other developing States which have not been able either to establish or develop their own technological capacity in marine science and in the exploration and exploitation of marine resources or to develop the infrastructure of such technology;
- (b) promote favourable conditions for the conclusion of agreements, contracts and other similar arrangements, under equitable and reasonable conditions;
- (c) hold conferences, seminars and symposia on scientific and technological subjects, in particular on policies and methods for the transfer of marine technology;
- (d) promote the exchange of scientists and of technological and other experts;
- (e) undertake projects and promote joint ventures and other forms of bilateral and multilateral cooperation.

SECTION 2. INTERNATIONAL COOPERATION

Article 270
Ways and means of international cooperation

International cooperation for the development and transfer of marine technology shall be carried out, where feasible and appropriate, through existing bilateral, regional or multilateral programmes, and also through expanded and new programmes in order to facilitate marine scientific research, the transfer of marine technology, particularly in new fields, and appropriate international funding for ocean research and development.

Article 271
Guidelines, criteria and standards

States, directly or through competent international organizations, shall promote the establishment of generally accepted guidelines, criteria and standards for the transfer of marine technology on a bilateral basis or within the framework of international organizations and other fora, taking into account, in particular, the interests and needs of developing States.

Article 272
Coordination of international programmes

In the field of transfer of marine technology, States shall endeavour to ensure that competent international organizations coordinate their activities, including any regional or global programmes, taking into account the interests and needs of developing States, particularly land-locked and geographically disadvantaged States.

Article 273
Cooperation with international organizations and the Authority

States shall cooperate actively with competent international organizations and the Authority to encourage and facilitate the transfer to developing States, their nationals and the Enterprise of skills and marine technology with regard to activities in the Area.

Article 274
Objectives of the Authority

Subject to all legitimate interests including, *inter alia*, the rights and duties of holders, suppliers and recipients of technology, the Authority, with regard to activities in the Area, shall ensure that:

- (a) on the basis of the principle of equitable geographical distribution, nationals of developing States, whether coastal, land-locked or geographically disadvantaged, shall be taken on for the purposes of training as members of the managerial, research and technical staff constituted for its undertakings;
- (b) the technical documentation on the relevant equipment, machinery, devices and processes is made available to all States, in particular developing States which may need and request technical assistance in this field;
- (c) adequate provision is made by the Authority to facilitate the acquisition of technical assistance in the field of marine technology by States which may need and request it, in particular developing States, and the acquisition by their nationals of the necessary skills and know-how, including professional training;
- (d) States which may need and request technical assistance in this field, in particular developing States, are assisted in the acquisition of necessary equipment, processes, plant and other technical know-how through any financial arrangements provided for in this Convention.

SECTION 3. NATIONAL AND REGIONAL MARINE SCIENTIFIC AND TECHNOLOGICAL CENTRES

Article 275

Establishment of national centres

1. States, directly or through competent international organizations and the Authority, shall promote the establishment, particularly in developing coastal States, of national marine scientific and technological research centres and the strengthening of existing national centres, in order to stimulate and advance the conduct of marine scientific research by developing coastal States and to enhance their national capabilities to utilize and preserve their marine resources for their economic benefit.

2. States, through competent international organizations and the Authority, shall give adequate support to facilitate the establishment and strengthening of such national centres so as to provide for advanced training facilities and necessary equipment, skills and know-how as well as technical experts to such States which may need and request such assistance.

Article 276

Establishment of regional centres

1. States, in coordination with the competent international organizations, the Authority and national marine scientific and technological research institutions, shall promote the establishment of regional marine scientific and technological research centres, particularly in developing States, in order to stimulate and advance the conduct of marine scientific research by developing States and foster the transfer of marine technology.

2. All States of a region shall cooperate with the regional centres therein to ensure the more effective achievement of their objectives.

Article 277

Functions of regional centres

The functions of such regional centres shall include, *inter alia*:

- (a) training and educational programmes at all levels on various aspects of marine scientific and technological research, particularly marine biology, including conservation and management of living resources, oceanography, hydrography, engineering, geological exploration of the seabed, mining and desalination technologies;
- (b) management studies;
- (c) study programmes related to the protection and preservation of the marine environment and the prevention, reduction and control of pollution;
- (d) organization of regional conferences, seminars and symposia;
- (e) acquisition and processing of marine scientific and technological data and information;
- (f) prompt dissemination of results of marine scientific and technological research in readily available publications;
- (g) publicizing national policies with regard to the transfer of marine technology and systematic comparative study of those policies;

- (h) compilation and systematization of information on the marketing of technology and on contracts and other arrangements concerning patents;
- (i) technical cooperation with other States of the region.

SECTION 4. COOPERATION AMONG INTERNATIONAL ORGANIZATIONS

Article 278

Cooperation among international organizations

The competent international organizations referred to in this Part and in Part XIII shall take all appropriate measures to ensure, either directly or in close cooperation among themselves, the effective discharge of their functions and responsibilities under this Part.

PART XV

SETTLEMENT OF DISPUTES

SECTION 1. GENERAL PROVISIONS

Article 279

Obligation to settle disputes by peaceful means

States Parties shall settle any dispute between them concerning the interpretation or application of this Convention by peaceful means in accordance with Article 2, paragraph 3, of the Charter of the United Nations and, to this end, shall seek a solution by the means indicated in Article 33, paragraph 1, of the Charter.

Article 280

Settlement of disputes by any peaceful means chosen by the parties

Nothing in this Part impairs the right of any States Parties to agree at any time to settle a dispute between them concerning the interpretation or application of this Convention by any peaceful means of their own choice.

Article 281

Procedure where no settlement has been reached by the parties

1. If the States Parties which are parties to a dispute concerning the interpretation or application of this Convention have agreed to seek settlement of the dispute by a peaceful means of their own choice, the procedures provided for in this Part apply only where no settlement has been reached by recourse to such means and the agreement between the parties does not exclude any further procedure.

2. If the parties have also agreed on a time-limit, paragraph 1 applies only upon the expiration of that time-limit.

*Article 282**Obligations under general, regional or bilateral agreements*

If the States Parties which are parties to a dispute concerning the interpretation or application of this Convention have agreed, through a general, regional or bilateral agreement or otherwise, that such dispute shall, at the request of any party to the dispute, be submitted to a procedure that entails a binding decision, that procedure shall apply in lieu of the procedures provided for in this Part, unless the parties to the dispute otherwise agree.

*Article 283**Obligation to exchange views*

1. When a dispute arises between States Parties concerning the interpretation or application of this Convention, the parties to the dispute shall proceed expeditiously to an exchange of views regarding its settlement by negotiation or other peaceful means.

2. The parties shall also proceed expeditiously to an exchange of views where a procedure for the settlement of such a dispute has been terminated without a settlement or where a settlement has been reached and the circumstances require consultation regarding the manner of implementing the settlement.

*Article 284**Conciliation*

1. A State Party which is a party to a dispute concerning the interpretation or application of this Convention may invite the other party or parties to submit the dispute to conciliation in accordance with the procedure under Annex V, section 1, or another conciliation procedure.

2. If the invitation is accepted and if the parties agree upon the conciliation procedure to be applied, any party may submit the dispute to that procedure.

3. If the invitation is not accepted or the parties do not agree upon the procedure, the conciliation proceedings shall be deemed to be terminated.

4. Unless the parties otherwise agree, when a dispute has been submitted to conciliation, the proceedings may be terminated only in accordance with the agreed conciliation procedure.

*Article 285**Application of this section to disputes submitted pursuant to Part XI*

This section applies to any dispute which pursuant to Part XI, section 5, is to be settled in accordance with procedures provided for in this Part. If an entity other than a State Party is a party to such a dispute, this section applies *mutatis mutandis*.

SECTION 2. COMPULSORY PROCEDURES ENTAILING BINDING DECISIONS

Article 286

Application of procedures under this section

Subject to section 3, any dispute concerning the interpretation or application of this Convention shall, where no settlement has been reached by recourse to section 1, be submitted at the request of any party to the dispute to the court or tribunal having jurisdiction under this section.

Article 287

Choice of procedure

1. When signing, ratifying or acceding to this Convention or at any time thereafter, a State shall be free to choose, by means of a written declaration, one or more of the following means for the settlement of disputes concerning the interpretation or application of this Convention:

- (a) the International Tribunal for the Law of the Sea established in accordance with Annex VI;
- (b) the International Court of Justice;
- (c) an arbitral tribunal constituted in accordance with Annex VII;
- (d) a special arbitral tribunal constituted in accordance with Annex VIII for one or more of the categories of disputes specified therein.

2. A declaration made under paragraph 1 shall not affect or be affected by the obligation of a State Party to accept the jurisdiction of the Seabed Disputes Chamber of the International Tribunal for the Law of the Sea to the extent and in the manner provided for in Part XI, section 5.

3. A State Party, which is a party to a dispute not covered by a declaration in force, shall be deemed to have accepted arbitration in accordance with Annex VII.

4. If the parties to a dispute have accepted the same procedure for the settlement of the dispute, it may be submitted only to that procedure, unless the parties otherwise agree.

5. If the parties to a dispute have not accepted the same procedure for the settlement of the dispute, it may be submitted only to arbitration in accordance with Annex VII, unless the parties otherwise agree.

6. A declaration made under paragraph 1 shall remain in force until three months after notice of revocation has been deposited with the Secretary-General of the United Nations.

7. A new declaration, a notice of revocation or the expiry of a declaration does not in any way affect proceedings pending before a court or tribunal having jurisdiction under this article, unless the parties otherwise agree.

8. Declarations and notices referred to in this article shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the States Parties.

Article 288
Jurisdiction

1. A court or tribunal referred to in article 287 shall have jurisdiction over any dispute concerning the interpretation or application of this Convention which is submitted to it in accordance with this Part.

2. A court or tribunal referred to in article 287 shall also have jurisdiction over any dispute concerning the interpretation or application of an international agreement related to the purposes of this Convention, which is submitted to it in accordance with the agreement.

3. The Seabed Disputes Chamber of the International Tribunal for the Law of the Sea established in accordance with Annex VI, and any other chamber or arbitral tribunal referred to in Part XI, section 5, shall have jurisdiction in any matter which is submitted to it in accordance therewith.

4. In the event of a dispute as to whether a court or tribunal has jurisdiction, the matter shall be settled by decision of that court or tribunal.

Article 289
Experts

In any dispute involving scientific or technical matters, a court or tribunal exercising jurisdiction under this section may, at the request of a party or *proprio motu*, select in consultation with the parties no fewer than two scientific or technical experts chosen preferably from the relevant list prepared in accordance with Annex VIII, article 2, to sit with the court or tribunal but without the right to vote.

Article 290
Provisional measures

1. If a dispute has been duly submitted to a court or tribunal which considers that *prima facie* it has jurisdiction under this Part or Part XI, section 5, the court or tribunal may prescribe any provisional measures which it considers appropriate under the circumstances to preserve the respective rights of the parties to the dispute or to prevent serious harm to the marine environment, pending the final decision.

2. Provisional measures may be modified or revoked as soon as the circumstances justifying them have changed or ceased to exist.

3. Provisional measures may be prescribed, modified or revoked under this article only at the request of a party to the dispute and after the parties have been given an opportunity to be heard.

4. The court or tribunal shall forthwith give notice to the parties to the dispute, and to such other States Parties as it considers appropriate, of the prescription, modification or revocation of provisional measures.

5. Pending the constitution of an arbitral tribunal to which a dispute is being submitted under this section, any court or tribunal agreed upon by the parties or, failing such agreement within two weeks from the date of the request for provisional measures, the International Tribunal for the Law of the Sea or, with respect to activities in the Area, the Seabed Disputes Chamber, may prescribe, modify or revoke provisional measures in accordance with this article if it considers that *prima facie* the tribunal which is to be constituted would have jurisdiction and that the urgency of the situation so requires. Once constituted, the tribunal to which the dispute has been submitted may

modify, revoke or affirm those provisional measures, acting in conformity with paragraphs 1 to 4.

6. The parties to the dispute shall comply promptly with any provisional measures prescribed under this article.

Article 291
Access

1. All the dispute settlement procedures specified in this Part shall be open to States Parties.

2. The dispute settlement procedures specified in this Part shall be open to entities other than States Parties only as specifically provided for in this Convention.

Article 292
Prompt release of vessels and crews

1. Where the authorities of a State Party have detained a vessel flying the flag of another State Party and it is alleged that the detaining State has not complied with the provisions of this Convention for the prompt release of the vessel or its crew upon the posting of a reasonable bond or other financial security, the question of release from detention may be submitted to any court or tribunal agreed upon by the parties or, failing such agreement within 10 days from the time of detention, to a court or tribunal accepted by the detaining State under article 287 or to the International Tribunal for the Law of the Sea, unless the parties otherwise agree.

2. The application for release may be made only by or on behalf of the flag State of the vessel.

3. The court or tribunal shall deal without delay with the application for release and shall deal only with the question of release, without prejudice to the merits of any case before the appropriate domestic forum against the vessel, its owner or its crew. The authorities of the detaining State remain competent to release the vessel or its crew at any time.

4. Upon the posting of the bond or other financial security determined by the court or tribunal, the authorities of the detaining State shall comply promptly with the decision of the court or tribunal concerning the release of the vessel or its crew.

Article 293
Applicable law

1. A court or tribunal having jurisdiction under this section shall apply this Convention and other rules of international law not incompatible with this Convention.

2. Paragraph 1 does not prejudice the power of the court or tribunal having jurisdiction under this section to decide a case *ex aequo et bono*, if the parties so agree.

Article 294
Preliminary proceedings

1. A court or tribunal provided for in article 287 to which an application is made in respect of a dispute referred to in article 297 shall

determine at the request of a party, or may determine *proprio motu*, whether the claim constitutes an abuse of legal process or whether *prima facie* it is well founded. If the court or tribunal determines that the claim constitutes an abuse of legal process or is *prima facie* unfounded, it shall take no further action in the case.

2. Upon receipt of the application, the court or tribunal shall immediately notify the other party or parties of the application, and shall fix a reasonable time-limit within which they may request it to make a determination in accordance with paragraph 1.

3. Nothing in this article affects the right of any party to a dispute to make preliminary objections in accordance with the applicable rules of procedure.

Article 295
Exhaustion of local remedies

Any dispute between States Parties concerning the interpretation or application of this Convention may be submitted to the procedures provided for in this section only after local remedies have been exhausted where this is required by international law.

Article 296
Finality and binding force of decisions

1. Any decision rendered by a court or tribunal having jurisdiction under this section shall be final and shall be complied with by all the parties to the dispute.

2. Any such decision shall have no binding force except between the parties and in respect of that particular dispute.

**SECTION 3. LIMITATIONS AND EXCEPTIONS
TO APPLICABILITY OF SECTION 2**

Article 297
Limitations on applicability of section 2

1. Disputes concerning the interpretation or application of this Convention with regard to the exercise by a coastal State of its sovereign rights or jurisdiction provided for in this Convention shall be subject to the procedures provided for in section 2 in the following cases:

- (a) when it is alleged that a coastal State has acted in contravention of the provisions of this Convention in regard to the freedoms and rights of navigation, overflight or the laying of submarine cables and pipelines, or in regard to other internationally lawful uses of the sea specified in article 58;
- (b) when it is alleged that a State in exercising the aforementioned freedoms, rights or uses has acted in contravention of this Convention or of laws or regulations adopted by the coastal State in conformity with this Convention and other rules of international law not incompatible with this Convention; or
- (c) when it is alleged that a coastal State has acted in contravention of specified international rules and standards for the protection and preservation of the marine environment which are

applicable to the coastal State and which have been established by this Convention or through a competent international organization or diplomatic conference in accordance with this Convention.

2. (a) Disputes concerning the interpretation or application of the provisions of this Convention with regard to marine scientific research shall be settled in accordance with section 2, except that the coastal State shall not be obliged to accept the submission to such settlement of any dispute arising out of:
 - (i) the exercise by the coastal State of a right or discretion in accordance with article 246; or
 - (ii) a decision by the coastal State to order suspension or cessation of a research project in accordance with article 253.
- (b) A dispute arising from an allegation by the researching State that with respect to a specific project the coastal State is not exercising its rights under articles 246 and 253 in a manner compatible with this Convention shall be submitted, at the request of either party, to conciliation under Annex V, section 2, provided that the conciliation commission shall not call in question the exercise by the coastal State of its discretion to designate specific areas as referred to in article 246, paragraph 6, or of its discretion to withhold consent in accordance with article 246, paragraph 5.
3. (a) Disputes concerning the interpretation or application of the provisions of this Convention with regard to fisheries shall be settled in accordance with section 2, except that the coastal State shall not be obliged to accept the submission to such settlement of any dispute relating to its sovereign rights with respect to the living resources in the exclusive economic zone or their exercise, including its discretionary powers for determining the allowable catch, its harvesting capacity, the allocation of surpluses to other States and the terms and conditions established in its conservation and management laws and regulations.
- (b) Where no settlement has been reached by recourse to section 1 of this Part, a dispute shall be submitted to conciliation under Annex V, section 2, at the request of any party to the dispute, when it is alleged that:
 - (i) a coastal State has manifestly failed to comply with its obligations to ensure through proper conservation and management measures that the maintenance of the living resources in the exclusive economic zone is not seriously endangered;
 - (ii) a coastal State has arbitrarily refused to determine, at the request of another State, the allowable catch and its capacity to harvest living resources with respect to stocks which that other State is interested in fishing; or
 - (iii) a coastal State has arbitrarily refused to allocate to any State, under articles 62, 69 and 70 and under the terms and conditions established by the coastal State consistent with this Convention, the whole or part of the surplus it has declared to exist.

- (c) In no case shall the conciliation commission substitute its discretion for that of the coastal State.
- (d) The report of the conciliation commission shall be communicated to the appropriate international organizations.
- (e) In negotiating agreements pursuant to articles 69 and 70, States Parties, unless they otherwise agree, shall include a clause on measures which they shall take in order to minimize the possibility of a disagreement concerning the interpretation or application of the agreement, and on how they should proceed if a disagreement nevertheless arises.

Article 298

Optional exceptions to applicability of section 2

1. When signing, ratifying or acceding to this Convention or at any time thereafter, a State may, without prejudice to the obligations arising under section 1, declare in writing that it does not accept any one or more of the procedures provided for in section 2 with respect to one or more of the following categories of disputes:

- (a) (i) disputes concerning the interpretation or application of articles 15, 74 and 83 relating to sea boundary delimitations, or those involving historic bays or titles, provided that a State having made such a declaration shall, when such a dispute arises subsequent to the entry into force of this Convention and where no agreement within a reasonable period of time is reached in negotiations between the parties, at the request of any party to the dispute, accept submission of the matter to conciliation under Annex V, section 2; and provided further that any dispute that necessarily involves the concurrent consideration of any unsettled dispute concerning sovereignty or other rights over continental or insular land territory shall be excluded from such submission;
- (ii) after the conciliation commission has presented its report, which shall state the reasons on which it is based, the parties shall negotiate an agreement on the basis of that report; if these negotiations do not result in an agreement, the parties shall, by mutual consent, submit the question to one of the procedures provided for in section 2, unless the parties otherwise agree;
- (iii) this subparagraph does not apply to any sea boundary dispute finally settled by an arrangement between the parties, or to any such dispute which is to be settled in accordance with a bilateral or multilateral agreement binding upon those parties;
- (b) disputes concerning military activities, including military activities by government vessels and aircraft engaged in non-commercial service, and disputes concerning law enforcement activities in regard to the exercise of sovereign rights or jurisdiction excluded from the jurisdiction of a court or tribunal under article 297, paragraph 2 or 3;

(c) disputes in respect of which the Security Council of the United Nations is exercising the functions assigned to it by the Charter of the United Nations, unless the Security Council decides to remove the matter from its agenda or calls upon the parties to settle it by the means provided for in this Convention.

2. A State Party which has made a declaration under paragraph 1 may at any time withdraw it, or agree to submit a dispute excluded by such declaration to any procedure specified in this Convention.

3. A State Party which has made a declaration under paragraph 1 shall not be entitled to submit any dispute falling within the excepted category of disputes to any procedure in this Convention as against another State Party, without the consent of that party.

4. If one of the States Parties has made a declaration under paragraph 1(a), any other State Party may submit any dispute falling within an excepted category against the declarant party to the procedure specified in such declaration.

5. A new declaration, or the withdrawal of a declaration, does not in any way affect proceedings pending before a court or tribunal in accordance with this article, unless the parties otherwise agree.

6. Declarations and notices of withdrawal of declarations under this article shall be deposited with the Secretary-General of the United Nations, who shall transmit copies thereof to the States Parties.

Article 299

Right of the parties to agree upon a procedure

1. A dispute excluded under article 297 or excepted by a declaration made under article 298 from the dispute settlement procedures provided for in section 2 may be submitted to such procedures only by agreement of the parties to the dispute.

2. Nothing in this section impairs the right of the parties to the dispute to agree to some other procedure for the settlement of such dispute or to reach an amicable settlement.

PART XVI

GENERAL PROVISIONS

Article 300

Good faith and abuse of rights

States Parties shall fulfil in good faith the obligations assumed under this Convention and shall exercise the rights, jurisdiction and freedoms recognized in this Convention in a manner which would not constitute an abuse of right.

Article 301
Peaceful uses of the seas

In exercising their rights and performing their duties under this Convention, States Parties shall refrain from any threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the principles of international law embodied in the Charter of the United Nations.

Article 302
Disclosure of information

Without prejudice to the right of a State Party to resort to the procedures for the settlement of disputes provided for in this Convention, nothing in this Convention shall be deemed to require a State Party, in the fulfilment of its obligations under this Convention, to supply information the disclosure of which is contrary to the essential interests of its security.

Article 303
Archaeological and historical objects found at sea

1. States have the duty to protect objects of an archaeological and historical nature found at sea and shall cooperate for this purpose.

2. In order to control traffic in such objects, the coastal State may, in applying article 33, presume that their removal from the seabed in the zone referred to in that article without its approval would result in an infringement within its territory or territorial sea of the laws and regulations referred to in that article.

3. Nothing in this article affects the rights of identifiable owners, the law of salvage or other rules of admiralty, or laws and practices with respect to cultural exchanges.

4. This article is without prejudice to other international agreements and rules of international law regarding the protection of objects of an archaeological and historical nature.

Article 304
Responsibility and liability for damage

The provisions of this Convention regarding responsibility and liability for damage are without prejudice to the application of existing rules and the development of further rules regarding responsibility and liability under international law.

PART XVII

FINAL PROVISIONS

Article 305 *Signature*

1. This Convention shall be open for signature by:
 - (a) all States;
 - (b) Namibia, represented by the United Nations Council for Namibia;
 - (c) all self-governing associated States which have chosen that status in an act of self-determination supervised and approved by the United Nations in accordance with General Assembly resolution 1514 (XV) and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters;
 - (d) all self-governing associated States which, in accordance with their respective instruments of association, have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters;
 - (e) all territories which enjoy full internal self-government, recognized as such by the United Nations, but have not attained full independence in accordance with General Assembly resolution 1514 (XV) and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters;
 - (f) international organizations, in accordance with Annex IX.
2. This Convention shall remain open for signature until 9 December 1984 at the Ministry of Foreign Affairs of Jamaica and also, from 1 July 1983 until 9 December 1984, at United Nations Headquarters in New York.

Article 306 *Ratification and formal confirmation*

This Convention is subject to ratification by States and the other entities referred to in article 305, paragraph 1(b), (c), (d) and (e), and to formal confirmation, in accordance with Annex IX, by the entities referred to in article 305, paragraph 1(f). The instruments of ratification and of formal confirmation shall be deposited with the Secretary-General of the United Nations.

Article 307 *Accession*

This Convention shall remain open for accession by States and the other entities referred to in article 305. Accession by the entities referred to in article 305, paragraph 1(f), shall be in accordance with Annex IX. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 308
Entry into force

1. This Convention shall enter into force 12 months after the date of deposit of the sixtieth instrument of ratification or accession.

2. For each State ratifying or acceding to this Convention after the deposit of the sixtieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day following the deposit of its instrument of ratification or accession, subject to paragraph 1.

3. The Assembly of the Authority shall meet on the date of entry into force of this Convention and shall elect the Council of the Authority. The first Council shall be constituted in a manner consistent with the purpose of article 161 if the provisions of that article cannot be strictly applied.

4. The rules, regulations and procedures drafted by the Preparatory Commission shall apply provisionally pending their formal adoption by the Authority in accordance with Part XI.

5. The Authority and its organs shall act in accordance with resolution II of the Third United Nations Conference on the Law of the Sea relating to preparatory investment and with decisions of the Preparatory Commission taken pursuant to that resolution.

Article 309
Reservations and exceptions

No reservations or exceptions may be made to this Convention unless expressly permitted by other articles of this Convention.

Article 310
Declarations and statements

Article 309 does not preclude a State, when signing, ratifying or acceding to this Convention, from making declarations or statements, however phrased or named, with a view, *inter alia*, to the harmonization of its laws and regulations with the provisions of this Convention, provided that such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of this Convention in their application to that State.

Article 311
Relation to other conventions and international agreements

1. This Convention shall prevail, as between States Parties, over the Geneva Conventions on the Law of the Sea of 29 April 1958.

2. This Convention shall not alter the rights and obligations of States Parties which arise from other agreements compatible with this Convention and which do not affect the enjoyment by other States Parties of their rights or the performance of their obligations under this Convention.

3. Two or more States Parties may conclude agreements modifying or suspending the operation of provisions of this Convention, applicable solely to the relations between them, provided that such agreements do not relate to a provision derogation from which is incompatible with the effective execution of the object and purpose of this Convention, and provided further that such agreements shall not affect the application of the basic principles embodied herein, and that the provisions of such agreements do not affect the

enjoyment by other States Parties of their rights or the performance of their obligations under this Convention.

4. States Parties intending to conclude an agreement referred to in paragraph 3 shall notify the other States Parties through the depositary of this Convention of their intention to conclude the agreement and of the modification or suspension for which it provides.

5. This article does not affect international agreements expressly permitted or preserved by other articles of this Convention.

6. States Parties agree that there shall be no amendments to the basic principle relating to the common heritage of mankind set forth in article 136 and that they shall not be party to any agreement in derogation thereof.

Article 312
Amendment

1. After the expiry of a period of 10 years from the date of entry into force of this Convention, a State Party may, by written communication addressed to the Secretary-General of the United Nations, propose specific amendments to this Convention, other than those relating to activities in the Area, and request the convening of a conference to consider such proposed amendments. The Secretary-General shall circulate such communication to all States Parties. If, within 12 months from the date of the circulation of the communication, not less than one half of the States Parties reply favourably to the request, the Secretary-General shall convene the conference.

2. The decision-making procedure applicable at the amendment conference shall be the same as that applicable at the Third United Nations Conference on the Law of the Sea unless otherwise decided by the conference. The conference should make every effort to reach agreement on any amendments by way of consensus and there should be no voting on them until all efforts at consensus have been exhausted.

Article 313
Amendment by simplified procedure

1. A State Party may, by written communication addressed to the Secretary-General of the United Nations, propose an amendment to this Convention, other than an amendment relating to activities in the Area, to be adopted by the simplified procedure set forth in this article without convening a conference. The Secretary-General shall circulate the communication to all States Parties.

2. If, within a period of 12 months from the date of the circulation of the communication, a State Party objects to the proposed amendment or to the proposal for its adoption by the simplified procedure, the amendment shall be considered rejected. The Secretary-General shall immediately notify all States Parties accordingly.

3. If, 12 months from the date of the circulation of the communication, no State Party has objected to the proposed amendment or to the proposal for its adoption by the simplified procedure, the proposed amendment shall be considered adopted. The Secretary-General shall notify all States Parties that the proposed amendment has been adopted.

Article 314
Amendments to the provisions of this Convention
relating exclusively to activities in the Area

1. A State Party may, by written communication addressed to the Secretary-General of the Authority, propose an amendment to the provisions of this Convention relating exclusively to activities in the Area, including Annex VI, section 4. The Secretary-General shall circulate such communication to all States Parties. The proposed amendment shall be subject to approval by the Assembly following its approval by the Council. Representatives of States Parties in those organs shall have full powers to consider and approve the proposed amendment. The proposed amendment as approved by the Council and the Assembly shall be considered adopted.

2. Before approving any amendment under paragraph 1, the Council and the Assembly shall ensure that it does not prejudice the system of exploration for and exploitation of the resources of the Area, pending the Review Conference in accordance with article 155.

Article 315
Signature, ratification of, accession to
and authentic texts of amendments

1. Once adopted, amendments to this Convention shall be open for signature by States Parties for 12 months from the date of adoption, at United Nations Headquarters in New York, unless otherwise provided in the amendment itself.

2. Articles 306, 307 and 320 apply to all amendments to this Convention.

Article 316
Entry into force of amendments

1. Amendments to this Convention, other than those referred to in paragraph 5, shall enter into force for the States Parties ratifying or acceding to them on the thirtieth day following the deposit of instruments of ratification or accession by two thirds of the States Parties or by 60 States Parties, whichever is greater. Such amendments shall not affect the enjoyment by other States Parties of their rights or the performance of their obligations under this Convention.

2. An amendment may provide that a larger number of ratifications or accessions shall be required for its entry into force than are required by this article.

3. For each State Party ratifying or acceding to an amendment referred to in paragraph 1 after the deposit of the required number of instruments of ratification or accession, the amendment shall enter into force on the thirtieth day following the deposit of its instrument of ratification or accession.

4. A State which becomes a Party to this Convention after the entry into force of an amendment in accordance with paragraph 1 shall, failing an expression of a different intention by that State:

- (a) be considered as a Party to this Convention as so amended; and
- (b) be considered as a Party to the unamended Convention in relation to any State Party not bound by the amendment.

5. Any amendment relating exclusively to activities in the Area and any amendment to Annex VI shall enter into force for all States Parties one year following the deposit of instruments of ratification or accession by three fourths of the States Parties.

6. A State which becomes a Party to this Convention after the entry into force of amendments in accordance with paragraph 5 shall be considered as a Party to this Convention as so amended.

Article 317
Denunciation

1. A State Party may, by written notification addressed to the Secretary-General of the United Nations, denounce this Convention and may indicate its reasons. Failure to indicate reasons shall not affect the validity of the denunciation. The denunciation shall take effect one year after the date of receipt of the notification, unless the notification specifies a later date.

2. A State shall not be discharged by reason of the denunciation from the financial and contractual obligations which accrued while it was a Party to this Convention, nor shall the denunciation affect any right, obligation or legal situation of that State created through the execution of this Convention prior to its termination for that State.

3. The denunciation shall not in any way affect the duty of any State Party to fulfil any obligation embodied in this Convention to which it would be subject under international law independently of this Convention.

Article 318
Status of Annexes

The Annexes form an integral part of this Convention and, unless expressly provided otherwise, a reference to this Convention or to one of its Parts includes a reference to the Annexes relating thereto.

Article 319
Depositary

1. The Secretary-General of the United Nations shall be the depositary of this Convention and amendments thereto.

2. In addition to his functions as depositary, the Secretary-General shall:

- (a) report to all States Parties, the Authority and competent international organizations on issues of a general nature that have arisen with respect to this Convention;
 - (b) notify the Authority of ratifications and formal confirmations of and accessions to this Convention and amendments thereto, as well as of denunciations of this Convention;
 - (c) notify States Parties of agreements in accordance with article 311, paragraph 4;
 - (d) circulate amendments adopted in accordance with this Convention to States Parties for ratification or accession;
 - (e) convene necessary meetings of States Parties in accordance with this Convention.
3. (a) The Secretary-General shall also transmit to the observers referred to in article 156:

- (i) reports referred to in paragraph 2(a);
 - (ii) notifications referred to in paragraph 2(b) and (c); and
 - (iii) texts of amendments referred to in paragraph 2(d), for their information.
- (b) The Secretary-General shall also invite those observers to participate as observers at meetings of States Parties referred to in paragraph 2(e).

Article 320
Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall, subject to article 305, paragraph 2, be deposited with the Secretary-General of the United Nations.

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

DONE AT MONTEGO BAY, this tenth day of December, one thousand nine hundred and eighty-two.

ANNEX I. HIGHLY MIGRATORY SPECIES

1. Albacore tuna: *Thunnus alalunga*.
2. Bluefin tuna: *Thunnus thynnus*.
3. Bigeye tuna: *Thunnus obesus*.
4. Skipjack tuna: *Katsuwonus pelamis*.
5. Yellowfin tuna: *Thunnus albacares*.
6. Blackfin tuna: *Thunnus atlanticus*.
7. Little tuna: *Euthynnus alletteratus*; *Euthynnus affinis*.
8. Southern bluefin tuna: *Thunnus maccoyii*.
9. Frigate mackerel: *Auxis thazard*; *Auxis rochei*.
10. Pomfrets: Family *Bramidae*.
11. Marlins: *Tetrapturus angustirostris*; *Tetrapturus belone*; *Tetrapturus pfluegeri*; *Tetrapturus albidus*; *Tetrapturus audax*; *Tetrapturus georgei*; *Makaira mazara*; *Makaira indica*; *Makaira nigricans*.
12. Sail-fishes: *Istiophorus platypterus*; *Istiophorus albicans*.
13. Swordfish: *Xiphias gladius*.
14. Sauries: *Scomberesox saurus*; *Cololabis saira*; *Cololabis adocetus*; *Scomberesox saurus scombroides*.
15. Dolphin: *Coryphaena hippurus*; *Coryphaena equiselis*.
16. Oceanic sharks: *Hexanchus griseus*; *Cetorhinus maximus*; Family *Alopiidae*; *Rhincodon typus*; Family *Carcharhinidae*; Family *Sphyrnidae*; Family *Isurida*.
17. Cetaceans: Family *Physeteridae*; Family *Balaenopteridae*; Family *Balaenidae*; Family *Eschrichtiidae*; Family *Monodontidae*; Family *Ziphiidae*; Family *Delphinidae*.

ANNEX II. COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF

Article 1

In accordance with the provisions of article 76, a Commission on the Limits of the Continental Shelf beyond 200 nautical miles shall be established in conformity with the following articles.

Article 2

1. The Commission shall consist of 21 members who shall be experts in the field of geology, geophysics or hydrography, elected by States Parties to this Convention from among their nationals, having due regard to the need to ensure equitable geographical representation, who shall serve in their personal capacities.

2. The initial election shall be held as soon as possible but in any case within 18 months after the date of entry into force of this Convention. At least three months before the date of each election, the Secretary-General of the United Nations shall address a letter to the States Parties, inviting the submission of nominations, after appropriate regional consultations, within three months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated and shall submit it to all the States Parties.

3. Elections of the members of the Commission shall be held at a meeting of States Parties convened by the Secretary-General at United

Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Commission shall be those nominees who obtain a two-thirds majority of the votes of the representatives of States Parties present and voting. Not less than three members shall be elected from each geographical region.

4. The members of the Commission shall be elected for a term of five years. They shall be eligible for re-election.

5. The State Party which submitted the nomination of a member of the Commission shall defray the expenses of that member while in performance of Commission duties. The coastal State concerned shall defray the expenses incurred in respect of the advice referred to in article 3, paragraph 1(b), of this Annex. The secretariat of the Commission shall be provided by the Secretary-General of the United Nations.

Article 3

1. The functions of the Commission shall be:
 - (a) to consider the data and other material submitted by coastal States concerning the outer limits of the continental shelf in areas where those limits extend beyond 200 nautical miles, and to make recommendations in accordance with article 76 and the Statement of Understanding adopted on 29 August 1980 by the Third United Nations Conference on the Law of the Sea;
 - (b) to provide scientific and technical advice, if requested by the coastal State concerned during the preparation of the data referred to in subparagraph (a).
2. The Commission may cooperate, to the extent considered necessary and useful, with the Intergovernmental Oceanographic Commission of UNESCO, the International Hydrographic Organization and other competent international organizations with a view to exchanging scientific and technical information which might be of assistance in discharging the Commission's responsibilities.

Article 4

Where a coastal State intends to establish, in accordance with article 76, the outer limits of its continental shelf beyond 200 nautical miles, it shall submit particulars of such limits to the Commission along with supporting scientific and technical data as soon as possible but in any case within 10 years of the entry into force of this Convention for that State. The coastal State shall at the same time give the names of any Commission members who have provided it with scientific and technical advice.

Article 5

Unless the Commission decides otherwise, the Commission shall function by way of sub-commissions composed of seven members, appointed in a balanced manner taking into account the specific elements of each submission by a coastal State. Nationals of the coastal State making the submission who are members of the Commission and any Commission member who has assisted a coastal State by providing scientific and technical advice with respect to the delineation shall not be a member of the sub-commission dealing with that submission but has the right to participate

as a member in the proceedings of the Commission concerning the said submission. The coastal State which has made a submission to the Commission may send its representatives to participate in the relevant proceedings without the right to vote.

Article 6

1. The sub-commission shall submit its recommendations to the Commission.

2. Approval by the Commission of the recommendations of the sub-commission shall be by a majority of two thirds of Commission members present and voting.

3. The recommendations of the Commission shall be submitted in writing to the coastal State which made the submission and to the Secretary-General of the United Nations.

Article 7

Coastal States shall establish the outer limits of the continental shelf in conformity with the provisions of article 76, paragraph 8, and in accordance with the appropriate national procedures.

Article 8

In the case of disagreement by the coastal State with the recommendations of the Commission, the coastal State shall, within a reasonable time, make a revised or new submission to the Commission.

Article 9

The actions of the Commission shall not prejudice matters relating to delimitation of boundaries between States with opposite or adjacent coasts.

**ANNEX III. BASIC CONDITIONS OF PROSPECTING,
EXPLORATION AND EXPLOITATION**

Article 1

Title to minerals

Title to minerals shall pass upon recovery in accordance with this Convention.

Article 2

Prospecting

1. (a) The Authority shall encourage prospecting in the Area.
- (b) Prospecting shall be conducted only after the Authority has received a satisfactory written undertaking that the proposed prospector will comply with this Convention and the relevant rules, regulations and procedures of the Authority concerning cooperation in the training programmes referred to in articles 143 and 144 and the protection of the marine environment, and will accept verification by the Authority of

compliance therewith. The proposed prospector shall, at the same time, notify the Authority of the approximate area or areas in which prospecting is to be conducted.

- (c) Prospecting may be conducted simultaneously by more than one prospector in the same area or areas.

2. Prospecting shall not confer on the prospector any rights with respect to resources. A prospector may, however, recover a reasonable quantity of minerals to be used for testing.

Article 3

Exploration and exploitation

1. The Enterprise, States Parties, and the other entities referred to in article 153, paragraph 2(b), may apply to the Authority for approval of plans of work for activities in the Area.

2. The Enterprise may apply with respect to any part of the Area, but applications by others with respect to reserved areas are subject to the additional requirements of article 9 of this Annex.

3. Exploration and exploitation shall be carried out only in areas specified in plans of work referred to in article 153, paragraph 3, and approved by the Authority in accordance with this Convention and the relevant rules, regulations and procedures of the Authority.

4. Every approved plan of work shall:

- (a) be in conformity with this Convention and the rules, regulations and procedures of the Authority;
- (b) provide for control by the Authority of activities in the Area in accordance with article 153, paragraph 4;
- (c) confer on the operator, in accordance with the rules, regulations and procedures of the Authority, the exclusive right to explore for and exploit the specified categories of resources in the area covered by the plan of work. If, however, the applicant presents for approval a plan of work covering only the stage of exploration or the stage of exploitation, the approved plan of work shall confer such exclusive right with respect to that stage only.

5. Upon its approval by the Authority, every plan of work, except those presented by the Enterprise, shall be in the form of a contract concluded between the Authority and the applicant or applicants.

Article 4

Qualifications of applicants

1. Applicants, other than the Enterprise, shall be qualified if they have the nationality or control and sponsorship required by article 153, paragraph 2(b), and if they follow the procedures and meet the qualification standards set forth in the rules, regulations and procedures of the Authority.

2. Except as provided in paragraph 6, such qualification standards shall relate to the financial and technical capabilities of the applicant and his performance under any previous contracts with the Authority.

3. Each applicant shall be sponsored by the State Party of which it is a national unless the applicant has more than one nationality, as in the case of a partnership or consortium of entities from several States, in which event all States Parties involved shall sponsor the application, or unless the

applicant is effectively controlled by another State Party or its nationals, in which event both States Parties shall sponsor the application. The criteria and procedures for implementation of the sponsorship requirements shall be set forth in the rules, regulations and procedures of the Authority.

4. The sponsoring State or States shall, pursuant to article 139, have the responsibility to ensure, within their legal systems, that a contractor so sponsored shall carry out activities in the Area in conformity with the terms of its contract and its obligations under this Convention. A sponsoring State shall not, however, be liable for damage caused by any failure of a contractor sponsored by it to comply with its obligations if that State Party has adopted laws and regulations and taken administrative measures which are, within the framework of its legal system, reasonably appropriate for securing compliance by persons under its jurisdiction.

5. The procedures for assessing the qualifications of States Parties which are applicants shall take into account their character as States.

6. The qualification standards shall require that every applicant, without exception, shall as part of his application undertake:

- (a) to accept as enforceable and comply with the applicable obligations created by the provisions of Part XI, the rules, regulations and procedures of the Authority, the decisions of the organs of the Authority and terms of his contracts with the Authority;
- (b) to accept control by the Authority of activities in the Area, as authorized by this Convention;
- (c) to provide the Authority with a written assurance that his obligations under the contract will be fulfilled in good faith;
- (d) to comply with the provisions on the transfer of technology set forth in article 5 of this Annex.

Article 5 *Transfer of technology*

1. When submitting a plan of work, every applicant shall make available to the Authority a general description of the equipment and methods to be used in carrying out activities in the Area, and other relevant non-proprietary information about the characteristics of such technology and information as to where such technology is available.

2. Every operator shall inform the Authority of revisions in the description and information made available pursuant to paragraph 1 whenever a substantial technological change or innovation is introduced.

3. Every contract for carrying out activities in the Area shall contain the following undertakings by the contractor:

- (a) to make available to the Enterprise on fair and reasonable commercial terms and conditions, whenever the Authority so requests, the technology which he uses in carrying out activities in the Area under the contract, which the contractor is legally entitled to transfer. This shall be done by means of licences or other appropriate arrangements which the contractor shall negotiate with the Enterprise and which shall be set forth in a specific agreement supplementary to the contract. This undertaking may be invoked only if the Enterprise finds that it is unable to obtain the same or equally efficient and useful

technology on the open market on fair and reasonable commercial terms and conditions;

- (b) to obtain a written assurance from the owner of any technology used in carrying out activities in the Area under the contract, which is not generally available on the open market and which is not covered by subparagraph (a), that the owner will, whenever the Authority so requests, make that technology available to the Enterprise under licence or other appropriate arrangements and on fair and reasonable commercial terms and conditions, to the same extent as made available to the contractor. If this assurance is not obtained, the technology in question shall not be used by the contractor in carrying out activities in the Area;
- (c) to acquire from the owner by means of an enforceable contract, upon the request of the Enterprise and if it is possible to do so without substantial cost to the contractor, the legal right to transfer to the Enterprise any technology used by the contractor, in carrying out activities in the Area under the contract, which the contractor is otherwise not legally entitled to transfer and which is not generally available on the open market. In cases where there is a substantial corporate relationship between the contractor and the owner of the technology, the closeness of this relationship and the degree of control or influence shall be relevant to the determination whether all feasible measures have been taken to acquire such a right. In cases where the contractor exercises effective control over the owner, failure to acquire from the owner the legal right shall be considered relevant to the contractor's qualification for any subsequent application for approval of a plan of work;
- (d) to facilitate, upon the request of the Enterprise, the acquisition by the Enterprise of any technology covered by subparagraph (b), under licence or other appropriate arrangements and on fair and reasonable commercial terms and conditions, if the Enterprise decides to negotiate directly with the owner of the technology;
- (e) to take the same measures as are prescribed in subparagraphs (a), (b), (c) and (d) for the benefit of a developing State or group of developing States which has applied for a contract under article 9 of this Annex, provided that these measures shall be limited to the exploitation of the part of the area proposed by the contractor which has been reserved pursuant to article 8 of this Annex and provided that activities under the contract sought by the developing State or group of developing States would not involve transfer of technology to a third State or the nationals of a third State. The obligation under this provision shall only apply with respect to any given contractor where technology has not been requested by the Enterprise or transferred by that contractor to the Enterprise.

4. Disputes concerning undertakings required by paragraph 3, like other provisions of the contracts, shall be subject to compulsory settlement in accordance with Part XI and, in cases of violation of these undertakings, suspension or termination of the contract or monetary penalties may be

ordered in accordance with article 18 of this Annex. Disputes as to whether offers made by the contractor are within the range of fair and reasonable commercial terms and conditions may be submitted by either party to binding commercial arbitration in accordance with the UNCITRAL Arbitration Rules or such other arbitration rules as may be prescribed in the rules, regulations and procedures of the Authority. If the finding is that the offer made by the contractor is not within the range of fair and reasonable commercial terms and conditions, the contractor shall be given 45 days to revise his offer to bring it within that range before the Authority takes any action in accordance with article 18 of this Annex.

5. If the Enterprise is unable to obtain on fair and reasonable commercial terms and conditions appropriate technology to enable it to commence in a timely manner the recovery and processing of minerals from the Area, either the Council or the Assembly may convene a group of States Parties composed of those which are engaged in activities in the Area, those which have sponsored entities which are engaged in activities in the Area and other States Parties having access to such technology. This group shall consult together and shall take effective measures to ensure that such technology is made available to the Enterprise on fair and reasonable commercial terms and conditions. Each such State Party shall take all feasible measures to this end within its own legal system.

6. In the case of joint ventures with the Enterprise, transfer of technology will be in accordance with the terms of the joint venture agreement.

7. The undertakings required by paragraph 3 shall be included in each contract for the carrying out of activities in the Area until 10 years after the commencement of commercial production by the Enterprise, and may be invoked during that period.

8. For the purposes of this article, "technology" means the specialized equipment and technical know-how, including manuals, designs, operating instructions, training and technical advice and assistance, necessary to assemble, maintain and operate a viable system and the legal right to use these items for that purpose on a non-exclusive basis.

Article 6 *Approval of plans of work*

1. Six months after the entry into force of this Convention, and thereafter each fourth month, the Authority shall take up for consideration proposed plans of work.

2. When considering an application for approval of a plan of work in the form of a contract, the Authority shall first ascertain whether:

- (a) the applicant has complied with the procedures established for applications in accordance with article 4 of this Annex and has given the Authority the undertakings and assurances required by that article. In cases of non-compliance with these procedures or in the absence of any of these undertakings and assurances, the applicant shall be given 45 days to remedy these defects;
- (b) the applicant possesses the requisite qualifications provided for in article 4 of this Annex.

3. All proposed plans of work shall be taken up in the order in which they are received. The proposed plans of work shall comply with and be

governed by the relevant provisions of this Convention and the rules, regulations and procedures of the Authority, including those on operational requirements, financial contributions and the undertakings concerning the transfer of technology. If the proposed plans of work conform to these requirements, the Authority shall approve them provided that they are in accordance with the uniform and non-discriminatory requirements set forth in the rules, regulations and procedures of the Authority, unless:

- (a) part or all of the area covered by the proposed plan of work is included in an approved plan of work or a previously submitted proposed plan of work which has not yet been finally acted on by the Authority;
- (b) part or all of the area covered by the proposed plan of work is disapproved by the Authority pursuant to article 162, paragraph 2(x); or
- (c) the proposed plan of work has been submitted or sponsored by a State Party which already holds:
 - (i) plans of work for exploration and exploitation of polymetallic nodules in non-reserved areas that, together with either part of the area covered by the application for a plan of work, exceed in size 30 per cent of a circular area of 400,000 square kilometres surrounding the centre of either part of the area covered by the proposed plan of work;
 - (ii) plans of work for the exploration and exploitation of polymetallic nodules in non-reserved areas which, taken together, constitute 2 per cent of the total seabed area which is not reserved or disapproved for exploitation pursuant to article 162, paragraph (2)(x).

4. For the purpose of the standard set forth in paragraph 3(c), a plan of work submitted by a partnership or consortium shall be counted on a *pro rata* basis among the sponsoring States Parties involved in accordance with article 4, paragraph 3, of this Annex. The Authority may approve plans of work covered by paragraph 3(c) if it determines that such approval would not permit a State Party or entities sponsored by it to monopolize the conduct of activities in the Area or to preclude other States Parties from activities in the Area.

5. Notwithstanding paragraph 3(a), after the end of the interim period specified in article 151, paragraph 3, the Authority may adopt by means of rules, regulations and procedures other procedures and criteria consistent with this Convention for deciding which applicants shall have plans of work approved in cases of selection among applicants for a proposed area. These procedures and criteria shall ensure approval of plans of work on an equitable and non-discriminatory basis.

Article 7

Selection among applicants for production authorizations

1. Six months after the entry into force of this Convention, and thereafter each fourth month, the Authority shall take up for consideration applications for production authorizations submitted during the immediately preceding period. The Authority shall issue the authorizations applied for if all such applications can be approved without exceeding the production limitation or contravening the obligations of the Authority under a commodity

agreement or arrangement to which it has become a party, as provided in article 151.

2. When a selection must be made among applicants for production authorizations because of the production limitation set forth in article 151, paragraphs 2 to 7, or because of the obligations of the Authority under a commodity agreement or arrangement to which it has become a party, as provided for in article 151, paragraph 1, the Authority shall make the selection on the basis of objective and non-discriminatory standards set forth in its rules, regulations and procedures.

3. In the application of paragraph 2, the Authority shall give priority to those applicants which:

- (a) give better assurance of performance, taking into account their financial and technical qualifications and their performance, if any, under previously approved plans of work;
- (b) provide earlier prospective financial benefits to the Authority, taking into account when commercial production is scheduled to begin;
- (c) have already invested the most resources and effort in prospecting or exploration.

4. Applicants which are not selected in any period shall have priority in subsequent periods until they receive a production authorization.

5. Selection shall be made taking into account the need to enhance opportunities for all States Parties, irrespective of their social and economic systems or geographical locations so as to avoid discrimination against any State or system, to participate in activities in the Area and to prevent monopolization of those activities.

6. Whenever fewer reserved areas than non-reserved areas are under exploitation, applications for production authorizations with respect to reserved areas shall have priority.

7. The decisions referred to in this article shall be taken as soon as possible after the close of each period.

Article 8 *Reservation of areas*

Each application, other than those submitted by the Enterprise or by any other entities for reserved areas, shall cover a total area, which need not be a single continuous area, sufficiently large and of sufficient estimated commercial value to allow two mining operations. The applicant shall indicate the coordinates dividing the area into two parts of equal estimated commercial value and submit all the data obtained by him with respect to both parts. Without prejudice to the powers of the Authority pursuant to article 17 of this Annex, the data to be submitted concerning polymetallic nodules shall relate to mapping, sampling, the abundance of nodules, and their metal content. Within 45 days of receiving such data, the Authority shall designate which part is to be reserved solely for the conduct of activities by the Authority through the Enterprise or in association with developing States. This designation may be deferred for a further period of 45 days if the Authority requests an independent expert to assess whether all data required by this article has been submitted. The area designated shall become a reserved area as soon as the plan of work for the non-reserved area is approved and the contract is signed.

Article 9
Activities in reserved areas

1. The Enterprise shall be given an opportunity to decide whether it intends to carry out activities in each reserved area. This decision may be taken at any time, unless a notification pursuant to paragraph 4 is received by the Authority, in which event the Enterprise shall take its decision within a reasonable time. The Enterprise may decide to exploit such areas in joint ventures with the interested State or entity.

2. The Enterprise may conclude contracts for the execution of part of its activities in accordance with Annex IV, article 12. It may also enter into joint ventures for the conduct of such activities with any entities which are eligible to carry out activities in the Area pursuant to article 153, paragraph 2(b). When considering such joint ventures, the Enterprise shall offer to States Parties which are developing States and their nationals the opportunity of effective participation.

3. The Authority may prescribe, in its rules, regulations and procedures, substantive and procedural requirements and conditions with respect to such contracts and joint ventures.

4. Any State Party which is a developing State or any natural or juridical person sponsored by it and effectively controlled by it or by other developing State which is a qualified applicant, or any group of the foregoing, may notify the Authority that it wishes to submit a plan of work pursuant to article 6 of this Annex with respect to a reserved area. The plan of work shall be considered if the Enterprise decides, pursuant to paragraph 1, that it does not intend to carry out activities in that area.

Article 10
Preference and priority among applicants

An operator who has an approved plan of work for exploration only, as provided in article 3, paragraph 4(c), of this Annex shall have a preference and a priority among applicants for a plan of work covering exploitation of the same area and resources. However, such preference or priority may be withdrawn if the operator's performance has not been satisfactory.

Article 11
Joint arrangements

1. Contracts may provide for joint arrangements between the contractor and the Authority through the Enterprise, in the form of joint ventures or production sharing, as well as any other form of joint arrangement, which shall have the same protection against revision, suspension or termination as contracts with the Authority.

2. Contractors entering into such joint arrangements with the Enterprise may receive financial incentives as provided for in article 13 of this Annex.

3. Partners in joint ventures with the Enterprise shall be liable for the payments required by article 13 of this Annex to the extent of their share in the joint ventures, subject to financial incentives as provided for in that article.

Article 12
Activities carried out by the Enterprise

1. Activities in the Area carried out by the Enterprise pursuant to article 153, paragraph 2(a), shall be governed by Part XI, the rules, regulations and procedures of the Authority and its relevant decisions.

2. Any plan of work submitted by the Enterprise shall be accompanied by evidence supporting its financial and technical capabilities.

Article 13
Financial terms of contracts

1. In adopting rules, regulations and procedures concerning the financial terms of a contract between the Authority and the entities referred to in article 153, paragraph 2(b), and in negotiating those financial terms in accordance with Part XI and those rules, regulations and procedures, the Authority shall be guided by the following objectives:

- (a) to ensure optimum revenues for the Authority from the proceeds of commercial production;
- (b) to attract investments and technology to the exploration and exploitation of the Area;
- (c) to ensure equality of financial treatment and comparable financial obligations for contractors;
- (d) to provide incentives on a uniform and non-discriminatory basis for contractors to undertake joint arrangements with the Enterprise and developing States or their nationals, to stimulate the transfer of technology thereto, and to train the personnel of the Authority and of developing States;
- (e) to enable the Enterprise to engage in seabed mining effectively at the same time as the entities referred to in article 153, paragraph 2(b); and
- (f) to ensure that, as a result of the financial incentives provided to contractors under paragraph 14, under the terms of contracts reviewed in accordance with article 19 of this Annex or under the provisions of article 11 of this Annex with respect to joint ventures, contractors are not subsidized so as to be given an artificial competitive advantage with respect to land-based miners.

2. A fee shall be levied for the administrative cost of processing an application for approval of a plan of work in the form of a contract and shall be fixed at an amount of \$US 500,000 per application. The amount of the fee shall be reviewed from time to time by the Council in order to ensure that it covers the administrative cost incurred. If such administrative cost incurred by the Authority in processing an application is less than the fixed amount, the Authority shall refund the difference to the applicant.

3. A contractor shall pay an annual fixed fee of \$US 1 million from the date of entry into force of the contract. If the approved date of commencement of commercial production is postponed because of a delay in issuing the production authorization, in accordance with article 151, the annual fixed fee shall be waived for the period of postponement. From the date of commencement of commercial production, the contractor shall pay either the production charge or the annual fixed fee, whichever is greater.

4. Within a year of the date of commencement of commercial production, in conformity with paragraph 3, a contractor shall choose to make his financial contribution to the Authority by either:
- (a) paying a production charge only; or
 - (b) paying a combination of a production charge and a share of net proceeds.
5. (a) If a contractor chooses to make his financial contribution to the Authority by paying a production charge only, it shall be fixed at a percentage of the market value of the processed metals produced from the polymetallic nodules recovered from the area covered by the contract. This percentage shall be fixed as follows:
- (i) years 1-10 of commercial production 5 per cent
 - (ii) years 11 to the end of commercial production 12 per cent
- (b) The said market value shall be the product of the quantity of the processed metals produced from the polymetallic nodules extracted from the area covered by the contract and the average price for those metals during the relevant accounting year, as defined in paragraphs 7 and 8.
6. If a contractor chooses to make his financial contribution to the Authority by paying a combination of a production charge and a share of net proceeds, such payments shall be determined as follows:
- (a) The production charge shall be fixed at a percentage of the market value, determined in accordance with subparagraph (b), of the processed metals produced from the polymetallic nodules recovered from the area covered by the contract. This percentage shall be fixed as follows:
 - (i) first period of commercial production 2 per cent
 - (ii) second period of commercial production 4 per centIf, in the second period of commercial production, as defined in subparagraph (d), the return on investment in any accounting year as defined in subparagraph (m) falls below 15 per cent as a result of the payment of the production charge at 4 per cent, the production charge shall be 2 per cent instead of 4 per cent in that accounting year.
 - (b) The said market value shall be the product of the quantity of the processed metals produced from the polymetallic nodules recovered from the area covered by the contract and the average price for those metals during the relevant accounting year as defined in paragraphs 7 and 8.
 - (c) (i) The Authority's share of net proceeds shall be taken out of that portion of the contractor's net proceeds which is attributable to the mining of the resources of the area covered by the contract, referred to hereinafter as attributable net proceeds.
 - (ii) The Authority's share of attributable net proceeds shall be determined in accordance with the following incremental schedule:

<i>Portion of attributable net proceeds</i>	<i>Share of the Authority</i>	
	<i>First period of commercial production</i>	<i>Second period of commercial production</i>
That portion representing a return on investment which is greater than 0 per cent, but less than 10 per cent	35 per cent	40 per cent
That portion representing a return on investment which is 10 per cent or greater, but less than 20 per cent	42.5 per cent	50 per cent
That portion representing a return on investment which is 20 per cent or greater	50 per cent	70 per cent

- (d) (i) The first period of commercial production referred to in subparagraphs (a) and (c) shall commence in the first accounting year of commercial production and terminate in the accounting year in which the contractor's development costs with interest on the unrecovered portion thereof are fully recovered by his cash surplus, as follows:
- In the first accounting year during which development costs are incurred, unrecovered development costs shall equal the development costs less cash surplus in that year. In each subsequent accounting year, unrecovered development costs shall equal the unrecovered development costs at the end of the preceding accounting year, plus interest thereon at the rate of 10 per cent per annum, plus development costs incurred in the current accounting year and less contractor's cash surplus in the current accounting year. The accounting year in which unrecovered development costs become zero for the first time shall be the accounting year in which the contractor's development costs with interest on the unrecovered portion thereof are fully recovered by his cash surplus. The contractor's cash surplus in any accounting year shall be his gross proceeds less his operating costs and less his payments to the Authority under subparagraph (c).
- (ii) The second period of commercial production shall commence in the accounting year following the termination of the first period of commercial production and shall continue until the end of the contract.
- (e) "Attributable net proceeds" means the product of the contractor's net proceeds and the ratio of the development costs in the mining sector to the contractor's development costs. If the contractor engages in mining, transporting polymetallic nodules and production primarily of three processed metals,

namely, cobalt, copper and nickel, the amount of attributable net proceeds shall not be less than 25 per cent of the contractor's net proceeds. Subject to subparagraph (n), in all other cases, including those where the contractor engages in mining, transporting polymetallic nodules, and production primarily of four processed metals, namely, cobalt, copper, manganese and nickel, the Authority may, in its rules, regulations and procedures, prescribe appropriate floors which shall bear the same relationship to each case as the 25 per cent floor does to the three-metal case.

- (f) "Contractor's net proceeds" means the contractor's gross proceeds less his operating costs and less the recovery of his development costs as set out in subparagraph (j).
- (g) (i) If the contractor engages in mining, transporting polymetallic nodules and production of processed metals, "contractor's gross proceeds" means the gross revenues from the sale of the processed metals and any other monies deemed reasonably attributable to operations under the contract in accordance with the financial rules, regulations and procedures of the Authority.
(ii) In all cases other than those specified in subparagraphs (g)(i) and (n)(iii), "contractor's gross proceeds" means the gross revenues from the sale of the semi-processed metals from the polymetallic nodules recovered from the area covered by the contract, and any other monies deemed reasonably attributable to operations under the contract in accordance with the financial rules, regulations and procedures of the Authority.
- (h) "Contractor's development costs" means:
 - (i) all expenditures incurred prior to the commencement of commercial production which are directly related to the development of the productive capacity of the area covered by the contract and the activities related thereto for operations under the contract in all cases other than that specified in subparagraph (n), in conformity with generally recognized accounting principles, including, *inter alia*, costs of machinery, equipment, ships, processing plant, construction, buildings, land, roads, prospecting and exploration of the area covered by the contract, research and development, interest, required leases, licences and fees; and
 - (ii) expenditures similar to those set forth in (i) above incurred subsequent to the commencement of commercial production and necessary to carry out the plan of work, except those chargeable to operating costs.
- (i) The proceeds from the disposal of capital assets and the market value of those capital assets which are no longer required for operations under the contract and which are not sold shall be deducted from the contractor's development costs during the relevant accounting year. When these deductions exceed the contractor's development costs the excess shall be added to the contractor's gross proceeds.

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- (j) The contractor's development costs incurred prior to the commencement of commercial production referred to in subparagraphs (h)(i) and (n)(iv) shall be recovered in 10 equal annual instalments from the date of commencement of commercial production. The contractor's development costs incurred subsequent to the commencement of commercial production referred to in subparagraphs (h)(ii) and (n)(iv) shall be recovered in 10 or fewer equal annual instalments so as to ensure their complete recovery by the end of the contract.
- (k) "Contractor's operating costs" means all expenditures incurred after the commencement of commercial production in the operation of the productive capacity of the area covered by the contract and the activities related thereto for operations under the contract, in conformity with generally recognized accounting principles, including, *inter alia*, the annual fixed fee or the production charge, whichever is greater, expenditures for wages, salaries, employee benefits, materials, services, transporting, processing and marketing costs, interest, utilities, preservation of the marine environment, overhead and administrative costs specifically related to operations under the contract, and any net operating losses carried forward or backward as specified herein. Net operating losses may be carried forward for two consecutive years except in the last two years of the contract in which case they may be carried backward to the two preceding years.
- (l) If the contractor engages in mining, transporting of polymetallic nodules, and production of processed and semi-processed metals, "development costs of the mining sector" means the portion of the contractor's development costs which is directly related to the mining of the resources of the area covered by the contract, in conformity with generally recognized accounting principles, and the financial rules, regulations and procedures of the Authority, including, *inter alia*, application fee, annual fixed fee and, where applicable, costs of prospecting and exploration of the area covered by the contract, and a portion of research and development costs.
- (m) "Return on investment" in any accounting year means the ratio of attributable net proceeds in that year to the development costs of the mining sector. For the purpose of computing this ratio the development costs of the mining sector shall include expenditures on new or replacement equipment in the mining sector less the original cost of the equipment replaced.
- (n) If the contractor engages in mining only:
- (i) "attributable net proceeds" means the whole of the contractor's net proceeds;
 - (ii) "contractor's net proceeds" shall be as defined in subparagraph (f);
 - (iii) "contractor's gross proceeds" means the gross revenues from the sale of the polymetallic nodules, and any other monies deemed reasonably attributable to operations under the contract in accordance with the financial rules, regulations and procedures of the Authority;

- (iv) "contractor's development costs" means all expenditures incurred prior to the commencement of commercial production as set forth in subparagraph (h)(i), and all expenditures incurred subsequent to the commencement of commercial production as set forth in subparagraph (h)(ii), which are directly related to the mining of the resources of the area covered by the contract, in conformity with generally recognized accounting principles;
 - (v) "contractor's operating costs" means the contractor's operating costs as in subparagraph (k) which are directly related to the mining of the resources of the area covered by the contract in conformity with generally recognized accounting principles;
 - (vi) "return on investment" in any accounting year means the ratio of the contractor's net proceeds in that year to the contractor's development costs. For the purpose of computing this ratio, the contractor's development costs shall include expenditures on new or replacement equipment less the original cost of the equipment replaced.
- (o) The costs referred to in subparagraphs (h), (k), (l) and (n) in respect of interest paid by the contractor shall be allowed to the extent that, in all the circumstances, the Authority approves, pursuant to article 4, paragraph 1, of this Annex, the debt-equity ratio and the rates of interest as reasonable, having regard to existing commercial practice.
 - (p) The costs referred to in this paragraph shall not be interpreted as including payments of corporate income taxes or similar charges levied by States in respect of the operations of the contractor.
7. (a) "Processed metals", referred to in paragraphs 5 and 6, means the metals in the most basic form in which they are customarily traded on international terminal markets. For this purpose, the Authority shall specify, in its financial rules, regulations and procedures, the relevant international terminal market. For the metals which are not traded on such markets, "processed metals" means the metals in the most basic form in which they are customarily traded in representative arm's length transactions.
- (b) If the Authority cannot otherwise determine the quantity of the processed metals produced from the polymetallic nodules recovered from the area covered by the contract referred to in paragraphs 5(b) and 6(b), the quantity shall be determined on the basis of the metal content of the nodules, processing recovery efficiency and other relevant factors, in accordance with the rules, regulations and procedures of the Authority and in conformity with generally recognized accounting principles.
8. If an international terminal market provides a representative pricing mechanism for processed metals, polymetallic nodules and semi-processed metals from the nodules, the average price on that market shall be used. In all other cases, the Authority shall, after consulting the contractor, determine a fair price for the said products in accordance with paragraph 9.

9. (a) All costs, expenditures, proceeds and revenues and all determinations of price and value referred to in this article shall be the result of free market or arm's length transactions. In the absence thereof, they shall be determined by the Authority, after consulting the contractor, as though they were the result of free market or arm's length transactions, taking into account relevant transactions in other markets.
- (b) In order to ensure compliance with and enforcement of the provisions of this paragraph, the Authority shall be guided by the principles adopted for, and the interpretation given to, arm's length transactions by the Commission on Transnational Corporations of the United Nations, the Group of Experts on Tax Treaties between Developing and Developed Countries and other international organizations, and shall, in its rules, regulations and procedures, specify uniform and internationally acceptable accounting rules and procedures, and the means of selection by the contractor of certified independent accountants acceptable to the Authority for the purpose of carrying out auditing in compliance with those rules, regulations and procedures.

10. The contractor shall make available to the accountants, in accordance with the financial rules, regulations and procedures of the Authority, such financial data as are required to determine compliance with this article.

11. All costs, expenditures, proceeds and revenues, and all prices and values referred to in this article, shall be determined in accordance with generally recognized accounting principles and the financial rules, regulations and procedures of the Authority.

12. Payments to the Authority under paragraphs 5 and 6 shall be made in freely usable currencies or currencies which are freely available and effectively usable on the major foreign exchange markets or, at the contractor's option, in the equivalents of processed metals at market value. The market value shall be determined in accordance with paragraph 5(b). The freely usable currencies and currencies which are freely available and effectively usable on the major foreign exchange markets shall be defined in the rules, regulations and procedures of the Authority in accordance with prevailing international monetary practice.

13. All financial obligations of the contractor to the Authority, as well as all his fees, costs, expenditures, proceeds and revenues referred to in this article, shall be adjusted by expressing them in constant terms relative to a base year.

14. The Authority may, taking into account any recommendations of the Economic Planning Commission and the Legal and Technical Commission, adopt rules, regulations and procedures that provide for incentives, on a uniform and non-discriminatory basis, to contractors to further the objectives set out in paragraph 1.

15. In the event of a dispute between the Authority and a contractor over the interpretation or application of the financial terms of a contract, either party may submit the dispute to binding commercial arbitration, unless both parties agree to settle the dispute by other means, in accordance with article 188, paragraph 2.

Article 14
Transfer of data

1. The operator shall transfer to the Authority, in accordance with its rules, regulations and procedures and the terms and conditions of the plan of work, at time intervals determined by the Authority all data which are both necessary for and relevant to the effective exercise of the powers and functions of the principal organs of the Authority in respect of the area covered by the plan of work.

2. Transferred data in respect of the area covered by the plan of work, deemed proprietary, may only be used for the purposes set forth in this article. Data necessary for the formulation by the Authority of rules, regulations and procedures concerning protection of the marine environment and safety, other than equipment design data, shall not be deemed proprietary.

3. Data transferred to the Authority by prospectors, applicants for contracts or contractors, deemed proprietary, shall not be disclosed by the Authority to the Enterprise or to anyone external to the Authority, but data on the reserved areas may be disclosed to the Enterprise. Such data transferred by such persons to the Enterprise shall not be disclosed by the Enterprise to the Authority or to anyone external to the Authority.

Article 15
Training programmes

The contractor shall draw up practical programmes for the training of personnel of the Authority and developing States, including the participation of such personnel in all activities in the Area which are covered by the contract, in accordance with article 144, paragraph 2.

Article 16
Exclusive right to explore and exploit

The Authority shall, pursuant to Part XI and its rules, regulations and procedures, accord the operator the exclusive right to explore and exploit the area covered by the plan of work in respect of a specified category of resources and shall ensure that no other entity operates in the same area for a different category of resources in a manner which might interfere with the operations of the operator. The operator shall have security of tenure in accordance with article 153, paragraph 6.

Article 17
Rules, regulations and procedures of the Authority

1. The Authority shall adopt and uniformly apply rules, regulations and procedures in accordance with article 160, paragraph 2(f)(ii), and article 162, paragraph 2(o)(ii), for the exercise of its functions as set forth in Part XI on, *inter alia*, the following matters:

- (a) administrative procedures relating to prospecting, exploration and exploitation in the Area;
- (b) operations:
 - (i) size of area;
 - (ii) duration of operations;

- (iii) performance requirements including assurances pursuant to article 4, paragraph 6(c), of this Annex;
 - (iv) categories of resources;
 - (v) renunciation of areas;
 - (vi) progress reports;
 - (vii) submission of data;
 - (viii) inspection and supervision of operations;
 - (ix) prevention of interference with other activities in the marine environment;
 - (x) transfer of rights and obligations by a contractor;
 - (xi) procedures for transfer of technology to developing States in accordance with article 144 and for their direct participation;
 - (xii) mining standards and practices, including those relating to operational safety, conservation of the resources and the protection of the marine environment;
 - (xiii) definition of commercial production;
 - (xiv) qualification standards for applicants;
 - (c) financial matters:
 - (i) establishment of uniform and non-discriminatory costing and accounting rules and the method of selection of auditors;
 - (ii) apportionment of proceeds of operations;
 - (iii) the incentives referred to in article 13 of this Annex;
 - (d) implementation of decisions taken pursuant to article 151, paragraph 10, and article 164, paragraph 2(d).
2. Rules, regulations and procedures on the following items shall fully reflect the objective criteria set out below:
- (a) Size of areas:

The Authority shall determine the appropriate size of areas for exploration which may be up to twice as large as those for exploitation in order to permit intensive exploration operations. The size of area shall be calculated to satisfy the requirements of article 8 of this Annex on reservation of areas as well as stated production requirements consistent with article 151 in accordance with the terms of the contract taking into account the state of the art of technology then available for seabed mining and the relevant physical characteristics of the areas. Areas shall be neither smaller nor larger than are necessary to satisfy this objective.
 - (b) Duration of operations:
 - (i) Prospecting shall be without time-limit;
 - (ii) Exploration should be of sufficient duration to permit a thorough survey of the specific area, the design and construction of mining equipment for the area and the design and construction of small and medium-size processing plants for the purpose of testing mining and processing systems;
 - (iii) The duration of exploitation should be related to the economic life of the mining project, taking into consideration such factors as the depletion of the ore, the useful life of mining equipment and processing facilities and commercial viability. Exploitation should be of

sufficient duration to permit commercial extraction of minerals of the area and should include a reasonable time period for construction of commercial-scale mining and processing systems, during which period commercial production should not be required. The total duration of exploitation, however, should also be short enough to give the Authority an opportunity to amend the terms and conditions of the plan of work at the time it considers renewal in accordance with rules, regulations and procedures which it has adopted subsequent to approving the plan of work.

(c) Performance requirements:

The Authority shall require that during the exploration stage periodic expenditures be made by the operator which are reasonably related to the size of the area covered by the plan of work and the expenditures which would be expected of a *bona fide* operator who intended to bring the area into commercial production within the time-limits established by the Authority. The required expenditures should not be established at a level which would discourage prospective operators with less costly technology than is prevalently in use. The Authority shall establish a maximum time interval, after the exploration stage is completed and the exploitation stage begins, to achieve commercial production. To determine this interval, the Authority should take into consideration that construction of large-scale mining and processing systems cannot be initiated until after the termination of the exploration stage and the commencement of the exploitation stage. Accordingly, the interval to bring an area into commercial production should take into account the time necessary for this construction after the completion of the exploration stage and reasonable allowance should be made for unavoidable delays in the construction schedule. Once commercial production is achieved, the Authority shall within reasonable limits and taking into consideration all relevant factors require the operator to maintain commercial production throughout the period of the plan of work.

(d) Categories of resources:

In determining the category of resources in respect of which a plan of work may be approved, the Authority shall give emphasis *inter alia* to the following characteristics:

- (i) that certain resources require the use of similar mining methods; and
- (ii) that some resources can be developed simultaneously without undue interference between operators developing different resources in the same area.

Nothing in this subparagraph shall preclude the Authority from approving a plan of work with respect to more than one category of resources in the same area to the same applicant.

(e) Renunciation of areas:

The operator shall have the right at any time to renounce without penalty the whole or part of his rights in the area covered by a plan of work.

(f) Protection of the marine environment:

Rules, regulations and procedures shall be drawn up in order to secure effective protection of the marine environment from harmful effects directly resulting from activities in the Area or from shipboard processing immediately above a mine site of minerals derived from that mine site, taking into account the extent to which such harmful effects may directly result from drilling, dredging, coring and excavation and from disposal, dumping and discharge into the marine environment of sediment, wastes or other effluents.

(g) Commercial production:

Commercial production shall be deemed to have begun if an operator engages in sustained large-scale recovery operations which yield a quantity of materials sufficient to indicate clearly that the principal purpose is large-scale production rather than production intended for information gathering, analysis or the testing of equipment or plant.

*Article 18
Penalties*

1. A contractor's rights under the contract may be suspended or terminated only in the following cases:

- (a) if, in spite of warnings by the Authority, the contractor has conducted his activities in such a way as to result in serious, persistent and wilful violations of the fundamental terms of the contract, Part XI and the rules, regulations and procedures of the Authority; or
- (b) if the contractor has failed to comply with a final binding decision of the dispute settlement body applicable to him.

2. In the case of any violation of the contract not covered by paragraph 1(a), or in lieu of suspension or termination under paragraph 1(a), the Authority may impose upon the contractor monetary penalties proportionate to the seriousness of the violation.

3. Except for emergency orders under article 162, paragraph 2(w), the Authority may not execute a decision involving monetary penalties, suspension or termination until the contractor has been accorded a reasonable opportunity to exhaust the judicial remedies available to him pursuant to Part XI, section 5.

*Article 19
Revision of contract*

1. When circumstances have arisen or are likely to arise which, in the opinion of either party, would render the contract inequitable or make it impracticable or impossible to achieve the objectives set out in the contract or in Part XI, the parties shall enter into negotiations to revise it accordingly.

2. Any contract entered into in accordance with article 153, paragraph 3, may be revised only with the consent of the parties.

Article 20
Transfer of rights and obligations

The rights and obligations arising under a contract may be transferred only with the consent of the Authority, and in accordance with its rules, regulations and procedures. The Authority shall not unreasonably withhold consent to the transfer if the proposed transferee is in all respects a qualified applicant and assumes all of the obligations of the transferor and if the transfer does not confer to the transferee a plan of work, the approval of which would be forbidden by article 6, paragraph 3(c), of this Annex.

Article 21
Applicable law

1. The contract shall be governed by the terms of the contract, the rules, regulations and procedures of the Authority, Part XI and other rules of international law not incompatible with this Convention.

2. Any final decision rendered by a court or tribunal having jurisdiction under this Convention relating to the rights and obligations of the Authority and of the contractor shall be enforceable in the territory of each State Party.

3. No State Party may impose conditions on a contractor that are inconsistent with Part XI. However, the application by a State Party to contractors sponsored by it, or to ships flying its flag, of environmental or other laws and regulations more stringent than those in the rules, regulations and procedures of the Authority adopted pursuant to article 17, paragraph 2(f), of this Annex shall not be deemed inconsistent with Part XI.

Article 22
Responsibility

The contractor shall have responsibility or liability for any damage arising out of wrongful acts in the conduct of its operations, account being taken of contributory acts or omissions by the Authority. Similarly, the Authority shall have responsibility or liability for any damage arising out of wrongful acts in the exercise of its powers and functions, including violations under article 168, paragraph 2, account being taken of contributory acts or omissions by the contractor. Liability in every case shall be for the actual amount of damage.

ANNEX IV. STATUTE OF THE ENTERPRISE

Article 1
Purposes

1. The Enterprise is the organ of the Authority which shall carry out activities in the Area directly, pursuant to article 153, paragraph 2 (a), as well as the transporting, processing and marketing of minerals recovered from the Area.

2. In carrying out its purposes and in the exercise of its functions, the Enterprise shall act in accordance with this Convention and the rules, regulations and procedures of the Authority.

3. In developing the resources of the Area pursuant to paragraph 1, the Enterprise shall, subject to this Convention, operate in accordance with sound commercial principles.

Article 2
Relationship to the Authority

1. Pursuant to article 170, the Enterprise shall act in accordance with the general policies of the Assembly and the directives of the Council.

2. Subject to paragraph 1, the Enterprise shall enjoy autonomy in the conduct of its operations.

3. Nothing in this Convention shall make the Enterprise liable for the acts or obligations of the Authority, or make the Authority liable for the acts or obligations of the Enterprise.

Article 3
Limitation of liability

Without prejudice to article 11, paragraph 3, of this Annex, no member of the Authority shall be liable by reason only of its membership for the acts or obligations of the Enterprise.

Article 4
Structure

The Enterprise shall have a Governing Board, a Director-General and the staff necessary for the exercise of its functions.

Article 5
Governing Board

1. The Governing Board shall be composed of 15 members elected by the Assembly in accordance with article 160, paragraph 2(c). In the election of the members of the Board, due regard shall be paid to the principle of equitable geographical distribution. In submitting nominations of candidates for election to the Board, members of the Authority shall bear in mind the need to nominate candidates of the highest standard of competence, with qualifications in relevant fields, so as to ensure the viability and success of the Enterprise.

2. Members of the Board shall be elected for four years and may be re-elected; and due regard shall be paid to the principle of rotation of membership.

3. Members of the Board shall continue in office until their successors are elected. If the office of a member of the Board becomes vacant, the Assembly shall, in accordance with article 160, paragraph 2(c), elect a new member for the remainder of his predecessor's term.

4. Members of the Board shall act in their personal capacity. In the performance of their duties they shall not seek or receive instructions from any government or from any other source. Each member of the Authority shall respect the independent character of the members of the Board and shall refrain from all attempts to influence any of them in the discharge of their duties.

5. Each member of the Board shall receive remuneration to be paid out of the funds of the Enterprise. The amount of remuneration shall be fixed by the Assembly, upon the recommendation of the Council.

6. The Board shall normally function at the principal office of the Enterprise and shall meet as often as the business of the Enterprise may require.

7. Two thirds of the members of the Board shall constitute a quorum.

8. Each member of the Board shall have one vote. All matters before the Board shall be decided by a majority of its members. If a member has a conflict of interest on a matter before the Board he shall refrain from voting on that matter.

9. Any member of the Authority may ask the Board for information in respect of its operations which particularly affect that member. The Board shall endeavour to provide such information.

Article 6
Powers and functions of the Governing Board

The Governing Board shall direct the operations of the Enterprise. Subject to this Convention, the Governing Board shall exercise the powers necessary to fulfil the purposes of the Enterprise, including powers:

- (a) to elect a Chairman from among its members;
- (b) to adopt its rules of procedure;
- (c) to draw up and submit formal written plans of work to the Council in accordance with article 153, paragraph 3, and article 162, paragraph 2(j);
- (d) to develop plans of work and programmes for carrying out the activities specified in article 170;
- (e) to prepare and submit to the Council applications for production authorizations in accordance with article 151, paragraphs 2 to 7;
- (f) to authorize negotiations concerning the acquisition of technology, including those provided for in Annex III, article 5, paragraph 3(a), (c) and (d), and to approve the results of those negotiations;
- (g) to establish terms and conditions, and to authorize negotiations, concerning joint ventures and other forms of joint arrangements referred to in Annex III, articles 9 and 11, and to approve the results of such negotiations;
- (h) to recommend to the Assembly what portion of the net income of the Enterprise should be retained as its reserves in accordance with article 160, paragraph 2(f), and article 10 of this Annex;
- (i) to approve the annual budget of the Enterprise;
- (j) to authorize the procurement of goods and services in accordance with article 12, paragraph 3, of this Annex;
- (k) to submit an annual report to the Council in accordance with article 9 of this Annex;
- (l) to submit to the Council for the approval of the Assembly draft rules in respect of the organization, management, appointment and dismissal of the staff of the Enterprise and to adopt regulations to give effect to such rules;
- (m) to borrow funds and to furnish such collateral or other security as it may determine in accordance with article 11, paragraph 2, of this Annex;

- (n) to enter into any legal proceedings, agreements and transactions and to take any other actions in accordance with article 13 of this Annex;
- (o) to delegate, subject to the approval of the Council, any non-discretionary powers to the Director-General and to its committees.

Article 7

Director-General and staff of the Enterprise

1. The Assembly shall, upon the recommendation of the Council and the nomination of the Governing Board, elect the Director-General of the Enterprise who shall not be a member of the Board. The Director-General shall hold office for a fixed term, not exceeding five years, and may be re-elected for further terms.

2. The Director-General shall be the legal representative and chief executive of the Enterprise and shall be directly responsible to the Board for the conduct of the operations of the Enterprise. He shall be responsible for the organization, management, appointment and dismissal of the staff of the Enterprise in accordance with the rules and regulations referred to in article 6, subparagraph (l), of this Annex. He shall participate, without the right to vote, in the meetings of the Board and may participate, without the right to vote, in the meetings of the Assembly and the Council when these organs are dealing with matters concerning the Enterprise.

3. The paramount consideration in the recruitment and employment of the staff and in the determination of their conditions of service shall be the necessity of securing the highest standards of efficiency and of technical competence. Subject to this consideration, due regard shall be paid to the importance of recruiting the staff on an equitable geographical basis.

4. In the performance of their duties the Director-General and the staff shall not seek or receive instructions from any government or from any other source external to the Enterprise. They shall refrain from any action which might reflect on their position as international officials of the Enterprise responsible only to the Enterprise. Each State Party undertakes to respect the exclusively international character of the responsibilities of the Director-General and the staff and not to seek to influence them in the discharge of their responsibilities.

5. The responsibilities set forth in article 168, paragraph 2, are equally applicable to the staff of the Enterprise.

Article 8

Location

The Enterprise shall have its principal office at the seat of the Authority. The Enterprise may establish other offices and facilities in the territory of any State Party with the consent of that State Party.

Article 9

Reports and financial statements

1. The Enterprise shall, not later than three months after the end of each financial year, submit to the Council for its consideration an annual report containing an audited statement of its accounts and shall transmit to the

Council at appropriate intervals a summary statement of its financial position and a profit and loss statement showing the results of its operations.

2. The Enterprise shall publish its annual report and such other reports as it finds appropriate.

3. All reports and financial statements referred to in this article shall be distributed to the members of the Authority.

Article 10
Allocation of net income

1. Subject to paragraph 3, the Enterprise shall make payments to the Authority under Annex III, article 13, or their equivalent.

2. The Assembly shall, upon the recommendation of the Governing Board, determine what portion of the net income of the Enterprise shall be retained as reserves of the Enterprise. The remainder shall be transferred to the Authority.

3. During an initial period required for the Enterprise to become self-supporting, which shall not exceed 10 years from the commencement of commercial production by it, the Assembly shall exempt the Enterprise from the payments referred to in paragraph 1, and shall leave all of the net income of the Enterprise in its reserves.

Article 11
Finances

1. The funds of the Enterprise shall include:
 - (a) amounts received from the Authority in accordance with article 173, paragraph 2(b);
 - (b) voluntary contributions made by States Parties for the purpose of financing activities of the Enterprise;
 - (c) amounts borrowed by the Enterprise in accordance with paragraphs 2 and 3;
 - (d) income of the Enterprise from its operations;
 - (e) other funds made available to the Enterprise to enable it to commence operations as soon as possible and to carry out its functions.
2.
 - (a) The Enterprise shall have the power to borrow funds and to furnish such collateral or other security as it may determine. Before making a public sale of its obligations in the financial markets or currency of a State Party, the Enterprise shall obtain the approval of that State Party. The total amount of borrowings shall be approved by the Council upon the recommendation of the Governing Board.
 - (b) States Parties shall make every reasonable effort to support applications by the Enterprise for loans on capital markets and from international financial institutions.
3.
 - (a) The Enterprise shall be provided with the funds necessary to explore and exploit one mine site, and to transport, process and market the minerals recovered therefrom and the nickel, copper, cobalt and manganese obtained, and to meet its initial administrative expenses. The amount of the said funds, and the criteria and factors for its adjustment, shall be included by the

Preparatory Commission in the draft rules, regulations and procedures of the Authority.

- (b) All States Parties shall make available to the Enterprise an amount equivalent to one half of the funds referred to in subparagraph (a) by way of long-term interest-free loans in accordance with the scale of assessments for the United Nations regular budget in force at the time when the assessments are made, adjusted to take into account the States which are not members of the United Nations. Debts incurred by the Enterprise in raising the other half of the funds shall be guaranteed by all States Parties in accordance with the same scale.
- (c) If the sum of the financial contributions of States Parties is less than the funds to be provided to the Enterprise under subparagraph (a), the Assembly shall, at its first session, consider the extent of the shortfall and adopt by consensus measures for dealing with this shortfall, taking into account the obligation of States Parties under subparagraphs (a) and (b) and any recommendations of the Preparatory Commission.
- (d)
 - (i) Each State Party shall, within 60 days after the entry into force of this Convention, or within 30 days after the deposit of its instrument of ratification or accession, whichever is later, deposit with the Enterprise irrevocable, non-negotiable, non-interest-bearing promissory notes in the amount of the share of such State Party of interest-free loans pursuant to subparagraph (b).
 - (ii) The Board shall prepare, at the earliest practicable date after this Convention enters into force, and thereafter at annual or other appropriate intervals, a schedule of the magnitude and timing of its requirements for the funding of its administrative expenses and for activities carried out by the Enterprise in accordance with article 170 and article 12 of this Annex.
 - (iii) The States Parties shall, thereupon, be notified by the Enterprise, through the Authority, of their respective shares of the funds in accordance with subparagraph (b), required for such expenses. The Enterprise shall encash such amounts of the promissory notes as may be required to meet the expenditure referred to in the schedule with respect to interest-free loans.
 - (iv) States Parties shall, upon receipt of the notification, make available their respective shares of debt guarantees for the Enterprise in accordance with subparagraph (b).
- (e)
 - (i) If the Enterprise so requests, State Parties may provide debt guarantees in addition to those provided in accordance with the scale referred to in subparagraph (b).
 - (ii) In lieu of debt guarantees, a State Party may make a voluntary contribution to the Enterprise in an amount equivalent to that portion of the debts which it would otherwise be liable to guarantee.
- (f) Repayment of the interest-bearing loans shall have priority over the repayment of the interest-free loans. Repayment of interest-free loans shall be in accordance with a schedule

adopted by the Assembly, upon the recommendation of the Council and the advice of the Board. In the exercise of this function the Board shall be guided by the relevant provisions of the rules, regulations and procedures of the Authority, which shall take into account the paramount importance of ensuring the effective functioning of the Enterprise and, in particular, ensuring its financial independence.

- (g) Funds made available to the Enterprise shall be in freely usable currencies or currencies which are freely available and effectively usable in the major foreign exchange markets. These currencies shall be defined in the rules, regulations and procedures of the Authority in accordance with prevailing international monetary practice. Except as provided in paragraph 2, no State Party shall maintain or impose restrictions on the holding, use or exchange by the Enterprise of these funds.
- (h) "Debt guarantee" means a promise of a State Party to creditors of the Enterprise to pay, *pro rata* in accordance with the appropriate scale, the financial obligations of the Enterprise covered by the guarantee following notice by the creditors to the State Party of a default by the Enterprise. Procedures for the payment of those obligations shall be in conformity with the rules, regulations and procedures of the Authority.

4. The funds, assets and expenses of the Enterprise shall be kept separate from those of the Authority. This article shall not prevent the Enterprise from making arrangements with the Authority regarding facilities, personnel and services and arrangements for reimbursement of administrative expenses paid by either on behalf of the other.

5. The records, books and accounts of the Enterprise, including its annual financial statements, shall be audited annually by an independent auditor appointed by the Council.

Article 12 Operations

1. The Enterprise shall propose to the Council projects for carrying out activities in accordance with article 170. Such proposals shall include a formal written plan of work for activities in the Area in accordance with article 153, paragraph 3, and all such other information and data as may be required from time to time for its appraisal by the Legal and Technical Commission and approval by the Council.

2. Upon approval by the Council, the Enterprise shall execute the project on the basis of the formal written plan of work referred to in paragraph 1.

- 3. (a) If the Enterprise does not possess the goods and services required for its operations it may procure them. For that purpose, it shall issue invitations to tender and award contracts to bidders offering the best combination of quality, price and delivery time.
- (b) If there is more than one bid offering such a combination, the contract shall be awarded in accordance with:
 - (i) the principle of non-discrimination on the basis of political or other considerations not relevant to the

4. (a) The property and assets of the Enterprise, wherever located and by whomsoever held, shall be immune from requisition, confiscation, expropriation or any other form of seizure by executive or legislative action.
 - (b) The property and assets of the Enterprise, wherever located and by whomsoever held, shall be free from discriminatory restrictions, regulations, controls and moratoria of any nature.
 - (c) The Enterprise and its employees shall respect local laws and regulations in any State or territory in which the Enterprise or its employees may do business or otherwise act.
 - (d) States Parties shall ensure that the Enterprise enjoys all rights, privileges and immunities accorded by them to entities conducting commercial activities in their territories. These rights, privileges and immunities shall be accorded to the Enterprise on no less favourable a basis than that on which they are accorded to entities engaged in similar commercial activities. If special privileges are provided by States Parties for developing States or their commercial entities, the Enterprise shall enjoy those privileges on a similarly preferential basis.
 - (e) States Parties may provide special incentives, rights, privileges and immunities to the Enterprise without the obligation to provide such incentives, rights, privileges and immunities to other commercial entities.
5. The Enterprise shall negotiate with the host countries in which its offices and facilities are located for exemption from direct and indirect taxation.
6. Each State Party shall take such action as is necessary for giving effect in terms of its own law to the principles set forth in this Annex and shall inform the Enterprise of the specific action which it has taken.
7. The Enterprise may waive any of the privileges and immunities conferred under this article or in the special agreements referred to in paragraph 1 to such extent and upon such conditions as it may determine.

ANNEX V. CONCILIATION

SECTION 1. CONCILIATION PROCEDURE PURSUANT TO SECTION 1 OF PART XV

Article 1 Institution of proceedings

If the parties to a dispute have agreed, in accordance with article 284, to submit it to conciliation under this section, any such party may institute the proceedings by written notification addressed to the other party or parties to the dispute.

Article 2 List of conciliators

A list of conciliators shall be drawn up and maintained by the Secretary-General of the United Nations. Every State Party shall be entitled to nominate four conciliators, each of whom shall be a person enjoying the

highest reputation for fairness, competence and integrity. The names of the persons so nominated shall constitute the list. If at any time the conciliators nominated by a State Party in the list so constituted shall be fewer than four, that State Party shall be entitled to make further nominations as necessary. The name of a conciliator shall remain on the list until withdrawn by the State Party which made the nomination, provided that such conciliator shall continue to serve on any conciliation commission to which that conciliator has been appointed until the completion of the proceedings before that commission.

Article 3
Constitution of conciliation commission

The conciliation commission shall, unless the parties otherwise agree, be constituted as follows:

- (a) Subject to subparagraph (g), the conciliation commission shall consist of five members.
- (b) The party instituting the proceedings shall appoint two conciliators to be chosen preferably from the list referred to in article 2 of this Annex, one of whom may be its national, unless the parties otherwise agree. Such appointments shall be included in the notification referred to in article 1 of this Annex.
- (c) The other party to the dispute shall appoint two conciliators in the manner set forth in subparagraph (b) within 21 days of receipt of the notification referred to in article 1 of this Annex. If the appointments are not made within that period, the party instituting the proceedings may, within one week of the expiration of that period, either terminate the proceedings by notification addressed to the other party or request the Secretary-General of the United Nations to make the appointments in accordance with subparagraph (e).
- (d) Within 30 days after all four conciliators have been appointed, they shall appoint a fifth conciliator chosen from the list referred to in article 2 of this Annex, who shall be chairman. If the appointment is not made within that period, either party may, within one week of the expiration of that period, request the Secretary-General of the United Nations to make the appointment in accordance with subparagraph (e).
- (e) Within 30 days of the receipt of a request under subparagraph (c) or (d), the Secretary-General of the United Nations shall make the necessary appointments from the list referred to in article 2 of this Annex in consultation with the parties to the dispute.
- (f) Any vacancy shall be filled in the manner prescribed for the initial appointment.
- (g) Two or more parties which determine by agreement that they are in the same interest shall appoint two conciliators jointly. Where two or more parties have separate interests or there is a disagreement as to whether they are of the same interest, they shall appoint conciliators separately.
- (h) In disputes involving more than two parties having separate interests, or where there is disagreement as to whether they are of the same interest, the parties shall apply subparagraphs (a) to (f) in so far as possible.

*Article 4
Procedure*

The conciliation commission shall, unless the parties otherwise agree, determine its own procedure. The commission may, with the consent of the parties to the dispute, invite any State Party to submit to it its views orally or in writing. Decisions of the commission regarding procedural matters, the report and recommendations shall be made by a majority vote of its members.

*Article 5
Amicable settlement*

The commission may draw the attention of the parties to any measures which might facilitate an amicable settlement of the dispute.

*Article 6
Functions of the commission*

The commission shall hear the parties, examine their claims and objections, and make proposals to the parties with a view to reaching an amicable settlement.

*Article 7
Report*

1. The commission shall report within 12 months of its constitution. Its report shall record any agreements reached and, failing agreement, its conclusions on all questions of fact or law relevant to the matter in dispute and such recommendations as the commission may deem appropriate for an amicable settlement. The report shall be deposited with the Secretary-General of the United Nations and shall immediately be transmitted by him to the parties to the dispute.

2. The report of the commission, including its conclusions or recommendations, shall not be binding upon the parties.

*Article 8
Termination*

The conciliation proceedings are terminated when a settlement has been reached, when the parties have accepted or one party has rejected the recommendations of the report by written notification addressed to the Secretary-General of the United Nations, or when a period of three months has expired from the date of transmission of the report to the parties.

*Article 9
Fees and expenses*

The fees and expenses of the commission shall be borne by the parties to the dispute.

Article 10
Right of parties to modify procedure

The parties to the dispute may by agreement applicable solely to that dispute modify any provision of this Annex.

**SECTION 2. COMPULSORY SUBMISSION
TO CONCILIATION PROCEDURE
PURSUANT TO SECTION 3 OF PART XV**

Article 11
Institution of proceedings

1. Any party to a dispute which, in accordance with Part XV, section 3, may be submitted to conciliation under this section, may institute the proceedings by written notification addressed to the other party or parties to the dispute.

2. Any party to the dispute, notified under paragraph 1, shall be obliged to submit to such proceedings.

Article 12
Failure to reply or to submit to conciliation

The failure of a party or parties to the dispute to reply to notification of institution of proceedings or to submit to such proceedings shall not constitute a bar to the proceedings.

Article 13
Competence

A disagreement as to whether a conciliation commission acting under this section has competence shall be decided by the commission.

Article 14
Application of section 1

Articles 2 to 10 of section 1 of this Annex apply subject to this section.

**ANNEX VI. STATUTE OF THE INTERNATIONAL
TRIBUNAL
FOR THE LAW OF THE SEA**

Article 1
General provisions

1. The International Tribunal for the Law of the Sea is constituted and shall function in accordance with the provisions of this Convention and this Statute.

2. The seat of the Tribunal shall be in the Free and Hanseatic City of Hamburg in the Federal Republic of Germany.

3. The Tribunal may sit and exercise its functions elsewhere whenever it considers this desirable.

4. A reference of a dispute to the Tribunal shall be governed by the provisions of Parts XI and XV.

SECTION 1. ORGANIZATION OF THE TRIBUNAL

Article 2 Composition

1. The Tribunal shall be composed of a body of 21 independent members, elected from among persons enjoying the highest reputation for fairness and integrity and of recognized competence in the field of the law of the sea.

2. In the Tribunal as a whole the representation of the principal legal systems of the world and equitable geographical distribution shall be assured.

Article 3 Membership

1. No two members of the Tribunal may be nationals of the same State. A person who for the purposes of membership in the Tribunal could be regarded as a national of more than one State shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

2. There shall be no fewer than three members from each geographical group as established by the General Assembly of the United Nations.

Article 4 Nominations and elections

1. Each State Party may nominate not more than two persons having the qualifications prescribed in article 2 of this Annex. The members of the Tribunal shall be elected from the list of persons thus nominated.

2. At least three months before the date of the election, the Secretary-General of the United Nations in the case of the first election and the Registrar of the Tribunal in the case of subsequent elections shall address a written invitation to the States Parties to submit their nominations for members of the Tribunal within two months. He shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties before the seventh day of the last month before the date of each election.

3. The first election shall be held within six months of the date of entry into force of this Convention.

4. The members of the Tribunal shall be elected by secret ballot. Elections shall be held at a meeting of the States Parties convened by the Secretary-General of the United Nations in the case of the first election and by a procedure agreed to by the States Parties in the case of subsequent elections. Two thirds of the States Parties shall constitute a quorum at that meeting. The persons elected to the Tribunal shall be those nominees who obtain the largest number of votes and a two-thirds majority of the States Parties present and voting, provided that such majority includes a majority of the States Parties.

Article 5
Term of office

1. The members of the Tribunal shall be elected for nine years and may be re-elected; provided, however, that of the members elected at the first election, the terms of seven members shall expire at the end of three years and the terms of seven more members shall expire at the end of six years.

2. The members of the Tribunal whose terms are to expire at the end of the above-mentioned initial periods of three and six years shall be chosen by lot to be drawn by the Secretary-General of the United Nations immediately after the first election.

3. The members of the Tribunal shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any proceedings which they may have begun before the date of their replacement.

4. In the case of the resignation of a member of the Tribunal, the letter of resignation shall be addressed to the President of the Tribunal. The place becomes vacant on the receipt of that letter.

Article 6
Vacancies

1. Vacancies shall be filled by the same method as that laid down for the first election, subject to the following provision: the Registrar shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in article 4 of this Annex, and the date of the election shall be fixed by the President of the Tribunal after consultation with the States Parties.

2. A member of the Tribunal elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

Article 7
Incompatible activities

1. No member of the Tribunal may exercise any political or administrative function, or associate actively with or be financially interested in any of the operations of any enterprise concerned with the exploration for or exploitation of the resources of the sea or the seabed or other commercial use of the sea or the seabed.

2. No member of the Tribunal may act as agent, counsel or advocate in any case.

3. Any doubt on these points shall be resolved by decision of the majority of the other members of the Tribunal present.

Article 8
Conditions relating to participation of members in a particular case

1. No member of the Tribunal may participate in the decision of any case in which he has previously taken part as agent, counsel or advocate for one of the parties, or as a member of a national or international court or tribunal, or in any other capacity.

2. If, for some special reason, a member of the Tribunal considers that he should not take part in the decision of a particular case, he shall so inform the President of the Tribunal.

3. If the President considers that for some special reason one of the members of the Tribunal should not sit in a particular case, he shall give him notice accordingly.

4. Any doubt on these points shall be resolved by decision of the majority of the other members of the Tribunal present.

Article 9

Consequence of ceasing to fulfil required conditions

If, in the unanimous opinion of the other members of the Tribunal, a member has ceased to fulfil the required conditions, the President of the Tribunal shall declare the seat vacant.

Article 10

Privileges and immunities

The members of the Tribunal, when engaged on the business of the Tribunal, shall enjoy diplomatic privileges and immunities.

Article 11

Solemn declaration by members

Every member of the Tribunal shall, before taking up his duties, make a solemn declaration in open session that he will exercise his powers impartially and conscientiously.

Article 12

President, Vice-President and Registrar

1. The Tribunal shall elect its President and Vice-President for three years; they may be re-elected.

2. The Tribunal shall appoint its Registrar and may provide for the appointment of such other officers as may be necessary.

3. The President and the Registrar shall reside at the seat of the Tribunal.

Article 13

Quorum

1. All available members of the Tribunal shall sit; a quorum of 11 elected members shall be required to constitute the Tribunal.

2. Subject to article 17 of this Annex, the Tribunal shall determine which members are available to constitute the Tribunal for the consideration of a particular dispute, having regard to the effective functioning of the chambers as provided for in articles 14 and 15 of this Annex.

3. All disputes and applications submitted to the Tribunal shall be heard and determined by the Tribunal, unless article 14 of this Annex applies, or the parties request that it shall be dealt with in accordance with article 15 of this Annex.

Article 14
Seabed Disputes Chamber

A Seabed Disputes Chamber shall be established in accordance with the provisions of section 4 of this Annex. Its jurisdiction, powers and functions shall be as provided for in Part XI, section 5.

Article 15
Special chambers

1. The Tribunal may form such chambers, composed of three or more of its elected members, as it considers necessary for dealing with particular categories of disputes.

2. The Tribunal shall form a chamber for dealing with a particular dispute submitted to it if the parties so request. The composition of such a chamber shall be determined by the Tribunal with the approval of the parties.

3. With a view to the speedy dispatch of business, the Tribunal shall form annually a chamber composed of five of its elected members which may hear and determine disputes by summary procedure. Two alternative members shall be selected for the purpose of replacing members who are unable to participate in a particular proceeding.

4. Disputes shall be heard and determined by the chambers provided for in this article if the parties so request.

5. A judgment given by any of the chambers provided for in this article and in article 14 of this Annex shall be considered as rendered by the Tribunal.

Article 16
Rules of the Tribunal

The Tribunal shall frame rules for carrying out its functions. In particular it shall lay down rules of procedure.

Article 17
Nationality of members

1. Members of the Tribunal of the nationality of any of the parties to a dispute shall retain their right to participate as members of the Tribunal.

2. If the Tribunal, when hearing a dispute, includes upon the bench a member of the nationality of one of the parties, any other party may choose a person to participate as a member of the Tribunal.

3. If the Tribunal, when hearing a dispute, does not include upon the bench a member of the nationality of the parties, each of those parties may choose a person to participate as a member of the Tribunal.

4. This article applies to the chambers referred to in articles 14 and 15 of this Annex. In such cases, the President, in consultation with the parties, shall request specified members of the Tribunal forming the chamber, as many as necessary, to give place to the members of the Tribunal of the nationality of the parties concerned, and, failing such, or if they are unable to be present, to the members specially chosen by the parties.

5. Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be considered as one party only. Any doubt on this point shall be settled by the decision of the Tribunal.

6. Members chosen in accordance with paragraphs 2, 3 and 4 shall fulfil the conditions required by articles 2, 8 and 11 of this Annex. They shall participate in the decision on terms of complete equality with their colleagues.

Article 18
Remuneration of members

1. Each elected member of the Tribunal shall receive an annual allowance and, for each day on which he exercises his functions, a special allowance, provided that in any year the total sum payable to any member as special allowance shall not exceed the amount of the annual allowance.

2. The President shall receive a special annual allowance.

3. The Vice-President shall receive a special allowance for each day on which he acts as President.

4. The members chosen under article 17 of this Annex, other than elected members of the Tribunal, shall receive compensation for each day on which they exercise their functions.

5. The salaries, allowances and compensation shall be determined from time to time at meetings of the States Parties, taking into account the workload of the Tribunal. They may not be decreased during the term of office.

6. The salary of the Registrar shall be determined at meetings of the States Parties, on the proposal of the Tribunal.

7. Regulations adopted at meetings of the States Parties shall determine the conditions under which retirement pensions may be given to members of the Tribunal and to the Registrar, and the conditions under which members of the Tribunal and Registrar shall have their travelling expenses refunded.

8. The salaries, allowances, and compensation shall be free of all taxation.

Article 19
Expenses of the Tribunal

1. The expenses of the Tribunal shall be borne by the States Parties and by the Authority on such terms and in such a manner as shall be decided at meetings of the States Parties.

2. When an entity other than a State Party or the Authority is a party to a case submitted to it, the Tribunal shall fix the amount which that party is to contribute towards the expenses of the Tribunal.

SECTION 2. COMPETENCE

Article 20
Access to the Tribunal

1. The Tribunal shall be open to States Parties.

2. The Tribunal shall be open to entities other than States Parties in any case expressly provided for in Part XI or in any case submitted pursuant to any other agreement conferring jurisdiction on the Tribunal which is accepted by all the parties to that case.

Article 21
Jurisdiction

The jurisdiction of the Tribunal comprises all disputes and all applications submitted to it in accordance with this Convention and all matters specifically provided for in any other agreement which confers jurisdiction on the Tribunal.

Article 22
Reference of disputes subject to other agreements

If all the parties to a treaty or convention already in force and concerning the subject-matter covered by this Convention so agree, any disputes concerning the interpretation or application of such treaty or convention may, in accordance with such agreement, be submitted to the Tribunal.

Article 23
Applicable law

The Tribunal shall decide all disputes and applications in accordance with article 293.

SECTION 3. PROCEDURE

Article 24
Institution of proceedings

1. Disputes are submitted to the Tribunal, as the case may be, either by notification of a special agreement or by written application, addressed to the Registrar. In either case, the subject of the dispute and the parties shall be indicated.

2. The Registrar shall forthwith notify the special agreement or the application to all concerned.

3. The Registrar shall also notify all States Parties.

Article 25
Provisional measures

1. In accordance with article 290, the Tribunal and its Seabed Disputes Chamber shall have the power to prescribe provisional measures.

2. If the Tribunal is not in session or a sufficient number of members is not available to constitute a quorum, the provisional measures shall be prescribed by the chamber of summary procedure formed under article 15, paragraph 3, of this Annex. Notwithstanding article 15, paragraph 4, of this Annex, such provisional measures may be adopted at the request of any party to the dispute. They shall be subject to review and revision by the Tribunal.

Article 26
Hearing

1. The hearing shall be under the control of the President or, if he is unable to preside, of the Vice-President. If neither is able to preside, the senior judge present of the Tribunal shall preside.

2. The hearing shall be public, unless the Tribunal decides otherwise or unless the parties demand that the public be not admitted.

Article 27
Conduct of case

The Tribunal shall make orders for the conduct of the case, decide the form and time in which each party must conclude its arguments, and make all arrangements connected with the taking of evidence.

Article 28
Default

When one of the parties does not appear before the Tribunal or fails to defend its case, the other party may request the Tribunal to continue the proceedings and make its decision. Absence of a party or failure of a party to defend its case shall not constitute a bar to the proceedings. Before making its decision, the Tribunal must satisfy itself not only that it has jurisdiction over the dispute, but also that the claim is well founded in fact and law.

Article 29
Majority for decision

1. All questions shall be decided by a majority of the members of the Tribunal who are present.
2. In the event of an equality of votes, the President or the member of the Tribunal who acts in his place shall have a casting vote.

Article 30
Judgment

1. The judgment shall state the reasons on which it is based.
2. It shall contain the names of the members of the Tribunal who have taken part in the decision.
3. If the judgment does not represent in whole or in part the unanimous opinion of the members of the Tribunal, any member shall be entitled to deliver a separate opinion.
4. The judgment shall be signed by the President and by the Registrar. It shall be read in open court, due notice having been given to the parties to the dispute.

Article 31
Request to intervene

1. Should a State Party consider that it has an interest of a legal nature which may be affected by the decision in any dispute, it may submit a request to the Tribunal to be permitted to intervene.
2. It shall be for the Tribunal to decide upon this request.
3. If a request to intervene is granted, the decision of the Tribunal in respect of the dispute shall be binding upon the intervening State Party in so far as it relates to matters in respect of which that State Party intervened.

*Article 32**Right to intervene in cases of interpretation or application*

1. Whenever the interpretation or application of this Convention is in question, the Registrar shall notify all States Parties forthwith.
2. Whenever pursuant to article 21 or 22 of this Annex the interpretation or application of an international agreement is in question, the Registrar shall notify all the parties to the agreement.
3. Every party referred to in paragraphs 1 and 2 has the right to intervene in the proceedings; if it uses this right, the interpretation given by the judgment will be equally binding upon it.

*Article 33**Finality and binding force of decisions*

1. The decision of the Tribunal is final and shall be complied with by all the parties to the dispute.
2. The decision shall have no binding force except between the parties in respect of that particular dispute.
3. In the event of dispute as to the meaning or scope of the decision, the Tribunal shall construe it upon the request of any party.

*Article 34**Costs*

Unless otherwise decided by the Tribunal, each party shall bear its own costs.

SECTION 4. SEABED DISPUTES CHAMBER*Article 35**Composition*

1. The Seabed Disputes Chamber referred to in article 14 of this Annex shall be composed of 11 members, selected by a majority of the elected members of the Tribunal from among them.
2. In the selection of the members of the Chamber, the representation of the principal legal systems of the world and equitable geographical distribution shall be assured. The Assembly of the Authority may adopt recommendations of a general nature relating to such representation and distribution.
3. The members of the Chamber shall be selected every three years and may be selected for a second term.
4. The Chamber shall elect its President from among its members, who shall serve for the term for which the Chamber has been selected.
5. If any proceedings are still pending at the end of any three-year period for which the Chamber has been selected, the Chamber shall complete the proceedings in its original composition.
6. If a vacancy occurs in the Chamber, the Tribunal shall select a successor from among its elected members, who shall hold office for the remainder of his predecessor's term.
7. A quorum of seven of the members selected by the Tribunal shall be required to constitute the Chamber.

Article 36
Ad hoc chambers

1. The Seabed Disputes Chamber shall form an ad hoc chamber, composed of three of its members, for dealing with a particular dispute submitted to it in accordance with article 188, paragraph 1(b). The composition of such a chamber shall be determined by the Seabed Disputes Chamber with the approval of the parties.

2. If the parties do not agree on the composition of an ad hoc chamber, each party to the dispute shall appoint one member, and the third member shall be appointed by them in agreement. If they disagree, or if any party fails to make an appointment, the President of the Seabed Disputes Chamber shall promptly make the appointment or appointments from among its members, after consultation with the parties.

3. Members of the ad hoc chamber must not be in the service of, or nationals of, any of the parties to the dispute.

Article 37
Access

The Chamber shall be open to the States Parties, the Authority and the other entities referred to in Part XI, section 5.

Article 38
Applicable law

In addition to the provisions of article 293, the Chamber shall apply:

- (a) the rules, regulations and procedures of the Authority adopted in accordance with this Convention; and
- (b) the terms of contracts concerning activities in the Area in matters relating to those contracts.

Article 39
Enforcement of decisions of the Chamber

The decisions of the Chamber shall be enforceable in the territories of the States Parties in the same manner as judgments or orders of the highest court of the State Party in whose territory the enforcement is sought.

Article 40
Applicability of other sections of this Annex

1. The other sections of this Annex which are not incompatible with this section apply to the Chamber.

2. In the exercise of its functions relating to advisory opinions, the Chamber shall be guided by the provisions of this Annex relating to procedure before the Tribunal to the extent to which it recognizes them to be applicable.

SECTION 5. AMENDMENTS

Article 41 *Amendments*

1. Amendments to this Annex, other than amendments to section 4, may be adopted only in accordance with article 313 or by consensus at a conference convened in accordance with this Convention.

2. Amendments to section 4 may be adopted only in accordance with article 314.

3. The Tribunal may propose such amendments to this Statute as it may consider necessary, by written communications to the States Parties for their consideration in conformity with paragraphs 1 and 2.

ANNEX VII. ARBITRATION

Article 1 *Institution of proceedings*

Subject to the provisions of Part XV, any party to a dispute may submit the dispute to the arbitral procedure provided for in this Annex by written notification addressed to the other party or parties to the dispute. The notification shall be accompanied by a statement of the claim and the grounds on which it is based.

Article 2 *List of arbitrators*

1. A list of arbitrators shall be drawn up and maintained by the Secretary-General of the United Nations. Every State Party shall be entitled to nominate four arbitrators, each of whom shall be a person experienced in maritime affairs and enjoying the highest reputation for fairness, competence and integrity. The names of the persons so nominated shall constitute the list.

2. If at any time the arbitrators nominated by a State Party in the list so constituted shall be fewer than four, that State Party shall be entitled to make further nominations as necessary.

3. The name of an arbitrator shall remain on the list until withdrawn by the State Party which made the nomination, provided that such arbitrator shall continue to serve on any arbitral tribunal to which that arbitrator has been appointed until the completion of the proceedings before that arbitral tribunal.

Article 3 *Constitution of arbitral tribunal*

For the purpose of proceedings under this Annex, the arbitral tribunal shall, unless the parties otherwise agree, be constituted as follows:

- (a) Subject to subparagraph (g), the arbitral tribunal shall consist of five members.
- (b) The party instituting the proceedings shall appoint one member to be chosen preferably from the list referred to in article 2 of this Annex, who may be its national. The appointment shall be included in the notification referred to in article 1 of this Annex.

- (c) The other party to the dispute shall, within 30 days of receipt of the notification referred to in article 1 of this Annex, appoint one member to be chosen preferably from the list, who may be its national. If the appointment is not made within that period, the party instituting the proceedings may, within two weeks of the expiration of that period, request that the appointment be made in accordance with subparagraph (e).
- (d) The other three members shall be appointed by agreement between the parties. They shall be chosen preferably from the list and shall be nationals of third States unless the parties otherwise agree. The parties to the dispute shall appoint the President of the arbitral tribunal from among those three members. If, within 60 days of receipt of the notification referred to in article 1 of this Annex, the parties are unable to reach agreement on the appointment of one or more of the members of the tribunal to be appointed by agreement, or on the appointment of the President, the remaining appointment or appointments shall be made in accordance with subparagraph (e), at the request of a party to the dispute. Such request shall be made within two weeks of the expiration of the aforementioned 60-day period.
- (e) Unless the parties agree that any appointment under subparagraphs (c) and (d) be made by a person or a third State chosen by the parties, the President of the International Tribunal for the Law of the Sea shall make the necessary appointments. If the President is unable to act under this subparagraph or is a national of one of the parties to the dispute, the appointment shall be made by the next senior member of the International Tribunal for the Law of the Sea who is available and is not a national of one of the parties. The appointments referred to in this subparagraph shall be made from the list referred to in article 2 of this Annex within a period of 30 days of the receipt of the request and in consultation with the parties. The members so appointed shall be of different nationalities and may not be in the service of, ordinarily resident in the territory of, or nationals of, any of the parties to the dispute.
- (f) Any vacancy shall be filled in the manner prescribed for the initial appointment.
- (g) Parties in the same interest shall appoint one member of the tribunal jointly by agreement. Where there are several parties having separate interests or where there is disagreement as to whether they are of the same interest, each of them shall appoint one member of the tribunal. The number of members of the tribunal appointed separately by the parties shall always be smaller by one than the number of members of the tribunal to be appointed jointly by the parties.
- (h) In disputes involving more than two parties, the provisions of subparagraphs (a) to (f) shall apply to the maximum extent possible.

Article 4
Functions of arbitral tribunal

An arbitral tribunal constituted under article 3 of this Annex shall function in accordance with this Annex and the other provisions of this Convention.

Article 5
Procedure

Unless the parties to the dispute otherwise agree, the arbitral tribunal shall determine its own procedure, assuring to each party a full opportunity to be heard and to present its case.

Article 6
Duties of parties to a dispute

The parties to the dispute shall facilitate the work of the arbitral tribunal and, in particular, in accordance with their law and using all means at their disposal, shall:

- (a) provide it with all relevant documents, facilities and information; and
- (b) enable it when necessary to call witnesses or experts and receive their evidence and to visit the localities to which the case relates.

Article 7
Expenses

Unless the arbitral tribunal decides otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares.

Article 8
Required majority for decisions

Decisions of the arbitral tribunal shall be taken by a majority vote of its members. The absence or abstention of less than half of the members shall not constitute a bar to the tribunal reaching a decision. In the event of an equality of votes, the President shall have a casting vote.

Article 9
Default of appearance

If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to make its award. Absence of a party or failure of a party to defend its case shall not constitute a bar to the proceedings. Before making its award, the arbitral tribunal must satisfy itself not only that it has jurisdiction over the dispute but also that the claim is well founded in fact and law.

Article 10
Award

The award of the arbitral tribunal shall be confined to the subject-matter of the dispute and state the reasons on which it is based. It shall contain the names of the members who have participated and the date of the award. Any member of the tribunal may attach a separate or dissenting opinion to the award.

Article 11
Finality of award

The award shall be final and without appeal, unless the parties to the dispute have agreed in advance to an appellate procedure. It shall be complied with by the parties to the dispute.

Article 12
Interpretation or implementation of award

1. Any controversy which may arise between the parties to the dispute as regards the interpretation or manner of implementation of the award may be submitted by either party for decision to the arbitral tribunal which made the award. For this purpose, any vacancy in the tribunal shall be filled in the manner provided for in the original appointments of the members of the tribunal.

2. Any such controversy may be submitted to another court or tribunal under article 287 by agreement of all the parties to the dispute.

Article 13
Application to entities other than States Parties

The provisions of this Annex shall apply *mutatis mutandis* to any dispute involving entities other than States Parties.

ANNEX VIII. SPECIAL ARBITRATION

Article 1
Institution of proceedings

Subject to Part XV, any party to a dispute concerning the interpretation or application of the articles of this Convention relating to (1) fisheries, (2) protection and preservation of the marine environment, (3) marine scientific research, or (4) navigation, including pollution from vessels and by dumping, may submit the dispute to the special arbitral procedure provided for in this Annex by written notification addressed to the other party or parties to the dispute. The notification shall be accompanied by a statement of the claim and the grounds on which it is based.

Article 2
Lists of experts

1. A list of experts shall be established and maintained in respect of each of the fields of (1) fisheries, (2) protection and preservation of the marine environment, (3) marine scientific research, and (4) navigation, including pollution from vessels and by dumping.

2. The lists of experts shall be drawn up and maintained, in the field of fisheries by the Food and Agriculture Organization of the United Nations, in the field of protection and preservation of the marine environment by the United Nations Environment Programme, in the field of marine scientific research by the Intergovernmental Oceanographic Commission, in the field of navigation, including pollution from vessels and by dumping, by the International Maritime Organization, or in each case by the appropriate

subsidiary body concerned to which such organization, programme or commission has delegated this function.

3. Every State Party shall be entitled to nominate two experts in each field whose competence in the legal, scientific or technical aspects of such field is established and generally recognized and who enjoy the highest reputation for fairness and integrity. The names of the persons so nominated in each field shall constitute the appropriate list.

4. If at any time the experts nominated by a State Party in the list so constituted shall be fewer than two, that State Party shall be entitled to make further nominations as necessary.

5. The name of an expert shall remain on the list until withdrawn by the State Party which made the nomination, provided that such expert shall continue to serve on any special arbitral tribunal to which that expert has been appointed until the completion of the proceedings before that special arbitral tribunal.

Article 3 *Constitution of special arbitral tribunal*

For the purpose of proceedings under this Annex, the special arbitral tribunal shall, unless the parties otherwise agree, be constituted as follows:

- (a) Subject to subparagraph (g), the special arbitral tribunal shall consist of five members.
- (b) The party instituting the proceedings shall appoint two members to be chosen preferably from the appropriate list or lists referred to in article 2 of this Annex relating to the matters in dispute, one of whom may be its national. The appointments shall be included in the notification referred to in article 1 of this Annex.
- (c) The other party to the dispute shall, within 30 days of receipt of the notification referred to in article 1 of this Annex, appoint two members to be chosen preferably from the appropriate list or lists relating to the matters in dispute, one of whom may be its national. If the appointments are not made within that period, the party instituting the proceedings may, within two weeks of the expiration of that period, request that the appointments be made in accordance with subparagraph (e).
- (d) The parties to the dispute shall by agreement appoint the President of the special arbitral tribunal, chosen preferably from the appropriate list, who shall be a national of a third State, unless the parties otherwise agree. If, within 30 days of receipt of the notification referred to in article 1 of this Annex, the parties are unable to reach agreement on the appointment of the President, the appointment shall be made in accordance with subparagraph (e), at the request of a party to the dispute. Such request shall be made within two weeks of the expiration of the aforementioned 30-day period.
- (e) Unless the parties agree that the appointment be made by a person or a third State chosen by the parties, the Secretary-General of the United Nations shall make the necessary appointments within 30 days of receipt of a request under subparagraphs (c) and (d). The appointments referred to in this subparagraph shall be made from the appropriate list or lists of experts referred to in article 2 of this Annex and in consultation with the parties to the dispute and the

appropriate international organization. The members so appointed shall be of different nationalities and may not be in the service of, ordinarily resident in the territory of, or nationals of, any of the parties to the dispute.

- (f) Any vacancy shall be filled in the manner prescribed for the initial appointment.
- (g) Parties in the same interest shall appoint two members of the tribunal jointly by agreement. Where there are several parties having separate interests or where there is disagreement as to whether they are of the same interest, each of them shall appoint one member of the tribunal.
- (h) In disputes involving more than two parties, the provisions of subparagraphs (a) to (f) shall apply to the maximum extent possible.

Article 4
General provisions

Annex VII, articles 4 to 13, apply *mutatis mutandis* to the special arbitration proceedings in accordance with this Annex.

Article 5
Fact finding

1. The parties to a dispute concerning the interpretation or application of the provisions of this Convention relating to (1) fisheries, (2) protection and preservation of the marine environment, (3) marine scientific research, or (4) navigation, including pollution from vessels and by dumping, may at any time agree to request a special arbitral tribunal constituted in accordance with article 3 of this Annex to carry out an inquiry and establish the facts giving rise to the dispute.

2. Unless the parties otherwise agree, the findings of fact of the special arbitral tribunal acting in accordance with paragraph 1, shall be considered as conclusive as between the parties.

3. If all the parties to the dispute so request, the special arbitral tribunal may formulate recommendations which, without having the force of a decision, shall only constitute the basis for a review by the parties of the questions giving rise to the dispute.

4. Subject to paragraph 2, the special arbitral tribunal shall act in accordance with the provisions of this Annex, unless the parties otherwise agree.

**ANNEX IX. PARTICIPATION BY
INTERNATIONAL ORGANIZATIONS**

Article 1
Use of terms

For the purposes of article 305 and of this Annex, "international organization" means an intergovernmental organization constituted by States to which its member States have transferred competence over matters governed by this Convention, including the competence to enter into treaties in respect of those matters.

Article 2
Signature

An international organization may sign this Convention if a majority of its member States are signatories of this Convention. At the time of signature an international organization shall make a declaration specifying the matters governed by this Convention in respect of which competence has been transferred to that organization by its member States which are signatories, and the nature and extent of that competence.

Article 3
Formal confirmation and accession

1. An international organization may deposit its instrument of formal confirmation or of accession if a majority of its member States deposit or have deposited their instruments of ratification or accession.
2. The instruments deposited by the international organization shall contain the undertakings and declarations required by articles 4 and 5 of this Annex.

Article 4
Extent of participation and rights and obligations

1. The instrument of formal confirmation or of accession of an international organization shall contain an undertaking to accept the rights and obligations of States under this Convention in respect of matters relating to which competence has been transferred to it by its member States which are Parties to this Convention.
2. An international organization shall be a Party to this Convention to the extent that it has competence in accordance with the declarations, communications of information or notifications referred to in article 5 of this Annex.
3. Such an international organization shall exercise the rights and perform the obligations which its member States which are Parties would otherwise have under this Convention, on matters relating to which competence has been transferred to it by those member States. The member States of that international organization shall not exercise competence which they have transferred to it.
4. Participation of such an international organization shall in no case entail an increase of the representation to which its member States which are States Parties would otherwise be entitled, including rights in decision-making.
5. Participation of such an international organization shall in no case confer any rights under this Convention on member States of the organization which are not States Parties to this Convention.
6. In the event of a conflict between the obligations of an international organization under this Convention and its obligations under the agreement establishing the organization or any acts relating to it, the obligations under this Convention shall prevail.

Article 5
Declarations, notifications and communications

1. The instrument of formal confirmation or of accession of an international organization shall contain a declaration specifying the matters governed by this Convention in respect of which competence has been transferred to the organization by its member States which are Parties to this Convention.

2. A member State of an international organization shall, at the time it ratifies or accedes to this Convention or at the time when the organization deposits its instrument of formal confirmation or of accession, whichever is later, make a declaration specifying the matters governed by this Convention in respect of which it has transferred competence to the organization.

3. States Parties which are member States of an international organization which is a Party to this Convention shall be presumed to have competence over all matters governed by this Convention in respect of which transfers of competence to the organization have not been specifically declared, notified or communicated by those States under this article.

4. The international organization and its member States which are States Parties shall promptly notify the depositary of this Convention of any changes to the distribution of competence, including new transfers of competence, specified in the declarations under paragraphs 1 and 2.

5. Any State Party may request an international organization and its member States which are States Parties to provide information as to which, as between the organization and its member States, has competence in respect of any specific question which has arisen. The organization and the member States concerned shall provide this information within a reasonable time. The international organization and the member States may also, on their own initiative, provide this information.

6. Declarations, notifications and communications of information under this article shall specify the nature and extent of the competence transferred.

Article 6
Responsibility and liability

1. Parties which have competence under article 5 of this Annex shall have responsibility for failure to comply with obligations or for any other violation of this Convention.

2. Any State Party may request an international organization or its member States which are States Parties for information as to who has responsibility in respect of any specific matter. The organization and the member States concerned shall provide this information. Failure to provide this information within a reasonable time or the provision of contradictory information shall result in joint and several liability.

Article 7
Settlement of disputes

1. At the time of deposit of its instrument of formal confirmation or of accession, or at any time thereafter, an international organization shall be free to choose, by means of a written declaration, one or more of the means for the settlement of disputes concerning the interpretation or application of this Convention, referred to in article 287, paragraph 1(a), (c) or (d).

2. Part XV applies *mutatis mutandis* to any dispute between Parties to this Convention, one or more of which are international organizations.

3. When an international organization and one or more of its member States are joint parties to a dispute, or parties in the same interest, the organization shall be deemed to have accepted the same procedures for the settlement of disputes as the member States; when, however, a member State has chosen only the International Court of Justice under article 287, the organization and the member State concerned shall be deemed to have accepted arbitration in accordance with Annex VII, unless the parties to the dispute otherwise agree.

Article 8
Applicability of Part XVII

Part XVII applies *mutatis mutandis* to an international organization, except in respect of the following:

- (a) the instrument of formal confirmation or of accession of an international organization shall not be taken into account in the application of article 308, paragraph 1;
- (b)
 - (i) an international organization shall have exclusive capacity with respect to the application of articles 312 to 315, to the extent that it has competence under article 5 of this Annex over the entire subject-matter of the amendment;
 - (ii) the instrument of formal confirmation or of accession of an international organization to an amendment, the entire subject-matter over which the international organization has competence under article 5 of this Annex, shall be considered to be the instrument of ratification or accession of each of the member States which are States Parties, for the purposes of applying article 316, paragraphs 1, 2 and 3;
 - (iii) the instrument of formal confirmation or of accession of the international organization shall not be taken into account in the application of article 316, paragraphs 1 and 2, with regard to all other amendments;
- (c)
 - (i) an international organization may not denounce this Convention in accordance with article 317 if any of its member States is a State Party and if it continues to fulfil the qualifications specified in article 1 of this Annex;
 - (ii) an international organization shall denounce this Convention when none of its member States is a State Party or if the international organization no longer fulfils the qualifications specified in article 1 of this Annex. Such denunciation shall take effect immediately.

**Final Act of the Third United Nations Conference on
the Law of the Sea (excerpts)**

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ANNEX I

RESOLUTION I

**ESTABLISHMENT OF THE PREPARATORY COMMISSION FOR
THE INTERNATIONAL SEA-BED AUTHORITY AND FOR
THE INTERNATIONAL TRIBUNAL FOR THE LAW OF THE
SEA**

The Third United Nations Conference on the Law of the Sea,

Having adopted the Convention on the Law of the Sea which provides for the establishment of the International Seabed Authority and the International Tribunal for the Law of the Sea,

Having decided to take all possible measures to ensure the entry into effective operation without undue delay of the Authority and the Tribunal and to make the necessary arrangements for the commencement of their functions,

Having decided that a Preparatory Commission should be established for the fulfilment of these purposes,

Decides as follows:

1. There is hereby established the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea. Upon signature of or accession to the Convention by 50 States, the Secretary-General of the United Nations shall convene the Commission, and it shall meet no sooner than 60 days and no later than 90 days thereafter.

2. The Commission shall consist of the representatives of States and of Namibia, represented by the United Nations Council for Namibia, which have signed the Convention or acceded to it. The representatives of signatories of the Final Act may participate fully in the deliberations of the Commission as observers but shall not be entitled to participate in the taking of decisions.

3. The Commission shall elect its Chairman and other officers.

4. The Rules of Procedure of the Third United Nations Conference on the Law of the Sea shall apply *mutatis mutandis* to the adoption of the rules of procedure of the Commission.

5. The Commission shall:

-
- (a) prepare the provisional agenda for the first session of the Assembly and of the Council and, as appropriate, make recommendations relating to items thereon;
 - (b) prepare draft rules of procedure of the Assembly and of the Council;
 - (c) make recommendations concerning the budget for the first financial period of the Authority;
 - (d) make recommendations concerning the relationship between the Authority and the United Nations and other international organizations;
 - (e) make recommendations concerning the Secretariat of the Authority in accordance with the relevant provisions of the Convention;
 - (f) undertake studies, as necessary, concerning the establishment of the headquarters of the Authority, and make recommendations relating thereto;
 - (g) prepare draft rules, regulations and procedures, as necessary, to enable the Authority to commence its functions, including draft regulations concerning the financial management and the internal administration of the Authority;
 - (h) exercise the powers and functions assigned to it by resolution II of the Third United Nations Conference on the Law of the Sea relating to preparatory investment;
 - (i) undertake studies on the problems which would be encountered by developing land-based producer States likely to be most seriously affected by the production of minerals derived from the Area with a view to minimizing their difficulties and helping them to make the necessary economic adjustment, including studies on the establishment of a compensation fund, and submit recommendations to the Authority thereon.

6. The Commission shall have such legal capacity as may be necessary for the exercise of its functions and the fulfilment of its purposes as set forth in this resolution.

7. The Commission may establish such subsidiary bodies as are necessary for the exercise of its functions and shall determine their functions and rules of procedure. It may also make use, as appropriate, of outside sources of expertise in accordance with United Nations practice to facilitate the work of bodies so established.

8. The Commission shall establish a special commission for the Enterprise and entrust to it the functions referred to in paragraph 12 of resolution II of the Third United Nations Conference on the Law of the Sea relating to preparatory investment. The special commission shall take all measures necessary for the early entry into effective operation of the Enterprise.

9. The Commission shall establish a special commission on the problems which would be encountered by developing land-based producer States likely to be most seriously affected by the production of minerals derived from the Area and entrust to it the functions referred to in paragraph 5(i).

10. The Commission shall prepare a report containing recommendations for submission to the meeting of the States Parties to be convened in accordance with Annex VI, article 4, of the Convention regarding practical

arrangements for the establishment of the International Tribunal for the Law of the Sea.

11. The Commission shall prepare a final report on all matters within its mandate, except as provided in paragraph 10, for the presentation to the Assembly at its first session. Any action which may be taken on the basis of the report must be in conformity with the provisions of the Convention concerning the powers and functions entrusted to the respective organs of the Authority.

12. The Commission shall meet at the seat of the Authority if facilities are available; it shall meet as often as necessary for the expeditious exercise of its functions.

13. The Commission shall remain in existence until the conclusion of the first session of the Assembly, at which time its property and records shall be transferred to the Authority.

14. The expenses of the Commission shall be met from the regular budget of the United Nations, subject to the approval of the General Assembly of the United Nations.

15. The Secretary-General of the United Nations shall make available to the Commission such secretariat services as may be required.

16. The Secretary-General of the United Nations shall bring this resolution, in particular paragraphs 14 and 15, to the attention of the General Assembly for necessary action.

RESOLUTION II

GOVERNING PREPARATORY INVESTMENT IN PIONEER ACTIVITIES RELATING TO POLYMETALLIC NODULES

*The Third United Nations Conference on the Law of the Sea,
Having adopted the Convention on the Law of the Sea (the
"Convention"),*

Having established by resolution I the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea (the "Commission") and directed it to prepare draft rules, regulations and procedures, as necessary to enable the Authority to commence its functions, as well as to make recommendations for the early entry into effective operation of the Enterprise,

Desirous of making provision for investments by States and other entities made in a manner compatible with the international regime set forth in Part XI of the Convention and the Annexes relating thereto, before the entry into force of the Convention,

Recognizing the need to ensure that the Enterprise will be provided with the funds, technology and expertise necessary to enable it to keep pace with the States and other entities referred to in the preceding paragraph with respect to activities in the Area,

Decides as follows:

1. For the purposes of this resolution:

(a) "pioneer investor" refers to:

(i) France, India, Japan and the Union of Soviet Socialist Republics, or a state enterprise of each of those States or one natural or juridical person which possesses the nationality of or is effectively controlled by each of those

States, or their nationals, provided that the State concerned signs the Convention and the State or state enterprise or natural or juridical person has expended, before 1 January 1983, an amount equivalent to at least \$US 30 million (United States dollars calculated in constant dollars relative to 1982) in pioneer activities and has expended no less than 10 per cent of that amount in the location, survey and evaluation of the area referred to in paragraph 3(a);

- (ii) four entities, whose components being natural or juridical persons¹ possess the nationality of one or more of the following States, or are effectively controlled by one or more of them or their nationals: Belgium, Canada, the Federal Republic of Germany, Italy, Japan, the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, provided that the certifying State or States sign the Convention and the entity concerned has expended, before 1 January 1983, the levels of expenditure for the purpose stated in subparagraph (i);
- (iii) any developing State which signs the Convention or any state enterprise or natural or juridical person which possesses the nationality of such State or is effectively controlled by it or its nationals, or any group of the foregoing, which, before 1 January 1985, has expended the levels of expenditure for the purpose stated in subparagraph (i);

The rights of the pioneer investor may devolve upon its successor in interest.

- (b) "pioneer activities" means undertakings, commitments of financial and other assets, investigations, findings, research, engineering development and other activities relevant to the identification, discovery, and systematic analysis and evaluation of polymetallic nodules and to the determination of the technical and economic feasibility of exploitation. Pioneer activities include:
 - (i) any at-sea observation and evaluation activity which has as its objective the establishment and documentation of the nature, shape, concentration, location and grade of polymetallic nodules and of the environmental, technical and other appropriate factors which must be taken into account before exploitation;
 - (ii) the recovery from the Area of polymetallic nodules with a view to the designing, fabricating and testing of equipment which is intended to be used in the exploitation of polymetallic nodules;
- (c) "certifying State" means a State which signs the Convention, standing in the same relation to a pioneer investor as would a

¹ For their identity and composition see "Seabed mineral resource development: recent activities of the international Consortia" and addendum, published by the Department of International Economic and Social Affairs of the United Nations (ST/ESA/107 and Add.1).

sponsoring State pursuant to Annex III, article 4, of the Convention and which certifies the levels of expenditure specified in subparagraph (a);

- (d) "polymetallic nodules" means one of the resources of the Area consisting of any deposit or accretion of nodules, on or just below the surface of the deep seabed, which contain manganese, nickel, cobalt and copper;
- (e) "pioneer area" means an area allocated by the Commission to a pioneer investor for pioneer activities pursuant to this resolution. A pioneer area shall not exceed 150,000 square kilometres. The pioneer investor shall relinquish portions of the pioneer area to revert to the Area, in accordance with the following schedule:
 - (i) 20 per cent of the area allocated by the end of the third year from the date of the allocation;
 - (ii) an additional 10 per cent of the area allocated by the end of the fifth year from the date of the allocation;
 - (iii) an additional 20 per cent of the area allocated or such larger amount as would exceed the exploitation area decided upon by the Authority in its rules, regulations and procedures, after eight years from the date of the allocation of the area or the date of the award of a production authorization, whichever is earlier;
- (f) "Area", "Authority", "activities in the Area" and "resources" have the meanings assigned to those terms in the Convention.

2. As soon as the Commission begins to function, any State which has signed the Convention may apply to the Commission on its behalf or on behalf of any state enterprise or entity or natural or juridical person specified in paragraph 1(a) for registration as a pioneer investor. The Commission shall register the applicant as a pioneer investor if the application:

- (a) is accompanied, in the case of a State which has signed the Convention, by a statement certifying the level of expenditure made in accordance with paragraph 1(a), and, in all other cases, a certificate concerning such level of expenditure issued by a certifying State or States; and
 - (b) is in conformity with the other provisions of this resolution, including paragraph 5.
3. (a) Every application shall cover a total area which need not be a single continuous area, sufficiently large and of sufficient estimated commercial value to allow two mining operations. The application shall indicate the coordinates of the area defining the total area and dividing it into two parts of equal estimated commercial value and shall contain all the data available to the applicant with respect to both parts of the area. Such data shall include, *inter alia*, information relating to mapping, testing, the density of polymetallic nodules and their metal content. In dealing with such data, the Commission and its staff shall act in accordance with the relevant provisions of the Convention and its Annexes concerning the confidentiality of data.
- (b) Within 45 days of receiving the data required by subparagraph (a), the Commission shall designate the part of the area which is to be reserved in accordance with the

Convention for the conduct of activities in the Area by the Authority through the Enterprise or in association with developing States. The other part of the area shall be allocated to the pioneer investor as a pioneer area.

4. No pioneer investor may be registered in respect of more than one pioneer area. In the case of a pioneer investor which is made up of two or more components, none of such components may apply to be registered as a pioneer investor in its own right or under paragraph 1(a)(iii).

5. (a) Any State which has signed the Convention and which is a prospective certifying State shall ensure, before making applications to the Commission under paragraph 2, that areas in respect of which applications are made do not overlap one another or areas previously allocated as pioneer areas. The States concerned shall keep the Commission currently and fully informed of any efforts to resolve conflicts with respect to overlapping claims and of the results thereof.
- (b) Certifying States shall ensure, before the entry into force of the Convention, that pioneer activities are conducted in a manner compatible with it.
- (c) The prospective certifying States, including all potential claimants, shall resolve their conflicts as required under subparagraph (a) by negotiations within a reasonable period. If such conflicts have not been resolved by 1 March 1983, the prospective certifying States shall arrange for the submission of all such claims to binding arbitration in accordance with UNCITRAL Arbitration Rules to commence not later than 1 May 1983 and to be completed by 1 December 1984. If one of the States concerned does not wish to participate in the arbitration, it shall arrange for a juridical person of its nationality to represent it in the arbitration. The arbitral tribunal may, for good cause, extend the deadline for the making of the award for one or more 30-day periods.
- (d) In determining the issue as to which applicant involved in a conflict shall be awarded all or part of each area in conflict, the arbitral tribunal shall find a solution which is fair and equitable, having regard, with respect to each applicant involved in the conflict, to the following factors:
- (i) the deposit of the list of relevant coordinates with the prospective certifying State or States not later than the date of adoption of the Final Act or 1 January 1983, whichever is earlier;
 - (ii) the continuity and extent of past activities relevant to each area in conflict and to the application area of which it is a part;
 - (iii) the date on which each pioneer investor concerned or predecessor in interest or component organization thereof commenced activities at sea in the application area;
 - (iv) the financial cost of activities measured in constant United States dollars relevant to each area in conflict and to the application area of which it is a part; and
 - (v) the time when those activities were carried out and the quality of activities.

6. A pioneer investor registered pursuant to this resolution shall, from the date of registration, have the exclusive right to carry out pioneer activities in the pioneer area allocated to it.

7. (a) Every applicant for registration as a pioneer investor shall pay to the Commission a fee of \$US 250,000. When the pioneer investor applies to the Authority for a plan of work for exploration and exploitation the fee referred to in Annex III, article 13, paragraph 2, of the Convention shall be \$US 250,000.
 - (b) Every registered pioneer investor shall pay an annual fixed fee of \$US 1 million commencing from the date of the allocation of the pioneer area. The payments shall be made by the pioneer investor to the Authority upon the approval of its plan of work for exploration and exploitation. The financial arrangements undertaken pursuant to such plan of work shall be adjusted to take account of the payments made pursuant to this paragraph.
 - (c) Every registered pioneer investor shall agree to incur periodic expenditures, with respect to the pioneer area allocated to it, until approval of its plan of work pursuant to paragraph 8, of an amount to be determined by the Commission. The amount should be reasonably related to the size of the pioneer area and the expenditures which would be expected of a *bona fide* operator who intends to bring that area into commercial production within a reasonable time.
8. (a) Within six months of the entry into force of the Convention and certification by the Commission in accordance with paragraph 11, of compliance with this resolution, the pioneer investor so registered shall apply to the Authority for approval of a plan of work for exploration and exploitation, in accordance with the Convention. The plan of work in respect of such application shall comply with and be governed by the relevant provisions of the Convention and the rules, regulations and procedures of the Authority, including those on the operational requirements, the financial requirements and the undertakings concerning the transfer of technology. Accordingly, the Authority shall approve such application.
 - (b) When an application for approval of a plan of work is submitted by an entity other than a State, pursuant to subparagraph (a), the certifying State or States shall be deemed to be the sponsoring State for the purposes of Annex III, article 4, of the Convention, and shall thereupon assume such obligations.
 - (c) No plan of work for exploration and exploitation shall be approved unless the certifying State is a Party to the Convention. In the case of the entities referred to in paragraph 1(a)(ii), the plan of work for exploration and exploitation shall not be approved unless all the States whose natural or juridical persons comprise those entities are Parties to the Convention. If any such State fails to ratify the Convention within six months after it has received a notification from the Authority that an application by it, or sponsored by it, is pending, its status as a pioneer investor or certifying State, as the case may be, shall terminate, unless the Council, by a majority of three fourths of its members present

and voting, decides to postpone the terminal date for a period not exceeding six months.

9. (a) In the allocation of production authorizations, in accordance with article 151 and Annex III, article 7, of the Convention, the pioneer investors who have obtained approval of plans of work for exploration and exploitation shall have priority over all applicants other than the Enterprise which shall be entitled to production authorizations for two mine sites including that referred to in article 151, paragraph 5, of the Convention. After each of the pioneer investors has obtained production authorization for its first mine site, the priority for the Enterprise contained in Annex III, article 7, paragraph 6, of the Convention shall apply.
- (b) Production authorizations shall be issued to each pioneer investor within 30 days of the date on which that pioneer investor notifies the Authority that it will commence commercial production within five years. If a pioneer investor is unable to begin production within the period of five years for reasons beyond its control, it shall apply to the Legal and Technical Commission for an extension of time. That Commission shall grant the extension of time, for a period not exceeding five years and not subject to further extension, if it is satisfied that the pioneer investor cannot begin on an economically viable basis at the time originally planned. Nothing in this subparagraph shall prevent the Enterprise or any other pioneer applicant, who has notified the Authority that it will commence commercial production within five years, from being given a priority over any applicant who has obtained an extension of time under this subparagraph.
- (c) If the Authority, upon being given notice, pursuant to subparagraph (b), determines that the commencement of commercial production within five years would exceed the production ceiling in article 151, paragraphs 2 to 7, of the Convention, the applicant shall hold a priority over any other applicant for the award of the next production authorization allowed by the production ceiling.
- (d) If two or more pioneer investors apply for production authorizations to begin commercial production at the same time and article 151, paragraphs 2 to 7, of the Convention, would not permit all such production to commence simultaneously, the Authority shall notify the pioneer investors concerned. Within three months of such notification, they shall decide whether and, if so, to what extent they wish to apportion the allowable tonnage among themselves.
- (e) If, pursuant to subparagraph (d), the pioneer investors concerned decide not to apportion the available production among themselves they shall agree on an order of priority for production authorizations and all subsequent applications for production authorizations will be granted after those referred to in this subparagraph have been approved.
- (f) If, pursuant to subparagraph (d), the pioneer investors concerned decide to apportion the available production among themselves, the Authority shall award each of them a

production authorization for such lesser quantity as they have agreed. In each case the stated production requirements of the applicant will be approved and their full production will be allowed as soon as the production ceiling admits of additional capacity sufficient for the applicants involved in the competition. All subsequent applications for production authorizations will only be granted after the requirements of this subparagraph have been met and the applicant is no longer subject to the reduction of production provided for in this subparagraph.

- (g) If the parties fail to reach agreement within the stated time period, the matter shall be decided immediately by the means provided for in paragraph 5(c) in accordance with the criteria set forth in Annex III, article 7, paragraphs 3 and 5, of the Convention.
10. (a) Any rights acquired by entities or natural or juridical persons which possess the nationality of or are effectively controlled by a State or States whose status as certifying State has been terminated, shall lapse unless the pioneer investor changes its nationality and sponsorship within six months of the date of such termination, as provided for in subparagraph (b).
- (b) A pioneer investor may change its nationality and sponsorship from that existing at the time of its registration as a pioneer investor to that of any State Party to the Convention which has effective control over the pioneer investor in terms of paragraph 1(a).
- (c) Changes of nationality and sponsorship pursuant to this paragraph shall not affect any right or priority conferred on a pioneer investor pursuant to paragraphs 6 and 8.
11. The Commission shall:
- (a) provide each pioneer investor with the certificate of compliance with the provisions of this resolution referred to in paragraph 8; and
 - (b) include in its final report required by paragraph 11 of resolution I of the Conference details of all registrations of pioneer investors and allocations of pioneer areas pursuant to this resolution.
12. In order to ensure that the Enterprise is able to carry out activities in the Area in such a manner as to keep pace with States and other entities:
- (a) every registered pioneer investor shall:
 - (i) carry out exploration, at the request of the Commission, in the area reserved, pursuant to paragraph 3 in connection with its application, for activities in the Area by the Authority through the Enterprise or in association with developing States, on the basis that the costs so incurred plus interest thereon at the rate of 10 per cent per annum shall be reimbursed;
 - (ii) provide training at all levels for personnel designated by the Commission;
 - (iii) undertake before the entry into force of the Convention, to perform the obligations prescribed in the Convention relating to transfer of technology;
 - (b) every certifying State shall:

- (i) ensure that the necessary funds are made available to the Enterprise in a timely manner in accordance with the Convention, upon its entry into force; and
- (ii) report periodically to the Commission on the activities carried out by it, by its entities or natural or juridical persons.

13. The Authority and its organs shall recognize and honour the rights and obligations arising from this resolution and the decisions of the Commission taken pursuant to it.

14. Without prejudice to paragraph 13, this resolution shall have effect until the entry into force of the Convention.

15. Nothing in this resolution shall derogate from Annex III, article 6, paragraph 3(c), of the Convention.

RESOLUTION III

*The Third United Nations Conference on the Law of the Sea,
Having regard to the Convention on the Law of the Sea,
Bearing in mind the Charter of the United Nations, in particular
Article 73,*

1. *Declares* that:

- (a) In the case of a territory whose people have not attained full independence or other self-governing status recognized by the United Nations, or a territory under colonial domination, provisions concerning rights and interests under the Convention shall be implemented for the benefit of the people of the territory with a view to promoting their well-being and development.
- (b) Where a dispute exists between States over the sovereignty of a territory to which this resolution applies, in respect of which the United Nations has recommended specific means of settlement, there shall be consultations between the parties to that dispute regarding the exercise of the rights referred to in subparagraph (a). In such consultations the interests of the people of the territory concerned shall be a fundamental consideration. Any exercise of those rights shall take into account the relevant resolutions of the United Nations and shall be without prejudice to the position of any party to the dispute. The States concerned shall make every effort to enter into provisional arrangements of a practical nature and shall not jeopardize or hamper the reaching of a final settlement of the dispute.

2. *Requests* the Secretary-General of the United Nations to bring this resolution to the attention of all Members of the United Nations and the other participants in the Conference, as well as the principal organs of the United Nations, and to request their compliance with it.

RESOLUTION IV

*The Third United Nations Conference on the Law of the Sea,
Bearing in mind that national liberation movements have been invited to
participate in the Conference as observers in accordance with rule 62 of its
rules of procedure,*

Decides that the national liberation movements, which have been participating in the Third United Nations Conference on the Law of the Sea, shall be entitled to sign the Final Act of the Conference, in their capacity as observers.

ANNEX II

STATEMENT OF UNDERSTANDING CONCERNING A SPECIFIC METHOD TO BE USED IN ESTABLISHING THE OUTER EDGE OF THE CONTINENTAL MARGIN

The Third United Nations Conference on the Law of the Sea,
Considering the special characteristics of a State's continental margin where: (1) the average distance at which the 200 metre isobath occurs is not more than 20 nautical miles; (2) the greater proportion of the sedimentary rock of the continental margin lies beneath the rise; and

Taking into account the inequity that would result to that State from the application to its continental margin of article 76 of the Convention, in that, the mathematical average of the thickness of sedimentary rock along a line established at the maximum distance permissible in accordance with the provisions of paragraph 4(a)(i) and (ii) of that article as representing the entire outer edge of the continental margin would not be less than 3.5 kilometres; and that more than half of the margin would be excluded thereby;

Recognizes that such State may, notwithstanding the provisions of article 76, establish the outer edge of its continental margin by straight lines not exceeding 60 nautical miles in length connecting fixed points, defined by latitude and longitude, at each of which the thickness of sedimentary rock is not less than 1 kilometre,

Where a State establishes the outer edge of its continental margin by applying the method set forth in the preceding paragraph of this statement, this method may also be utilized by a neighbouring State for delineating the outer edge of its continental margin on a common geological feature, where its outer edge would lie on such feature on a line established at the maximum distance permissible in accordance with article 76, paragraph 4(a)(i) and (ii), along which the mathematical average of the thickness of sedimentary rock is not less than 3.5 kilometres,

The Conference requests the Commission on the Limits of the Continental Shelf set up pursuant to Annex II of the Convention, to be governed by the terms of this Statement when making its recommendations on matters related to the establishment of the outer edge of the continental margins of these States in the southern part of the Bay of Bengal.

ANNEX VI

**RESOLUTION ON DEVELOPMENT OF
NATIONAL MARINE SCIENCE, TECHNOLOGY
AND OCEAN SERVICE INFRASTRUCTURES**

The Third United Nations Conference on the Law of the Sea,

Recognizing that the Convention on the Law of the Sea is intended to establish a new regime for the seas and oceans which will contribute to the realization of a just and equitable international economic order through making provision for the peaceful use of ocean space, the equitable and efficient management and utilization of its resources, and the study, protection and preservation of the marine environment,

Bearing in mind that the new regime must take into account, in particular, the special needs and interests of the developing countries, whether coastal, land-locked, or geographically disadvantaged,

Aware of the rapid advances being made in the field of marine science and technology, and the need for the developing countries, whether coastal, land-locked, or geographically disadvantaged, to share in these achievements if the aforementioned goals are to be met,

Convinced that, unless urgent measures are taken, the marine scientific and technological gap between the developed and the developing countries will widen further and thus endanger the very foundations of the new regime,

Believing that optimum utilization of the new opportunities for social and economic development offered by the new regime will be facilitated through action at the national and international level aimed at strengthening national capabilities in marine science, technology and ocean services, particularly in the developing countries, with a view to ensuring the rapid absorption and efficient application of technology and scientific knowledge available to them,

Considering that national and regional marine scientific and technological centres would be the principal institutions through which States and, in particular, the developing countries, foster and conduct marine scientific research, and receive and disseminate marine technology,

Recognizing the special role of the competent international organizations envisaged by the Convention on the Law of the Sea, especially in relation to the establishment and development of national and regional marine scientific and technological centres,

Noting that present efforts undertaken within the United Nations system in training, education and assistance in the field of marine science and technology and ocean services are far below current requirements and would be particularly inadequate to meet the demands generated through operation of the Convention on the Law of the Sea,

Welcoming recent initiatives within international organizations to promote and coordinate their major international assistance programmes aimed at strengthening marine science infrastructures in developing countries,

1. *Calls upon* all Member States to determine appropriate priorities in their development plans for the strengthening of their marine science, technology and ocean services;

2. *Calls upon* the developing countries to establish programmes for the promotion of technical cooperation among themselves in the field of marine science, technology and ocean service development;

3. *Urges* the industrialized countries to assist the developing countries in the preparation and implementation of their marine science, technology and ocean service development programmes;

4. *Recommends* that the World Bank, the regional banks, the United Nations Development Programme, the United Nations Financing System for Science and Technology and other multilateral funding agencies augment and coordinate their operations for the provision of funds to developing countries for the preparation and implementation of major programmes of assistance in strengthening their marine science, technology and ocean services;

5. *Recommends* that all competent international organizations within the United Nations system expand programmes within their respective fields of competence for assistance to developing countries in the field of marine science, technology and ocean services and coordinate their efforts on a system-wide basis in the implementation of such programmes, paying particular attention to the special needs of the developing countries, whether coastal, land-locked or geographically disadvantaged;

6. *Requests* the Secretary-General of the United Nations to transmit this resolution to the General Assembly at its thirty-seventh session.

Annex 96

Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, 24 March 1983, 1506 UNTS 157

No. 25974

MULTILATERAL

Convention for the protection and development of the marine environment of the wider Caribbean region (with annex and protocol concerning cooperation in combating oil spills in the wider Caribbean region). Concluded at Cartagena de Indias, Colombia, on 24 March 1983

Authentic texts: English, French and Spanish.

Registered by Colombia on 20 June 1988.

MULTILATÉRAL

Convention pour la protection et la mise en valeur du milieu marin dans la région des Caraïbes (avec annexe et protocole relatif à la coopération en matière de lutte contre les déversements d'hydrocarbures dans la région des Caraïbes). Conclue à Cartagena de Indias (Colombie) le 24 mars 1983

Textes authentiques : anglais, français et espagnol.

Enregistrée par la Colombie le 20 juin 1988.

CONVENTION¹ FOR THE PROTECTION AND DEVELOPMENT OF THE MARINE ENVIRONMENT OF THE WIDER CARIBBEAN REGION

The Contracting Parties,

Fully aware of the economic and social value of the marine environment, including coastal areas, of the wider Caribbean region,

Conscious of their responsibility to protect the marine environment of the wider Caribbean region for the benefit and enjoyment of present and future generations,

Recognizing the special hydrographic and ecological characteristics of the region and its vulnerability to pollution,

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

¹ Came into force on 11 October 1986, i.e., the thirtieth day following the date of deposit of the ninth instrument of ratification, acceptance, approval or accession with the Government of Colombia, in accordance with article 28 (1):

<i>State</i>	<i>Date of deposit of the instrument of ratification, acceptance (A), approval (AA) or accession (a)</i>
Antigua and Barbuda	11 September 1986 A
Barbados	28 May 1985
France*	13 November 1985 AA
Mexico*	11 April 1985
Netherlands	16 April 1984 A
(For the Kingdom in Europe, the Netherlands Antilles and Aruba.)	
Saint Lucia	30 November 1984
Trinidad and Tobago	24 January 1986 a
United Kingdom of Great Britain and Northern Ireland	28 February 1986
(With a declaration of application to the Cayman Islands and the Turks and Caicos Islands.)	
United States of America	31 October 1984

* For the texts of reservations and declarations made upon ratification or approval, see p. 243 of this volume.

In addition, the Government of Colombia received notification of territorial application as follows:
22 October 1987

United Kingdom of Great Britain and Northern Ireland
(In respect of the British Virgin Islands. With effect from 21 November 1987.)

Subsequently, the Convention entered into force with respect to the following States on the thirtieth day following the date of deposit of their instrument of ratification with the Government of Colombia, in accordance with article 28 (4):

<i>State</i>	<i>Date of deposit of the instrument of ratification</i>
Venezuela	18 December 1986
(With effect from 17 January 1987.)	
Jamaica	1 April 1987
(With effect from 1 May 1987.)	
Grenada	17 August 1987
(With effect from 16 September 1987.)	
Panama	7 October 1987
(With effect from 6 November 1987.)	
Colombia	3 March 1988
(With effect from 2 April 1988.)	

* For the texts of reservations and declarations made upon ratification or approval, see p. 243 of this volume.

of sufficient integration of an environmental dimension into the development process,

Considering the protection of the ecosystems of the marine environment of the wider Caribbean region to be one of their principal objectives,

Realizing fully the need for co-operation amongst themselves and with competent international organizations in order to ensure co-ordinated and comprehensive development without environmental damage,

Recognize the desirability of securing the wider acceptance of international marine pollution agreements already in existence,

Noting, however, that, in spite of the progress already achieved, these agreements do not cover all aspects of environmental deterioration and do not entirely meet the special requirements of the wider Caribbean region,

Have agreed as follows:

Article 1. CONVENTION AREA

1. This Convention shall apply to the wider Caribbean region, hereinafter referred to as "the Convention area" as defined in paragraph 1 of article 2.

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

Article 2. DEFINITIONS

For the purposes of this Convention:

1. The "Convention area" means the marine environment of the Gulf of Mexico, the Caribbean Sea and the areas of the Atlantic Ocean adjacent thereto, south of 30° north latitude and within 200 nautical miles of the Atlantic coasts of the States referred to in article 25 of the Convention.

2. "Organization" means the institution designated to carry out the functions enumerated in paragraph 1 of article 15.

Article 3. GENERAL PROVISIONS

1. The Contracting Parties shall endeavour to conclude bilateral or multilateral agreements, including regional or subregional agreements, for the protection of the marine environment of the Convention area. Such agreements shall be consistent with this Convention and in accordance with international law. Copies of such agreements shall be communicated to the Organization and, through the Organization, to all signatories and Contracting Parties to this Convention.

2. This Convention and its protocols shall be construed in accordance with international law relating to their subject-matter. Nothing in this Convention or its protocols shall be deemed to affect obligations assumed by the Contracting Parties under agreements previously concluded.

3. Nothing in this Convention or its protocols shall prejudice the present or future claims or the legal views of any Contracting Party concerning the nature and extent of maritime jurisdiction.

Article 4. GENERAL OBLIGATIONS

1. The Contracting Parties shall, individually or jointly, take all appropriate measures in conformity with international law and in accordance with this Convention and those of its protocols in force to which they are parties to prevent, reduce and control pollution of the Convention area and to ensure sound environmental management, using for this purpose the best practicable means at their disposal and in accordance with their capabilities.

2. The Contracting Parties shall, in taking the measures referred to in paragraph 1, ensure that the implementation of those measures does not cause pollution of the marine environment outside the Convention area.

3. The Contracting Parties shall co-operate in the formulation and adoption of protocols or other agreements to facilitate the effective implementation of this Convention.

4. The Contracting Parties shall take appropriate measures, in conformity with international law, for the effective discharge of the obligations prescribed in this Convention and its protocols and shall endeavour to harmonize their policies in this regard.

5. The Contracting Parties shall co-operate with the competent international, regional and subregional organizations for the effective implementation of this Convention and its protocols. They shall assist each other in fulfilling their obligations under this Convention and its protocols.

Article 5. POLLUTION FROM SHIPS

The Contracting Parties shall take all appropriate measures to prevent, reduce and control pollution of the Convention area caused by discharges from ships and, for this purpose, to ensure the effective implementation of the applicable international rules and standards established by the competent international organization.

Article 6. POLLUTION CAUSED BY DUMPING

The Contracting Parties shall take all appropriate measures to prevent, reduce and control pollution of the Convention area caused by dumping of wastes and other matter at sea from ships, aircraft or man-made structures at sea, and to ensure the effective implementation of the applicable international rules and standards.

Article 7. POLLUTION FROM LAND-BASED SOURCES

The Contracting Parties shall take all appropriate measures to prevent, reduce and control pollution of the Convention area caused by coastal disposal or by discharges emanating from rivers, estuaries, coastal establishments, outfall structures, or any other source on their territories.

Article 8. POLLUTION FROM SEA-BED ACTIVITIES

The Contracting Parties shall take all appropriate measures to prevent, reduce and control pollution of the Convention area resulting directly or indirectly from exploration and exploitation of the sea-bed and its subsoil.

Article 9. AIRBORNE POLLUTION

The Contracting Parties shall take all appropriate measures to prevent, reduce and control pollution of the Convention area resulting from discharges into the atmosphere from activities under their jurisdiction.

Article 10. SPECIALLY PROTECTED AREAS

The Contracting Parties shall, individually or jointly, take all appropriate measures to protect and preserve rare or fragile ecosystems, as well as the habitat of depleted, threatened or endangered species, in the Convention area. To this end, the Contracting Parties shall endeavour to establish protected areas. The establishment of such areas shall not affect the rights of other Contracting Parties and third States. In addition, the Contracting Parties shall exchange information concerning the administration and management of such areas.

Article 11. CO-OPERATION IN CASES OF EMERGENCY

1. The Contracting Parties shall co-operate in taking all necessary measures to respond to pollution emergencies in the Convention area, whatever the cause of such emergencies, and to control, reduce or eliminate pollution or the threat of pollution resulting therefrom. To this end, the Contracting Parties shall, individually and jointly, develop and promote contingency plans for responding to incidents involving pollution or the threat thereof in the Convention area.

2. When a Contracting Party becomes aware of cases in which the Convention area is in imminent danger of being polluted or has been polluted, it shall immediately notify other States likely to be affected by such pollution, as well as the competent international organizations. Furthermore, it shall inform, as soon as feasible, such other States and competent international organizations of measures it has taken to minimize or reduce pollution or the threat thereof.

Article 12. ENVIRONMENTAL IMPACT ASSESSMENT

1. As part of their environmental management policies the Contracting Parties undertake to develop technical and other guidelines to assist the planning of their major development projects in such a way as to prevent or minimize harmful impacts on the Convention area.

2. Each Contracting Party shall assess within its capabilities, or ensure the assessment of, the potential effects of such projects on the marine environment, particularly in coastal areas, so that appropriate measures may be taken to prevent any substantial pollution of, or significant and harmful changes to, the Convention area.

3. With respect to the assessments referred to in paragraph 2, each Contracting Party shall, with the assistance of the Organization when requested, develop procedures for the dissemination of information and may, where appropriate, invite other Contracting Parties which may be affected to consult with it and to submit comments.

Article 13. SCIENTIFIC AND TECHNICAL CO-OPERATION

1. The Contracting Parties undertake to co-operate, directly and, when appropriate, through the competent international and regional organizations, in scientific research, monitoring and the exchange of data and other scientific information relating to the purposes of this Convention.

2. To this end, the Contracting Parties undertake to develop and co-ordinate their research and monitoring programmes relating to the Convention area and to ensure, in co-operation with the competent international and regional organizations, the necessary links between their research centres and institutes with a view to producing compatible results. With the aim of further protecting the Convention area, the Contracting Parties shall endeavour to participate in international arrangements for pollution research and monitoring.

3. The Contracting Parties undertake to co-operate, directly and, when appropriate, through the competent international and regional organizations, in the provision to other Contracting Parties of technical and other assistance in fields relating to pollution and sound environmental management of the Convention area, taking into account the special needs of the smaller island developing countries and territories.

Article 14. LIABILITY AND COMPENSATION

The Contracting Parties shall co-operate with a view to adopting appropriate rules and procedures, which are in conformity with international law, in the field of liability and compensation for damage resulting from pollution of the Convention area.

Article 15. INSTITUTIONAL ARRANGEMENTS

1. The Contracting Parties designate the United Nations Environment Programme to carry out the following secretariat functions:

- (a) To prepare and convene the meetings of Contracting Parties and conferences provided for in articles 16, 17 and 18;
- (b) To transmit the information received in accordance with articles 3, 11 and 22;
- (c) To perform the functions assigned to it by protocols to this Convention;
- (d) To consider enquiries by, and information from, the Contracting Parties and to consult with them on questions relating to this Convention, its protocols and annexes thereto;
- (e) To co-ordinate the implementation of co-operative activities agreed upon by the meetings of Contracting Parties and conferences provided for in articles 16, 17 and 18;
- (f) To ensure the necessary co-ordination with other international bodies which the Contracting Parties consider competent.

2. Each Contracting Party shall designate an appropriate authority to serve as the channel of communication with the Organization for the purposes of this Convention and its protocols.

Article 16. 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 the majority of the 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 its protocols and, in particular:

- (a) To assess periodically the state of the environment in the Convention area;
- (b) To consider the information submitted by the Contracting Parties under article 22;
- (c) To adopt, review and amend annexes to this Convention and to its protocols, in accordance with article 19;
- (d) To make recommendations regarding the adoption of any additional protocols or any amendments to this Convention or its protocols in accordance with articles 17 and 18;
- (e) To establish working groups as required to consider any matters concerning this Convention and its protocols, and annexes thereto;
- (f) To consider co-operative activities to be undertaken within the framework of this Convention and its protocols, including their financial and institutional implications and to adopt decisions relating thereto;
- (g) To consider and undertake any other action that may be required for the achievement of the purposes of this Convention and its protocols.

Article 17. ADOPTION OF PROTOCOLS

1. The Contracting Parties, at a conference of plenipotentiaries, may adopt additional protocols to this Convention pursuant to paragraph 3 of article 4.
2. If so requested by a majority of the Contracting Parties, the Organization shall convene a conference of plenipotentiaries for the purpose of adopting additional protocols to this Convention.

Article 18. AMENDMENT OF THE CONVENTION AND ITS PROTOCOLS

1. Any Contracting Party may propose amendments to this Convention. Amendments shall be adopted by a conference of plenipotentiaries which shall be convened by the Organization at the request of a majority of the Contracting Parties.
2. Any Contracting Party to this Convention may propose amendments to any protocol. Such amendments shall be adopted by a conference of plenipotentiaries which shall be convened by the Organization at the request of a majority of the Contracting Parties to the protocol concerned.
3. The text of any proposed amendment shall be communicated by the Organization to all Contracting Parties at least 90 days before the opening of the conference of plenipotentiaries.
4. Any amendment to this Convention shall be adopted by a three-fourths majority vote of the Contracting Parties to the Convention which are represented at the conference of plenipotentiaries 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 the protocol which are represented at the conference of plenipotentiaries and shall be submitted by the Depositary for acceptance by all Contracting Parties to the protocol.
5. Instruments of ratification, acceptance or approval of amendments shall be deposited with the Depositary. Amendments adopted in accordance with paragraph 3 shall enter into force between Contracting Parties having accepted such

amendments on the thirtieth day following the date of receipt by the Depositary of the instruments of a least three fourths of the Contracting Parties to this Convention or to the protocol concerned, as the case may be. Thereafter the amendments shall enter into force for any other Contracting Party on the thirtieth day after the date on which that Party deposits its instrument.

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

Article 19. ANNEXES AND AMENDMENTS TO ANNEXES

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

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

- (a) Any Contracting Party may propose amendments to annexes to this Convention or to annexes to any protocol at a meeting convened pursuant to article 16;
- (b) Such amendments shall be adopted by a three-fourths majority vote of the Contracting Parties to the instrument in question present at the meeting referred to in article 16;
- (c) The Depositary shall without delay communicate the amendments so adopted to all Contracting Parties to the Convention;
- (d) Any Contracting Party that is unable to accept an amendment to annexes to this Convention or to annexes to any protocol shall so notify the Depositary in writing within 90 days from the date on which the amendment was adopted;
- (e) The Depositary shall without delay notify all Contracting Parties of notifications received pursuant to the preceding subparagraph;
- (f) On expiry of the period referred to in subparagraph (d), 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;
- (g) A Contracting Party may at any time substitute an acceptance for a previous declaration of objection, and the amendment shall thereupon enter into force for that Party.

3. The adoption and entry into force of a new annex shall be subject to the same procedure as that for the adoption and entry into force of an amendment to an annex, provided that, if it entails an amendment to the Convention or to one of its protocols, the new annex shall not enter into force until such time as that amendment enters into force.

4. Any amendment to the Annex on Arbitration shall be proposed and adopted, and shall enter into force, in accordance with the procedures set out in article 18.

Article 20. RULES OF PROCEDURE AND FINANCIAL RULES

1. The Contracting Parties shall unanimously adopt rules of procedure for their meetings.

2. The Contracting Parties shall unanimously adopt financial rules, prepared in consultation with the Organization, to determine, in particular, their financial participation under this Convention and under protocols to which they are parties.

Article 21. SPECIAL EXERCISE OF THE RIGHT TO VOTE

In their fields of competence, the regional economic integration organizations referred to in article 25 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. Such organizations shall not exercise their right to vote if the member States concerned exercise theirs, and vice versa.

Article 22. TRANSMISSION OF INFORMATION

The Contracting Parties shall transmit to the Organization information on the measures adopted by them in the 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 23. SETTLEMENT OF DISPUTES

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

2. If the Contracting Parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute shall, upon common agreement except as may be otherwise provided in any protocol to this Convention, be submitted to arbitration under the conditions set out in the Annex on Arbitration. However, failure to reach common agreement on submission of the dispute to arbitration shall not absolve the Contracting Parties from the responsibility of continuing to seek to resolve it by the means referred to in paragraph 1.

3. A Contracting Party may at any time declare that it recognizes as compulsory *ipso facto* and without special agreement, in relation to any other Contracting Party accepting the same obligation, the application of the arbitration procedure set out in the Annex on Arbitration. Such declaration shall be notified in writing to the Depositary, who shall communicate it to the other Contracting Parties.

Article 24. RELATIONSHIP BETWEEN THE CONVENTION AND ITS PROTOCOLS

1. No State or regional economic integration organization may become a Contracting Party to this Convention unless it becomes at the same time a Contracting Party to at least one protocol to the Convention. No State or regional economic integration organization may become a Contracting Party to a protocol unless it is, or becomes at the same time, a Contracting Party to the Convention.

2. Decisions concerning any protocol shall be taken only by the Contracting Parties to the protocol concerned.

Article 25. SIGNATURE

This Convention and the Protocol concerning Co-operation in Combating Oil Spills in the Wider Caribbean Region shall be open for signature at Cartagena de

Indias on 24 March 1983 and at Bogotá from 25 March 1983 to 23 March 1984 by States invited to participate in the Conference of Plenipotentiaries on the Protection and Development of the Marine Environment of the Wider Caribbean Region, held at Cartagena de Indias from 21 to 24 March 1983. They shall also be open for signature between the same dates by any regional economic integration organization exercising competence in fields covered by the Convention and that Protocol and having at least one member State which belongs to the wider Caribbean region, provided that such regional organization has been invited to participate in the Conference of Plenipotentiaries.

Article 26. RATIFICATION, ACCEPTANCE AND APPROVAL

1. This Convention and its protocols shall be subject to ratification, acceptance or approval by States. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Republic of Colombia, which will assume the functions of Depositary.

2. This Convention and its protocols shall also be subject to ratification, acceptance or approval by the organizations referred to in article 25 having at least one member State a party to the Convention. In their instruments of ratification, acceptance or approval, such organizations shall declare the extent of their competence with respect to the matters governed by the Convention and the relevant protocol. Subsequently these organizations shall inform the Depositary of any substantial modification in the extent of their competence.

Article 27. ACCESSION

1. This Convention and its protocols shall be open for accession by the States and organizations referred to in article 25 as from the day following the date on which the Convention or the protocol concerned is closed for signature.

2. After entry into force of this Convention and of any protocol, any State or regional economic integration organization not referred to in article 25 may accede to the Convention and to any protocol subject to prior approval by three fourths of the Contracting Parties to the Convention or the protocol concerned, provided that any such regional economic integration organization exercises competence in fields covered by the Convention and the relevant protocol and has at least one member State, belonging to the wider Caribbean region, that is a party to the Convention and the relevant protocol.

3. In their instruments of accession, the organizations referred to in paragraphs 1 and 2 shall declare the extent of their competence with respect to the matters governed by the Convention and the relevant protocol. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.

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

Article 28. ENTRY IN FORCE

1. This Convention and the Protocol concerning Co-operation in Combating Oil Spills in the Wider Caribbean Region shall enter into force on the thirtieth day following the date of deposit of the ninth instrument of ratification, acceptance or approval of, or accession to, those agreements by the States referred to in article 25.

2. Any additional 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 the ninth instrument of ratification, acceptance, or approval of such protocol, or of accession thereto.

3. For the purposes of paragraphs 1 and 2, any instrument deposited by an organization referred to in article 25 shall not be counted as additional to that deposited by any member State of such organization.

4. Thereafter, this Convention and any protocol shall enter into force with respect to any State or organization referred to in article 25 or article 27 on the thirtieth day following the date of deposit of its instruments of ratification, acceptance, approval or accession.

Article 29. DENUNCIATION

1. At any time after two years from the date of entry into force of this Convention with respect to a Contracting Party, that Contracting Party may denounce the Convention by giving written notification to the Depository.

2. Except as may be otherwise provided in any protocol to this Convention, any Contracting Party may, at any time after two years from the date of entry into force of such protocol with respect to that Contracting Party, denounce the protocol by giving written notification to the Depository.

3. Denunciation shall take effect on the ninetieth day after the date on which notification is received by the Depository.

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

5. Any Contracting Party which, upon its denunciation of a protocol, is no longer a Contracting Party to any protocol to this Convention, shall be considered as also having denounced the Convention itself.

Article 30. DEPOSITARY

1. The Depository shall inform the Signatories and the Contracting Parties, as well as the Organization, of:

- (a) The signature of this Convention and of its protocols, and the deposit of instruments of ratification, acceptance, approval or accession;
- (b) The date on which the Convention or any protocol will come into force for each Contracting Party;
- (c) Notification of any denunciation and the date on which it will take effect;
- (d) The amendments adopted with respect to the Convention or to any protocol, their acceptance by the Contracting Parties and the date of their entry into force;
- (e) All matters relating to new annexes and to the amendment of any annex;
- (f) Notifications by regional economic integration organizations of the extent of their competence with respect to matters governed by this Convention and the relevant protocols, and of any modifications thereto.

2. The original of this Convention and of any protocol shall be deposited with the Depository, the Government of the Republic of Colombia, which shall

send certified copies thereof to the Signatories, the Contracting Parties, and the Organization.

3. As soon as the Convention and its protocols enter into force, the Depository shall transmit a certified copy of the instrument concerned to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

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

DONE at Cartagena de Indias this twenty-fourth day of March one thousand nine hundred and eighty-three in a single copy in the English, French and Spanish languages, the three texts being equally authentic.

[For the signatures, see p. 197 of this volume.]

ANNEX

ARBITRATION

Article 1

Unless the agreement referred to in article 23 of the Convention provides otherwise, the arbitration procedure shall be conducted in accordance with articles 2 to 10 below.

Article 2

The claimant party shall notify the Organization that the parties have agreed to submit the dispute to arbitration pursuant to paragraph 2 or paragraph 3 of article 23 of the Convention. The notification shall state the subject-matter of arbitration and include, in particular, the articles of the Convention or the protocol, the interpretation or application of which are at issue. The Organization shall forward the information thus received to all Contracting Parties to the Convention or to the protocol concerned.

Article 3

The arbitral tribunal shall consist of three members. Each of the parties to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the chairman of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

Article 4

1. If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of either party, designate him within a further two months' period.

2. If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other party may inform the Secretary-General of the United Nations who shall designate the chairman of the arbitral tribunal within a further two months' period. Upon designation, the chairman of the arbitral tribunal shall request the party which has not appointed an arbitrator to do so within two months. After such period, he shall inform the Secretary-General of the United Nations, who shall make this appointment within a further two months' period.

Article 5

1. The arbitral tribunal shall render its decision in accordance with international law and in accordance with the provisions of this Convention and the protocol or protocols concerned.

2. Any arbitral tribunal constituted under the provisions of this annex shall draw up its own rules of procedure.

Article 6

1. The decisions of the arbitral tribunal, both on procedure and on substance, shall be taken by majority vote of its members.

2. The tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the parties, recommend essential interim measures of protection.

3. The parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.

4. The absence or default of a party to the dispute shall not constitute an impediment to the proceedings.

Article 7

The tribunal may hear and determine counterclaims arising directly out of the subject-matter of the dispute.

Article 8

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its expenses, and shall furnish a final statement thereof to the parties.

Article 9

Any Contracting Party that has an interest of a legal nature in the subject-matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the tribunal.

Article 10

1. The tribunal shall render its award within five months of the date on which it is established unless it finds it necessary to extend the time-limit for a period which should not exceed five months.

2. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the parties to the dispute.

3. Any dispute which may arise between the parties concerning the interpretation or execution of the award may be submitted by either party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another arbitral tribunal constituted for this purpose in the same manner as the first.

For Antigua and Barbuda:
Pour Antigua et Barbuda :
Por Antigua y Barbuda:

For the Commonwealth of the Bahamas:
Pour le Commonwealth des Bahamas :
Por el Commonwealth de las Bahamas:

For Barbados:
Pour la Barbade :
Por Barbados:

[L. B. BRATHWAITE]¹

For Belize:
Pour le Belize :
Por Belice:

For the Republic of Colombia:
Pour la République de Colombie :
Por la República de Colombia:

[JULIO LONDOÑO PAREDES]

For the European Economic Community:
Pour la Communauté économique européenne :
Por la Comunidad Económica Europea:

[JOACHIM SCHLAICH]

[ATHANASE ANDREOPOULOS]

For the Republic of Costa Rica:
Pour la République du Costa Rica :
Por la República de Costa Rica:

For the Republic of Cuba:
Pour la République de Cuba :
Por la República de Cuba:

¹ Names of signatories appearing between brackets were not legible and have been supplied by the Government of Colombia — Les noms des signataires donnés entre crochets étaient illisibles et ont été fournis par le Gouvernement colombien.

For the Commonwealth of Dominica:
Pour le Commonwealth de la Dominique :
Por el Commonwealth de Dominica:

For the United States of America:
Pour les Etats-Unis d'Amérique :
Por los Estados Unidos de América:

[HARRY R. MARSHALL]¹

For the French Republic:
Pour la République française :
Por la República Francesa:

[ALAIN LE GOURRIEREC]

For Grenada:
Pour la Grenade :
Por Granada:

[MATTHEW WILLIAM]

For the Republic of Guatemala:
Pour la République du Guatemala :
Por la República de Guatemala:

[HAROLDO CABRERA HENRIQUEZ]

For the Republic of Guyana:
Pour la République de Guyane :
Por la República de Guyana:

For the Republic of Haiti:
Pour la République d'Haïti :
Por la República de Haití:

For the Republic of Honduras:
Pour la République du Honduras :
Por la República de Honduras:

[MARIO CARIAS ZAPATA]

¹ See p. 201 of this volume for the text of the declaration made upon signature by the United Kingdom and the United States of America — Voir p. 201 du présent volume pour le texte de la déclaration faite lors de la signature par le Royaume-Uni et les Etats-Unis d'Amérique.

For Jamaica:
Pour la Jamaïque :
Por Jamaica:

[NEVILLE GALLIMORE]

For the United Mexican States:
Pour les États-Unis du Mexique :
Por los Estados Unidos Mexicanos:

[ALICIA BARCENAS]

For the Republic of Nicaragua:
Pour la République du Nicaragua :
Por la República de Nicaragua:

[WLADIMIR PEREZ LEIVA]

For the Kingdom of the Netherlands:
Pour le Royaume des Pays-Bas :
Por el Reino de los Países Bajos:

[M. CROES]

For the Republic of Panama:
Pour la République du Panama :
Por la República de Panamá:

[JORGE EDUARDO RITTER]

For the United Kingdom of Great Britain and Northern Ireland:
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :
Por el Reino Unido de Gran Bretaña e Irlanda del Norte:

[JOHN ADAM ROBSON]¹

For the Dominican Republic:
Pour la République dominicaine :
Por la República Dominicana:

¹ See p. 201 of this volume for the text of the declaration made upon signature by the United Kingdom and the United States of America — Voir p. 201 du présent volume pour le texte de la déclaration faite lors de la signature par le Royaume-Uni et les États-Unis d'Amérique.

For Saint Lucia:
Pour Sainte-Lucie :
Por Santa Lucía:

[CLARENCE RAMBALLI]

For Saint Vincent and the Grenadines:
Pour Saint-Vincent-et-Grenadines :
Por San Vicente y las Granadinas:

For the Republic of Suriname:
Pour la République du Suriname :
Por la República de Suriname:

For the Republic of Trinidad and Tobago:
Pour la République de Trinité-et-Tobago :
Por la República de Trinidad y Tabago:

For Republic of Venezuela:
Pour la République du Venezuela :
Por la República de Venezuela:

[JOSÉ JOAQUIN CABRERA MALO]

[TRADUCTION¹ — TRANSLATION²]DECLARATION MADE
UPON SIGNATUREINTERPRETATIVE STATEMENT BY THE
DELEGATIONS OF THE UNITED
STATES OF AMERICA AND THE
UNITED KINGDOM OF GREAT BRIT-
AIN AND NORTHERN IRELAND

“This Convention in no way alters international law relating to the sovereign immunity of any warship, naval auxiliary or other ship or aircraft owned or operated by a State and used for the time being only on government non-commercial service. However, each Contracting 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 the present Convention.”

DÉCLARATION FAITE
LORS DE LA SIGNATUREDÉCLARATION INTERPRÉTATIVE DES
DÉLÉGATIONS DES ETATS-UNIS
D'AMÉRIQUE et du ROYAUME-UNI
DE GRANDE-BRETAGNE ET D'IR-
LANDE DU NORD

La présente Convention ne modifie en rien le droit international relatif à l'immunité souveraine des navires de guerre, des navires auxiliaires ou des autres navires ou des aéronefs appartenant à un Etat ou exploités par lui lorsque celui-ci les utilise, au moment considéré, exclusivement à des fins de service public non commerciales. Cependant, chaque Partie contractante prend des mesures appropriées n'affectant pas les opérations ou la capacité opérationnelle des navires et aéronefs lui appartenant ou exploités par elle de façon que ceux-ci agissent, autant que faire se peut, d'une manière compatible avec la présente Convention.

¹ Traduction fournie par le Gouvernement de la Colombie.

² Translation supplied by the Government of Colombia.

FINAL ACT OF THE CONFERENCE OF PLENIPOTENTIARIES ON THE PROTECTION AND DEVELOPMENT OF THE MARINE ENVIRONMENT OF THE WIDER CARIBBEAN REGION¹

1. The Conference of Plenipotentiaries on the Protection and Development of the Marine Environment of the Wider Caribbean Region was convened by the Executive Director of the United Nations Environment Programme in pursuance of a recommendation adopted by the Intergovernmental Meeting on the Action Plan for the Caribbean Environment Programme (Montego Bay, 6 to 8 April 1981).

2. The Conference met at the Centro Internacional de Convenciones, Cartagena de Indias, from 21 to 24 March 1983, at the invitation of the Government of the Republic of Colombia.

3. The States and regional economic integration organizations invited to participate in the Conference were: Antigua and Barbuda, Bahamas, Barbados, Belize, Colombia, Costa Rica, Cuba, Dominica, Dominican Republic, France, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Netherlands, Nicaragua, Panama, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, the Caribbean Community and the European Economic Community.

4. The following States and regional economic integration organizations accepted the invitation and participated in the Conference: Colombia, Costa Rica, Cuba, France, Grenada, Guatemala, Honduras, Jamaica, Mexico, Netherlands, Nicaragua, Panama, Saint Lucia, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, the Caribbean Community and the European Economic Community.

5. Representatives of the following United Nations bodies and specialized agencies, intergovernmental and non-governmental organizations also attended the Conference:

United Nations

United Nations

Economic Commission for Latin America

United Nations Development Programme.

Specialized agencies

Food and Agriculture Organization of the United Nations

International Maritime Organization

Intergovernmental Oceanographic Commission.

Intergovernmental organizations

Organization of American States.

Non-governmental organizations

Caribbean Conservation Association

International Union for the Conservation of Nature and Natural Resources.

¹ Published for information.

6. During an inaugural ceremony, the Conference heard a welcoming address by His Excellency Mr. Julio Londoño, Vice-Minister of Foreign Affairs, on behalf of the Government of the Republic of Colombia. The Conference was formally opened by Mr. Mostafa K. Tolba, Executive Director of the United Nations Environment Programme, who served as the Secretary-General of the Conference.

7. The Conference adopted as its rules of procedure the draft rules proposed by the secretariat (UNEP/IG.39/3).

8. The Conference elected His Excellency, Mr. Julio Londoño, Vice-Minister of Foreign Affairs, head of the Colombian delegation, as President of the Conference.

9. The Conference also elected the following officers:

Vice-President: His Excellency, Minister José J. Cabrera Malo (Venezuela)

Vice-President: His Excellency, Minister Wladimir Pérez Leiva (Nicaragua)

Vice-President: His Excellency, Minister Clarence Rambally (Saint Lucia)

Rapporteur : Mr. Anthony Orr (Jamaica)

Chairman of the Main Committee: His Excellency, Ambassador José Luis Vallarta (Mexico)

Chairman of the Drafting Committee: Mr. Jean-Luc Florent (France).

10. The Conference adopted its agenda as follows:

1. Opening of the Conference.
2. Organization of the Conference:
 - (a) Adoption of the rules of procedure
 - (b) Election of the President
 - (c) Election of three Vice-Presidents, Rapporteur, Chairman of the Main Committee and Chairman of the Drafting Committee
 - (d) Adoption of the Agenda
 - (e) Appointment of the Credentials Committee
 - (f) Appointment of the Drafting Committee
 - (g) Organization of the work of the Conference.
3. Examination of the draft Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region.
4. Examination of the draft Protocol concerning Co-operation in Combatting Oil Spills in the Wider Caribbean Region.
5. Consideration of the report of the Credentials Committee.
6. Adoption of the Convention and its Protocol.
7. Adoption of the Final Act of the Conference.
8. Signature of the Final Act.

9. Closing of the Conference.

11. In conformity with the rules of procedure, the Conference established the following committees:

General Committee

Chairman: President of the Conference

Members: Vice-Presidents of the Conference, Rapporteur, Chairman of the Main Committee and Chairman of the Drafting Committee.

Main Committee

Chairman: His Excellency, Ambassador José Luis Vallarta (Mexico)

Vice-Chairman: Mr. Alan Norman Araya Umaña (Costa Rica)

Rapporteur: Mr. Anthony Orr (Jamaica).

Credentials Committee

Chairman: President of the Conference

Members: Vice-Presidents of the Conference, Rapporteur, Chairman of the Main Committee and Chairman of the Drafting Committee.

Drafting Committee

Chairman: Mr. Jean-Luc Florent (France)

Members: Mr. Luis Carlos Barrera Méndez (Colombia)

Mr. Alfredo Evelio Armenteros Vegueriz (Cuba)

Mr. Patrick Széll (United Kingdom)

Mr. Scott A. Hajost (United States of America)

Mrs. Imeria Núñez de Odreman (Venezuela).

12. The report of the Third Meeting of Experts on Draft Regional Agreements for the Wider Caribbean Region (UNEP/IG.39/4) served as the basis for the deliberations of the Conference. The report contained, in particular, the texts of:

- Draft Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region;
- Draft protocol concerning Co-operation in Combating Oil Spills in the Wider Caribbean Region.

13. In addition, the Conference had before it a number of other documents that were made available to it by the secretariat.

14. In conformity with rule 4 of the rules of procedure, the Credentials Committee examined the credentials of representatives and submitted its report to the Conference. The Conference approved the recommendation of its Credentials Committee that the credentials of the representatives of sixteen participating States and of the European Economic Community should be recognized as being in order.

15. As a result of its deliberations, the following instruments were adopted by the Conference:

- Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region;

— Protocol concerning Co-operation in Combating Oil Spills in the Wider Caribbean Region.

16. The delegations participating in the Conference considered that, for the application of the Convention and its Protocols, the term "pollution" will be construed in accordance with international law relating to their subject-matter.

17. The Convention and Protocol, which are annexed to this Final Act, will be open for signature at Cartagena de Indias on 24 March 1983 and at Bogotá from 25 March 1983 to 23 March 1984 by States invited to participate in the Conference and by any regional economic integration organization exercising competence in fields covered by the Convention and Protocol and having at least one member State which belongs to the wider Caribbean region, provided that such regional organization has been invited to participate in the Conference.

18. The Conference also adopted resolutions, the texts of which are appended to this Final Act.

IN WITNESS WHEREOF the undersigned have affixed their signature to this Final Act.

DONE at Cartagena de Indias this twenty-fourth day of March one thousand nine hundred and eighty-three in a single copy in the English, French and Spanish languages, the three texts being equally authentic. The original texts of the Final Act shall be deposited with the Government of the Republic of Colombia.

[For the signatures, see p. 220 of this volume.]

RESOLUTIONS ADOPTED BY THE CONFERENCE

1. CONVENTION, PROTOCOL AND ACTION PLAN

The Conference,

Having adopted on 24 March 1983 the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region and the Protocol concerning Co-operation in Combating Oil Spills in the Wider Caribbean Region,

Recognizing that regional co-operative activities developed under the Action Plan for the Caribbean Environment Programme may facilitate the early entry into force and effective application of the Convention and the Protocol,

Urges all States and regional economic integration organizations entitled to sign the Convention and the Protocol to do so as soon as possible and to complete the procedures necessary for their ratification, acceptance or approval in order to strengthen the Action Plan and to relate the Convention and the Protocol to it.

2. POLLUTION FROM LAND-BASED SOURCES

The Conference,

Having adopted the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region,

Noting that article 7 of the Convention requires the Contracting Parties to take all appropriate measures to prevent, reduce and control pollution of the wider Caribbean marine environment from land-based sources,

Seriously concerned that pollution from land-based sources poses a significant threat to the marine environment of the wider Caribbean region,

Recognizing the importance of regional co-operation to address this threat,

Requests that the Organization designated pursuant to article 15 of the Convention, in co-operation with the international bodies referred to in paragraph 1 (f) of article 15 of the Convention, convene, if called upon to do so by a meeting of the Contracting Parties, as soon as practicable after entry into force of the Convention, a working group of experts nominated by the Contracting Parties and Signatories to prepare a draft protocol on land-based sources of marine pollution.

3. SPECIALLY PROTECTED AREAS AND WILDLIFE IN THE WIDER CARIBBEAN REGION

The Conference,

Having adopted the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region,

Noting that article 10 of the Convention requires the Contracting Parties to take all appropriate measures to protect and preserve rare or fragile ecosystems, as well as the habitat of depleted, threatened or endangered species, in the wider Caribbean region as defined in paragraph 1 of article 1 of the Convention,

Considering that the maintenance of viable marine and coastal ecosystems is vital to the well-being of the inhabitants of the wider Caribbean region and to the satisfaction of their economic, social, nutritional, cultural and recreational requirements,

Considering that matters relating to the conservation and protection of the ecosystems and wildlife of the wider Caribbean region require regional co-operation,

Recognizing the contributions of existing international agreements concerning the protection of wildlife and natural habitats,

Noting, however, that, in spite of the progress already achieved, these agreements do not cover all aspects of such protection and do not entirely meet the special requirements of the wider Caribbean region,

1. *Encourages* competent governmental and non-governmental organizations to prepare proposals for submission to the first meeting of the Contracting Parties after entry into force of the Convention;

2. *Requests* that the Organization designated pursuant to article 15 of the Convention, in co-operation with the international bodies referred to in paragraph 1 (f) of article 15 of the Convention, convene, if called upon to do so by a meeting of the Contracting Parties, as soon as practicable after entry into force of the Convention, a working group of experts nominated by the Contracting Parties and Signatories to prepare a draft protocol on specially protected areas and wildlife in the wider Caribbean region.

4. TRIBUTE TO THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA

The Conference,

Meeting in the city of Cartagena de Indias from 21 to 24 March 1983 at the gracious invitation of the Government of the Republic of Colombia,

Convinced that the efforts made by the Government of the Republic of Colombia and by the authorities of Cartagena de Indias contributed significantly to the smooth conduct of its proceedings,

Appreciative of the courtesy and hospitality extended by the Government of the Republic of Colombia and the city of Cartagena de Indias to the members of the delegations, the observers and the secretariat officials attending the Conference and its preparatory meeting,

Expresses its profound gratitude to the Government of the Republic of Colombia, to the authorities of Cartagena de Indias and, through them, to the people of Colombia and the population of Cartagena de Indias, for the comprehensive support given to the Conference, for the valuable contribution made by the delegation of Colombia to the success of the Conference and for the generous hospitality and the thoughtfulness shown towards all participants.

For Antigua and Barbuda:
Pour Antigua et Barbuda :
Por Antigua y Barbuda:

For the Commonwealth of the Bahamas:
Pour le Commonwealth des Bahamas :
Por el Commonwealth de las Bahamas:

For Barbados:
Pour la Barbade :
Por Barbados:

For Belize:
Pour le Belize :
Por Belice:

For the Republic of Colombia:
Pour la République de Colombie :
Por la República de Colombia:

[JULIO LONDOÑO PAREDES]¹

For the European Economic Community:
Pour la Communauté économique européenne :
Por la Comunidad Económica Europea:

[ATHANASE ANDREOPOULOS]

For the Republic of Costa Rica:
Pour la République du Costa Rica :
Por la República de Costa Rica:

[ALLAN NORMAN ARAYA]

For the Republic of Cuba:
Pour la République de Cuba :
Por la República de Cuba:

[ELENIO FERRER]

¹ Names of signatories appearing between brackets were not legible and have been supplied by the Government of Colombia — Les noms des signataires donnés entre crochets étaient illisibles et ont été fournis par le Gouvernement colombien.

For the Commonwealth of Dominica:
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Por el Commonwealth de Dominica:

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Por los Estados Unidos de América:

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[ALAIN LE GOURRIEREC]

For Grenada:
Pour la Grenade :
Por Granada:

[MATTHEW WILLIAM]

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Por la República de Guatemala:

[HAROLDO CABRERA HENRIQUEZ]

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Pour la République d'Haïti :
Por la República de Haití:

For the Republic of Honduras:
Pour la République du Honduras :
Por la República de Honduras:

[MARIO CARIAS ZAPATA]

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Por la República de Nicaragua:

[WLADIMIR PEREZ LEIVA]

For the Kingdom of the Netherlands:
Pour le Royaume des Pays-Bas :
Por el Reino de los Países Bajos:

[M. CROES]

For the Republic of Panama:
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Por la República de Panamá:

[JORGE EDUARDO RITTER]

For the United Kingdom of Great Britain and Northern Ireland:
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :
Por el Reino Unido de Gran Bretaña e Irlanda del Norte:

[JOHN ADAM ROBSON]¹

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Pour la République dominicaine :
Por la República Dominicana:

For Saint Lucia:
Pour Sainte-Lucie :
Por Santa Lucía:

[CLARENCE RAMBALLI]

For Saint Vincent and the Grenadines:
Pour Saint-Vincent-et-Grenadines :
Por San Vicente y las Granadinas:

For the Republic of Suriname:
Pour la République du Suriname :
Por la República de Suriname:

For the Republic of Trinidad and Tobago:
Pour la République de Trinité-et-Tobago :
Por la República de Trinidad y Tabago:

For Republic of Venezuela:
Pour la République du Venezuela :
Por la República de Venezuela:

[JOSÉ JOAQUIN CABRERA MALO]

PROTOCOL CONCERNING CO-OPERATION IN COMBATING OIL SPILLS IN THE WIDER CARIBBEAN REGION

The Contracting Parties to this Protocol,

Being Contracting Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, done at Cartagena de Indias on 24 March 1983,

Conscious that oil exploration, production and refining activities, as well as related marine transport, pose a threat of significant oil spills in the wider Caribbean region,

Aware that the islands of the region are particularly vulnerable, owing to the fragility of their ecosystems and the economic reliance of certain of them on the continuous utilization of their coastal areas, to damage resulting from significant oil pollution,

Recognizing that, in the event of an oil spill or the threat thereof, prompt and effective action should be taken, initially at the national level, to organize and coordinate prevention, mitigation and clean-up activities,

Recognizing further the importance of sound preparation, co-operation and mutual assistance in responding effectively to oil spills or the threat thereof,

Determined to avert, through the adoption of measures to prevent and combat pollution resulting from oil spills, damage to the marine environment, including coastal areas, of the wider Caribbean region,

Have agreed as follows:

Article 1. DEFINITIONS

For the purposes of this Protocol:

1. "Wider Caribbean Region" means the Convention area as defined in article 2 of the Convention and adjacent coastal areas.
2. "Convention" means the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region.
3. "Related interests" means the interests of a Contracting Party directly affected or threatened and concerning, among others:
 - (a) Maritime, coastal, port or estuarine activities;
 - (b) The historical and tourist appeal of the area in question, including water sports and recreation;
 - (c) The health of the coastal population; and
 - (d) Fishing activities and the conservation of natural resources.
4. "Oil spill incident" means a discharge, or a significant threat of a discharge, of oil, however caused, of a magnitude that requires emergency action or other immediate response for the purpose of minimizing its effects or eliminating the threat.
5. "Organization" means the institution referred to in paragraph 3 of article 2 of the Convention.

6. "Regional Co-ordinating Unit" means the unit referred to in the Action Plan for the Caribbean Environment Programme.

Article 2. APPLICATION

This Protocol applies to oil spill incidents which have resulted in, or which pose a significant threat of, pollution to the marine and coastal environment of the wider Caribbean region or which adversely affect the related interests of one or more of the Contracting Parties.

Article 3. GENERAL PROVISIONS

1. The Contracting Parties shall, within their capabilities, co-operate in taking all necessary measures, both preventive and remedial, for the protection of the marine and coastal environment of the wider Caribbean region, particularly the coastal areas of the islands of the region, from oil spill incidents.

2. The Contracting Parties shall, within their capabilities, establish and maintain, or ensure the establishment and maintenance of, the means of responding to oil spill incidents and shall endeavour to reduce the risk thereof. Such means shall include the enactment, as necessary, of relevant legislation, the preparation of contingency plans, the identification and development of the capability to respond to an oil spill incident and the designation of an authority responsible for the implementation of this Protocol.

Article 4. EXCHANGE OF INFORMATION

Each Contracting Party shall periodically exchange with the other Contracting Parties up-to-date information relating to its implementation of this Protocol, including the identity of the authorities responsible for such implementation, and information on their laws, regulations, institutions and operational procedures relating to the prevention of oil spill incidents and to the means of reducing and combating the harmful effects of oil spills.

Article 5. COMMUNICATION OF INFORMATION CONCERNING, AND REPORTING OF, OIL SPILL INCIDENTS

1. Each Contracting Party shall establish appropriate procedures to ensure that information regarding oil spill incidents is reported as rapidly as possible, and shall, *inter alia*:

- (a) Require its appropriate officials, masters of ships flying its flag and persons in charge of offshore facilities operating under its jurisdiction to report to it any oil spill incident involving their ships or facilities;
- (b) Request masters of all ships and pilots of all aircraft operating in the vicinity of its coasts to report to it any oil spill incident of which they are aware.

2. In the event of receiving a report regarding an oil spill incident, a Contracting Party shall immediately notify all other Contracting Parties whose interests are likely to be affected by such incident, as well as the flag State of any ship involved in it. The Contracting Party shall also inform the competent international organizations. Furthermore, as soon as feasible, it shall inform such Contracting Parties and competent international organizations of measures it has taken to minimize or reduce pollution or the threat thereof.

Article 6. MUTUAL ASSISTANCE

1. Each Contracting Party shall render assistance, within its capabilities, to other Contracting Parties which request assistance in responding to an oil spill incident within the framework of joint response action agreed between or among the requesting and assisting Contracting Parties.

2. Each Contracting Party shall, subject to its laws and regulations, facilitate the movement into, through and out of its territory of technical personnel, equipment and material necessary for responding to an oil spill incident.

Article 7. OPERATIONAL MEASURES

Each Contracting Party shall, within its capabilities, take steps including those outlined below in responding to an oil spill incident:

- (a) Make a preliminary assessment of the incident, including the type and extent of existing or likely pollution effects;
- (b) Promptly communicate information concerning the incident pursuant to article 5;
- (c) Promptly determine its ability to take effective measures to respond to the incident and the assistance that might be required;
- (d) Consult as appropriate with other Contracting Parties concerned in the process of determining the necessary response to the incident;
- (e) Take the measures necessary to prevent, reduce or eliminate the effects of the incident, including monitoring of the situation.

Article 8. SUBREGIONAL ARRANGEMENTS

1. With a view to facilitating the implementation of the provisions of this Protocol, and in particular articles 6 and 7, the Contracting Parties should conclude appropriate bilateral or multilateral subregional arrangements.

2. Contracting Parties to this Protocol which enter into such subregional arrangements shall notify the other Contracting Parties, as well as the Organization, of the conclusion and the content of such arrangements.

Article 9. INSTITUTIONAL ARRANGEMENTS

The Contracting Parties designate the Organization to carry out, through the Regional Co-ordinating Unit established and in close co-operation with the International Maritime Organization, the following functions:

- (a) Assisting Contracting Parties, upon request, in the following areas:
 - (i) The preparation, periodic review and updating of the contingency plans referred to in paragraph 2 of article 3, with a view, *inter alia*, to promoting the compatibility of the plans of the Contracting Parties, and
 - (ii) Publicizing training courses and programmes;
- (b) Assisting Contracting Parties upon request, on a regional basis, in the following areas:
 - (i) The co-ordination of regional emergency response activities, and
 - (ii) The provision of a forum for discussion of such activities and related topics;

- (c) Establishing and maintaining liaison with:
 - (i) Competent regional and international organizations, and
 - (ii) Appropriate private entities conducting activities in the wider Caribbean region, including major oil producers, refiners, oil spill clean-up contractors and co-operatives, and oil transporters;
- (d) Maintaining a current inventory of emergency response equipment, materials and expertise available in the wider Caribbean region;
- (e) Disseminating information on the prevention and combating of oil spills;
- (f) Identifying or maintaining means for emergency response communications;
- (g) Encouraging research by the Contracting Parties, competent international organizations and appropriate private entities on oil spill-related matters, including the environmental impacts of oil spills and of oil spill control materials and techniques;
- (h) Assisting the Contracting Parties in the exchange of information pursuant to article 4; and
- (i) Preparing reports and carrying out other duties assigned to it by the Contracting Parties.

Article 10. MEETINGS OF THE CONTRACTING PARTIES

1. Ordinary meetings of the Contracting Parties to this Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties to the Convention held pursuant to article 16 of the Convention. The Contracting Parties to this Protocol may also hold extraordinary meetings as provided for in article 16 of the Convention.

2. It shall be the function of the meetings of the Contracting Parties:

- (a) To review the operation of this Protocol and to consider special technical arrangements and other measures to improve its effectiveness;
- (b) To consider means whereby regional co-operation could be extended to incidents involving hazardous substances other than oil; and
- (c) To consider measures to improve co-operation under this Protocol including, in accordance with paragraph 2 (d) of article 16 of the Convention, possible amendments to this Protocol.

Article 11. RELATIONSHIP BETWEEN THIS PROTOCOL AND THE CONVENTION

1. The provisions of the Convention relating to its protocols shall apply to this Protocol.

2. The rules of procedure and the financial rules adopted pursuant to article 20 of the Convention shall apply to this Protocol, unless the Contracting Parties to this Protocol agree otherwise.

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

DONE at Cartagena de Indias this twenty-fourth day of March one thousand nine hundred and eighty-three in a single copy in the English, French and Spanish languages, the three texts being equally authentic.

[For the signatures, see p. 239 of this volume.]

ANNEX TO THE PROTOCOL

On the basis of paragraph 2 (*b*) of Article 10 of this Protocol, the Contracting Parties at their first meeting are committed to preparing, through an annex, the changes necessary to extend this Protocol to regional co-operation to combat spills of hazardous substances other than oil. Pending the preparation and entry into force of such annex, the Protocol shall be provisionally applied upon its entry into force to hazardous substances other than oil.

For Antigua and Barbuda:
Pour Antigua et Barbuda :
Por Antigua y Barbuda:

For the Commonwealth of the Bahamas:
Pour le Commonwealth des Bahamas :
Por el Commonwealth de las Bahamas:

For Barbados:
Pour la Barbade :
Por Barbados:

[L. B. BRATHWAITE]¹

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Pour le Belize :
Por Belice:

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[JULIO LONDOÑO PAREDES]

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Por la República de Haití:

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Por la República de Nicaragua:

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Pour le Royaume des Pays-Bas :
Por el Reino de los Países Bajos:

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Por el Reino Unido de Gran Bretaña e Irlanda del Norte:

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Por la República de Suriname:

For the Republic of Trinidad and Tobago:
Pour la République de Trinité-et-Tobago :
Por la República de Trinidad y Tabago:

For the Republic of Venezuela:
Pour la République du Venezuela :
Por la República de Venezuela:

[JOSÉ JOAQUIN CABRERA MALO]

RESERVATION AND DECLARATION MADE UPON RATIFICATION OR APPROVAL (AA)

RÉSERVE ET DÉCLARATION FAITES LORS DE LA RATIFICATION OU DE L'APPROBATION (AA)

FRANCE (AA)

FRANCE (AA)

[TRANSLATION — TRADUCTION]

Where the provisions of the present Convention and the Protocol thereto would be interpreted as hindering activities which it considers necessary to its national defence, the French Government would not apply those provisions to such activities. It will ensure, nevertheless, by adopting appropriate measures, that the objectives of the Convention and the Protocol thereto are taken into account as far as possible when such activities are carried out.

« Dans le cas où les dispositions de la présente Convention et de son Protocole additionnel seraient interprétées comme faisant obstacle à des activités qu'il estime nécessaires à sa défense nationale, le Gouvernement [français] n'appliquerait pas lesdites dispositions à ces activités. Il veillera néanmoins par l'adoption de mesures appropriées à tenir compte dans toute la mesure du possible, dans l'exercice de ces activités, des objectifs de la Convention et de son Protocole additionnel. »

MEXICO

MEXIQUE

[SPANISH TEXT — TEXTE ESPAGNOL]

“... Las reglas y estándares internacionales aplicables establecidos por la organización internacional competente, a que aluden los artículos 5 y 6 del citado Convenio serán válidos para el Gobierno de México solo en la medida en que hayan sido aceptados por éste, sea por una votación, o por la adopción de algún instrumento internacional en la materia.”

[TRANSLATION]

[TRADUCTION]

... The applicable international rules and standards established by the competent international organization, referred to in articles 5 and 6 of the said Convention, will be regarded as valid by the Government of Mexico only to the extent that it has accepted them, either by a vote or by adoption of some international instrument on the subject.

... Les règles et normes internationales applicables établies par l'organisation internationale compétente, visées aux articles 5 et 6 de la Convention précitée, seront valides pour le Gouvernement mexicain dans la mesure où elles auront été acceptées par celui-ci, soit à l'issue d'un vote soit du fait de l'adoption d'un instrument international en la matière.

Annex 97

Agreement on Regional Cooperation in Combating Pollution of the South-East Pacific by Oil or Other Harmful Substances in Cases of Emergency, 22 July 1983, 1648 UNTS 35

No. 28326

**CHILE, COLOMBIA, ECUADOR,
PANAMA AND PERU**

**Agreement on regional cooperation in combating pollution of
the South-East Pacific by oil and other harmful sub-
stances in cases of emergency (with annex). Signed at
Lima on 12 November 1981**

**Additional Protocol to the above-mentioned Agreement.
Signed at Quito on 22 July 1983**

Authentic text: Spanish.

Registered by the Permanent South Pacific Commission on 26 August 1991.

**CHILI, COLOMBIE, ÉQUATEUR,
PANAMA ET PÉROU**

**Accord relatif à la coopération régionale dans la lutte contre
la pollution du Pacifique Sud-Est par les hydrocarbures
et autres substances dangereuses en cas d'urgence (avec
annexe). Signé à Lima le 12 novembre 1981**

**Protocole complémentaire à l'Accord susmentionné. Signé à
Quito le 22 juillet 1983**

Texte authentique : espagnol.

Enregistré par la Commission permanente du Pacifique sud le 26 août 1991.

[SPANISH TEXT — TEXTE ESPAGNOL]

ACUERDO SOBRE LA COOPERACIÓN REGIONAL PARA EL COMBATE CONTRA LA CONTAMINACIÓN DEL PACÍFICO SURESTE POR HIDROCARBUROS Y OTRAS SUSTANCIAS NOCIVAS EN CASOS DE EMERGENCIA

LAS ALTAS PARTES CONTRATANTES

Reconociendo que la contaminación del mar por hidrocarburos y otras sustancias nocivas en el Pacífico Sureste, involucra un peligro para los Estados costeros y para el ecosistema marino,

Considerando que la cooperación de todos los Estados costeros es necesaria para combatir esta contaminación,

HAN ACORDADO EL SIGUIENTE:

ACUERDO SOBRE LA COOPERACION REGIONAL PARA EL
COMBATE CONTRA LA CONTAMINACION DEL PACIFICO
SURESTE POR HIDROCARBUROS Y OTRAS SUSTANCIAS
NOCIVAS EN CASOS DE EMERGENCIA.

ARTICULO I

Las Altas Partes Contratantes convienen en aunar sus esfuerzos con el propósito de tomar las medidas necesarias para neutralizar o controlar los efectos nocivos en aquellos casos que consideren de grave e inminente peligro para el medio marino, la costa o intereses conexos de una o más de ellas, debido a la presencia de grandes cantidades de hidrocarburos u otras sustancias nocivas resultantes de emergencias y que estén contaminando o amenacen con contaminar el área marina que se identifica en el Artículo siguiente.

ARTICULO II

El ámbito de aplicación del presente Acuerdo será el área marítima del Pacífico Sureste dentro de la zona marítima de soberanía y jurisdicción hasta las 200 millas de las Altas Partes Contratantes y más allá de dicha zona, en el alta mar hasta una distancia en que los contaminantes vertidos presenten el peligro a que se refiere el Artículo I para las aguas de esta zona marítima.

ARTICULO III

Para los fines del presente Acuerdo, la expresión "intereses conexos", comprenderá los de un Estado costero, directamente afectado o amenazado, y, en especial, los siguientes aspectos:

- a) La calidad de la vida y la salud de las poblaciones costeras;
- b) La conservación de los recursos vivos;
- c) Las actividades en aguas costeras, islas, puertos y estuarios, comprendiéndose en ellas las relativas a las faenas pesqueras; y,
- d) El patrimonio histórico y turístico del área involucrada, incluyéndose las actividades deportivas y de recreación.

ARTICULO IV

Las Altas Partes Contratantes se esforzarán por promover y establecer planes y programas de contingencia para combatir la contaminación marina por hidrocarburos y otras sustancias nocivas y por mantener e incrementar los medios necesarios para estas finalidades, mediante la cooperación bilateral o multilateral y la acción individual de cada Estado. Dichos medios incluirán, en particular, equipos, barcos, aviones y la mano de obra experimentada para las operaciones en casos de emergencia.

ARTICULO V

Las Altas Partes Contratantes llevarán a cabo, ya sea individualmente o por medio de la cooperación bilateral o multilateral, actividades de vigilancia que cubran el Pacífico Sudeste, con el propósito de disponer de información precisa y oportuna en las situaciones de emergencia a que se refiere el Artículo I del presente Acuerdo.

ARTICULO VI

En caso de ser arrojadas o perdidas por sobre la borda, sustancias nocivas embaladas en contenedores de carga, en estanques portátiles o en vehículos estanques portátiles, como camiones o carros de ferrocarril, las Altas Partes Contratantes cooperarán, en la medida de sus posibilidades, en el salvataje y recuperación de dichas sustancias, con el propósito de reducir el peligro de contaminación del medio marino.

ARTICULO VII

Las Altas Partes Contratantes se comprometen a proporcionar - se mutuamente la información sobre los siguientes aspectos:

- a) La organización o autoridades nacionales competentes y responsables de combatir la contaminación marina;
- b) Las autoridades y organismos nacionales competentes para recibir información sobre la contaminación marina y aquellas encargadas de la operación de los programas o medidas de asistencia entre las Partes; y,
- c) Programas de investigación que estén desarrollando para la búsqueda de nuevos métodos y técnicas para evitar la contaminación marina, así como los resultados de éstos.

ARTICULO VIII

Las Altas Partes Contratantes se comprometen a coordinar el uso de los medios de comunicación de que disponen, con el propósito de asegurar la oportuna recepción, transmisión y difusión de toda información sobre las situaciones de emergencia a que se refiere el Artículo I.

ARTICULO IX

Las Altas Partes Contratantes emitirán instrucciones para los Capitanes de barcos que navegan bajo su bandera y para los Comandantes o Pilotos de aeronaves registradas en su territorio, a fin de que informen, por los medios más expeditos y sobre la base de las indicaciones contenidas en el Anexo de este Acuerdo, sobre las siguientes circunstancias:

- a) Presencia, característica y extensión de los derrames de hidrocarburos y otras sustancias nocivas observadas en el mar, que puedan representar una amenaza inminente para el medio marino o intereses conexos de una o más Partes Contratantes; y,
- b) Toda otra emergencia que cause o amenace causar contaminación del medio marino.

La información que se obtenga en la forma definida en el inciso primero de este Artículo, será inmediatamente comunicada a las Partes Contratantes que puedan verse afectadas por el peligro de contaminación.

ARTICULO X

Las Altas Partes Contratantes enfrentadas a una situación de emergencia en los términos definidos en el Artículo I del presente Acuerdo, tomarán las siguientes medidas:

- a) Realizarán una evaluación de la naturaleza y extensión de la emergencia, y, según el caso, del tipo y cantidad aproximada de hidrocarburos o sustancias contaminantes, incluyendo la dirección y velocidad de la deriva del derrame;
- b) Adoptarán todas las medidas apropiadas para evitar o reducir los efectos de la contaminación;
- c) Informarán de inmediato sobre las acciones a que se refieren los literales anteriores y respecto de cualquier otra actividad que estén desarrollando o que tengan la intención de desarrollar para combatir la contaminación; y,
- d) Observarán la situación de emergencia, mientras ésta dure, sus alteraciones y en general la evolución del fenómeno de contaminación. La información que se obtenga de esta observación será comunicada a las Altas Partes Contratantes en la forma prevista en el Artículo anterior.

ARTICULO XI

Las Altas Partes Contratantes que necesiten asistencia para combatir la contaminación, en los casos de emergencia a que se refiere el Artículo I, podrán solicitar la cooperación de las demás, especialmente de aquellas que pueden verse afectadas por la contaminación.

La cooperación podrá comprender la asesoría de expertos y la disposición de equipos y suministros necesarios para combatir la contaminación.

Las Altas Partes Contratantes requeridas considerarán, a la mayor brevedad la petición formulada, en la medida de sus posibilidades, e informarán de inmediato a la solicitante sobre la forma, dimensión y condiciones de la cooperación que estén en capacidad de proporcionar.

ARTICULO XII

Las Altas Partes Contratantes efectuarán sesiones ordinarias por lo menos cada dos años y extraordinarias en cualquier momento, cuando dos o más de ellas así lo soliciten.

Las sesiones ordinarias se efectuarán en las mismas oportunidades en que sesionen la Comisión Coordinadora de las Investigaciones Científicas de la Comisión Permanente del Pacífico Sur, o la Comisión Jurídica de la misma.

En las sesiones ordinarias, las Altas Partes Contratantes analizarán, entre otros, los siguientes aspectos:

- a) El grado de cumplimiento del presente Acuerdo y estudio de la eficacia de las medidas emprendidas, así como la necesidad de desarrollar otro tipo de actividades;
- b) La conveniencia de enmienda o reforma del Anexo del presente Acuerdo, así como de la modificación o ampliación de las resoluciones que hayan adoptado en virtud del mismo; y,
- c) El desarrollo de cualquier otra función que pueda resultar de beneficio para el cumplimiento de los propósitos del presente Acuerdo.

ARTICULO XIII

Para los efectos de administración y operación del presente Acuerdo, las Altas Partes Contratantes convienen designar a la Comisión Permanente del Pacífico Sur como Secretaría Ejecutiva del mismo. Las Partes en su primera reunión establecerán la forma y el financiamiento para el desarrollo de esta función, por parte del organismo internacional citado.

ARTICULO XIV

Este Acuerdo entrará en vigor después de sesenta días del depósito en la Secretaría General de la Comisión Permanente del Pacífico Sur del tercer instrumento de ratificación.

ARTICULO XV

El presente Acuerdo podrá ser denunciado por cualesquiera de las Altas Partes Contratantes después de dos años de su entrada en vigencia para la Alta Parte Contratante que lo denuncie.

La denuncia se efectuará mediante notificación escrita a la Secretaría Ejecutiva que la comunicará de inmediato a las Altas Partes Contratantes.

La denuncia producirá efecto a los 180 días de la referida notificación.

ARTICULO XVI

El presente Acuerdo sólo podrá ser emmendado por unanimidad de las Altas Partes Contratantes. Las enmiendas estarán sujetas a ratificación y entrará en vigor una vez que se haya depositado el tercer instrumento de ratificación en la Secretaría Ejecutiva.

ARTICULO XVII

Este Acuerdo estará abierto a la adhesión de cualquier Estado ribereño del Pacífico Sudeste.

La adhesión se efectuará mediante el depósito del respectivo instrumento en la Secretaría Ejecutiva que lo comunicará a las Altas Partes Contratantes.

El presente Acuerdo entrará en vigor para el Estado que adhiera después de 60 días del depósito del respectivo instrumento.

ARTICULO XVIII

El presente Acuerdo no admitirá reservas.

Hecho en seis ejemplares del mismo tenor, uno de los cuales se depositará en la Secretaría General de la Comisión Permanente del Pacífico Sur, todos igualmente válidos para efectos de su aplicación e interpretación.

ANEXO

CONTENIDO DEL INFORME QUE HA DE REDACTARSE EN APLICACIÓN
DEL ARTÍCULO IX DEL ACUERDO

ARTICULO I:

En cada informe se hará constar, de ser posible, lo siguiente:

- a) La identificación de la fuente de contaminación, identidad del buque, cuando proceda;
- b) La posición geográfica, la hora y la fecha del suceso o de la observación;
- c) Las condiciones reinantes en cuanto a viento y mar en el área;
- d) Si la contaminación tiene su origen en un buque, pormenores pertinentes respecto del estado del mismo;
- e) Una indicación o descripción clara de las sustancias perjudiciales de que se trata, con inclusión de sus nombres técnicos correctos. No se utilizarán designaciones comerciales en lugar de nombres técnicos;
- f) Una indicación exacta o estimada, de las cantidades, concentraciones y estado probable de las sustancias perjudiciales que se hayan descargado o que posiblemente vayan a descargarse en el mar;
- g) Una descripción de los embalajes y marcas de identificación;
- h) El nombre del consignador, del consignatario o del fabricante; e,
- i) Otros datos que el informante considere pertinentes.

ARTICULO II:

Cada informe indicará claramente, en cuanto fuere posible, si la sustancia perjudicial ya descargada o que eventualmente vaya a descargarse está constituida por hidrocarburos, una sustancia líquida, sólida o gaseosa nocivas y si el transporte de dicha sustancia se estaba efectuando o se está efectuando a granel o en paquete, tanques portátiles, camiones cisterna o vagones cisterna.

ARTICULO III:

Toda persona a que se refiere el Artículo IX del presente Acuerdo deberá:

- a) Completar, en la medida de lo posible, el informe inicial, con datos relativos a la evolución de la situación; y,
- b) Satisfacer, en todo lo posible, las peticiones de información adicional que puedan hacer los Estados afectados.

En fe de lo cual los plenipotenciarios, debidamente autorizados por sus respectivos gobiernos, suscriben el presente Acuerdo en la ciudad de Lima, a los doce días del mes de noviembre de mil novecientos ochenta y cinco.

Por la República
de Colombia:

[Signed — Signé]¹

Por la República
de Ecuador:

[Signed — Signé]³

Por la República
de Chile:

[Signed — Signé]²

Por la República
de Panamá:

[Signed — Signé]⁴

Por la República
de Perú:

[Signed — Signé]⁵

¹ Signed by Manuel Sanz de Santamaría — Signé par Manuel Sanz de Santamaría.

² Signed by José Manuel Barros — Signé par José Manuel Barros.

³ Signed by Miguel Antonio Vasco — Signé par Miguel Antonio Vasco.

⁴ Signed by Alfredo Arango — Signé par Alfredo Arango.

⁵ Signed by Gustavo Lembcke — Signé par Gustavo Lembcke.

[TRANSLATION — TRADUCTION]

**AGREEMENT¹ ON REGIONAL COOPERATION IN COMBATING
POLLUTION OF THE SOUTH-EAST PACIFIC BY OIL AND
OTHER HARMFUL SUBSTANCES IN CASES OF EMERGENCY**

The High Contracting Parties,

Recognizing that pollution of the sea by oil and other harmful substances in the South-East Pacific constitutes a danger for the coastal States and the marine ecosystem,

Considering that the cooperation of all the coastal States is necessary in order to combat this pollution,

Have agreed as follows:

**AGREEMENT ON REGIONAL COOPERATION IN COMBATING POLLUTION OF THE
SOUTH-EAST PACIFIC BY OIL AND OTHER HARMFUL SUBSTANCES IN CASES OF
EMERGENCY**

Article I

The High Contracting Parties agree to cooperate in taking the necessary measures to neutralize or control harmful effects in cases which they consider a grave and imminent danger to the marine environment, the coast or related interests of one or more of them due to the presence of massive quantities of oil or other harmful substances resulting from emergency situations which are polluting or threatening to pollute the maritime area specified in the following article.

Article II

The sphere of application of this Agreement shall be the area of the South-East Pacific within the maritime zone of sovereignty and jurisdiction of the High Contracting Parties up to the 200-mile limit and, beyond that zone, the high seas up to a distance within which discharged pollutants constitute a danger, as referred to in article I, to the waters of the aforesaid zone.

¹ Came into force on 14 July 1986, i.e., 60 days after the date of deposit of the third instrument of ratification with the Secretary-General of the Permanent South Pacific Commission, in accordance with article XIV:

<i>Participant</i>	<i>Date of deposit of the instrument of ratification</i>
Chile	14 May 1986
Colombia.....	6 August 1985
Ecuador.....	26 October 1983

Subsequently, the Agreement came into force in respect of the Participants listed below 60 days after the date on which they deposited their instrument of ratification with the Secretary-General of the Permanent South Pacific Commission, in accordance with article XIV.*

<i>Participant</i>	<i>Date of deposit of the instrument of ratification</i>	<i>Date of entry into force</i>
Panama.....	23 July 1986	21 September 1986
Peru.....	7 February 1989	8 April 1989

* Information provided by the Secretary-General of the Permanent South Pacific Commission.

Article III

For the purpose of this Agreement, the term “related interests” means the interests of a coastal State directly affected or threatened and, in particular, the following:

- (a) The quality of life and health of the coastal population;
- (b) The preservation of living resources;
- (c) Activities in coastal waters, around islands, in ports and estuaries, including fishing activities; and
- (d) The historical and tourist heritage of the area in question, including sports and recreation.

Article IV

The High Contracting Parties shall endeavour, through bilateral or multilateral cooperation and individually, to promote and establish contingency plans and programmes for combating marine pollution by oil and other harmful substances, and to maintain and increase the resources required for those purposes. These resources shall include, in particular, equipment, ships, aircraft and skilled manpower for emergency operations.

Article V

The High Contracting Parties shall carry out, either individually or through bilateral or multilateral cooperation, monitoring activities covering the South-East Pacific in order to obtain precise and timely information in the emergency situations referred to in article I above.

Article VI

In case of release or loss overboard of harmful substances in freight containers, portable tanks or tank vehicles, such as trucks or railway cars, the High Contracting Parties shall cooperate, 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 VII

The High Contracting Parties undertake to exchange information concerning:

- (a) The competent national organization or authorities responsible for combating marine pollution;
- (b) The competent national authorities and bodies responsible for receiving information on marine pollution and for carrying out programmes or measures of assistance among the Parties; and
- (c) Any research programmes which they are conducting in order to develop new methods and techniques for preventing marine pollution, as well as the results thereof.

Article VIII

The High Contracting Parties undertake to coordinate the utilization of the means of communication at their disposal in order to ensure the timely reception, transmission and dissemination of all information on the emergency situations referred to in article I.

Article IX

The High Contracting Parties shall issue instructions to the masters of ships flying their flag and to the commanders or pilots of aircraft registered in their territory requiring them to report the following by the most expeditious channels, and in accordance with the guidelines contained in the annex to this Agreement:

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

(b) Any other emergency causing or likely to cause pollution of the marine environment;

The information collected in accordance with the first paragraph of this article shall immediately be communicated to the Contracting Parties likely to be affected by the threat of pollution.

Article X

The High Contracting Parties faced with an emergency situation as defined in article I above shall take the following measures:

(a) They shall assess the nature and extent of the emergency and, as the case may be, the type and approximate quantity of oil or other pollutants, including the direction and speed of drift of the spillage;

(b) They shall take every appropriate measure to avoid or reduce the effects of the pollution;

(c) They shall immediately report on the activities referred to in the preceding subparagraphs and on any other action which they are taking or intend to take to combat the pollution; and

(d) They shall observe the emergency situation for as long as it lasts, any changes that may occur and, in general, the development of the pollution. The information obtained from these observations shall be communicated to the High Contracting Parties in the manner provided for in the preceding article.

Article XI

The High Contracting Parties requiring assistance for combating pollution in cases of emergency as referred to in article I may request the cooperation of the other Parties, especially those likely to be affected by the pollution.

This cooperation may comprise expert advice and the provision of equipment and supplies necessary to combat the pollution.

The High Contracting Parties to which a request has been addressed shall, as soon as possible, consider the request in accordance with their capabilities and shall immediately inform the requesting Party of the form, extent and conditions of the cooperation they are able to provide.

Article XII

The High Contracting Parties shall hold ordinary meetings at least every two years and extraordinary meetings at any time, whenever two or more of them so request.

The ordinary meetings shall be held at the same time as those of the Scientific Research Coordinating Commission or the Legal Commission of the Permanent South Pacific Commission.

At ordinary meetings, the High Contracting Parties shall consider, *inter alia*:

(a) The degree to which this Agreement is being implemented, the efficacy of the measures adopted and the need for other types of activities;

(b) The advisability of amending or revising the annex to this Agreement, and of modifying or expanding any resolutions adopted pursuant thereto; and

(c) The discharge of any other function which may assist in achieving the purposes of this Agreement.

Article XIII

For the purposes of the administration and application of this Agreement, the High Contracting Parties hereby designate the Permanent South Pacific Commission to serve as Executive Secretariat under the Agreement. At their first meeting, the High Contracting Parties shall establish the procedure and financing for the performance of this function by that international body.

Article XIV

This Agreement shall enter into force 60 days after the deposit of the third instrument of ratification with the General Secretariat of the Permanent South Pacific Commission.

Article XV

This Agreement may be denounced by any High Contracting Party after it has been in force for two years for the High Contracting Party denouncing it.

Such denunciation shall be effected by means of written notification to the Executive Secretariat, which shall communicate it forthwith to the High Contracting Parties.

The denunciation shall take effect 180 days after the date of such notification.

Article XVI

This Agreement may be amended only with the agreement of all the High Contracting Parties. Amendments shall be subject to ratification and shall enter into force after the deposit of the third instrument of ratification with the Executive Secretariat.

Article XVII

This Agreement shall be open for accession by any State bordering the South-East Pacific.

Accession shall be effected by the deposit of the relevant instrument with the Executive Secretariat, which shall communicate it to the High Contracting Parties.

This Agreement shall enter into force for the State acceding to it 60 days after the deposit of the relevant instrument.

Article XVIII

No reservations concerning this Agreement may be entered.

DONE in six identical copies, one of which shall be deposited with the General Secretariat of the Permanent South Pacific Commission, all being equally authentic for the purposes of implementation and interpretation.

ANNEX

CONTENTS OF THE REPORT TO BE MADE PURSUANT TO ARTICLE IX
OF THE AGREEMENT*Article I*

Each report shall, as far as possible, contain the following:

- (a) The identification of the source of pollution (identity of the ship, where appropriate);
- (b) The geographical position, time and date 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 condition of the ship;
- (e) A clear indication or description of the harmful substances involved, including their correct technical names. Trade names shall not be used in place of technical names;
- (f) A statement or estimate of the quantities, concentrations and likely condition of harmful substances discharged or likely to be discharged into the sea;
- (g) A description of the packaging and identifying marks;
- (h) The name of the consignor, consignee or manufacturer; and
- (i) Any other information which the person sending the report deems relevant.

Article II

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 the substance was or is carried in bulk or contained in packaged form, portable tanks, tank trucks or tank-cars.

Article III

Any of the persons referred to in article IX of this Agreement shall:

- (a) Supplement as far as possible the initial report with information concerning further developments; and
- (b) Comply as fully as possible with requests from affected States for additional information.

IN WITNESS WHEREOF the Plenipotentiaries, being duly authorized by their respective Governments, have signed this Agreement in the city of Lima on 12 November 1981.

For the Republic
of Colombia:

[MANUEL SANZ DE SANTAMARÍA]

For the Republic
of Chile:

[JOSÉ MANUEL BARROS]

For the Republic
of Ecuador:

[MIGUEL ANTONIO VASCO]

For the Republic
of Panama:

[ALFREDO ARANGO]

For the Republic
of Peru:

[GUSTAVO LEMBCKE]

Annex 98

Vienna Convention for the Protection of the Ozone Layer, 22 March 1985, 1513 UNTS 293

No. 26164

MULTILATERAL

**Vienna Convention for the Protection of the Ozone Layer
(with annexes and Final Act). Concluded at Vienna on
22 March 1985**

*Authentic texts: Arabic, Chinese, English, French, Russian and Spanish.
Registered ex officio on 22 September 1988.*

MULTILATÉRAL

**Convention de Vienne pour la protection de la couche d'ozone
(avec annexes et Acte final). Conclue à Vienne le 22 mars
1985**

*Textes authentiques : arabe, chinois, anglais, français, russe et espagnol.
Enregistrée d'office le 22 septembre 1988.*

VIENNA CONVENTION¹ FOR THE PROTECTION OF THE OZONE LAYER

PREAMBLE

The Parties to this Convention,

Aware of the potentially harmful impact on human health and the environment through modification of the ozone layer,

¹ Came into force on 22 September 1988, i.e., the ninetieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification, acceptance, approval or accession, in accordance with article 17 (1):

<i>State</i>	<i>Date of deposit of the instrument of ratification, acceptance (A), approval (AA) or accession (a)</i>	<i>State</i>	<i>Date of deposit of the instrument of ratification, acceptance (A), approval (AA) or accession (a)</i>
Australia	16 September 1987 <i>a</i>	United Kingdom of Great Britain and Northern Ireland	15 May 1987
Austria	19 August 1987	(In respect of the United Kingdom of Great Britain and Northern Ireland and the following territories: Bailiwick of Jersey, Isle of Man, Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Hong Kong, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, Saint Helena, Saint Helena Dependencies, South Georgia and South Sandwich Islands, Turks and Caicos Islands, and United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus.)	
Byelorussian Soviet Socialist Republic	20 June 1986 <i>A</i>	United States of America	27 August 1986
Canada	4 June 1986		
Egypt	9 May 1988		
Finland*	26 September 1986		
France	4 December 1987 <i>AA</i>		
Guatemala	11 September 1987 <i>a</i>		
Hungary	4 May 1988 <i>a</i>		
Maldives	26 April 1988 <i>a</i>		
Mexico	14 September 1987		
New Zealand	2 June 1987		
(With a declaration of application to the Cook Islands and Niue.)			
Norway*	23 September 1986		
Sweden*	26 November 1986		
Switzerland	17 December 1987		
Uganda	24 June 1988 <i>a</i>		
Ukrainian Soviet Socialist Republic	18 June 1986 <i>A</i>		
Union of Soviet Socialist Republics	18 June 1986 <i>A</i>		

* See p. 422 of this volume for the texts of the declarations made upon ratification.

Subsequently, the Convention came into force in respect of each of the States listed below the ninetieth day following the date of deposit with the Secretary-General of the United Nations of its instrument of ratification, acceptance, approval or accession, in accordance with article 17 (3):

<i>State</i>	<i>Date of deposit of the instrument of ratification or accession (a)</i>
Spain	25 July 1988 (<i>a</i>)
(With effect from 23 October 1988.)	
Equatorial Guinea	17 August 1988 (<i>a</i>)
(With effect from 15 November 1988.)	
Venezuela	1 September 1988 (<i>a</i>)
(With effect from 30 November 1988.)	
Ireland	15 September 1988 (<i>a</i>)
(With effect from 14 December 1988.)	
Malta	15 September 1988 (<i>a</i>)
(With effect from 14 December 1988.)	
Italy	19 September 1988
(With effect from 18 December 1988.)	

Recalling the pertinent provisions of the Declaration of the United Nations Conference on the Human Environment, and in particular principle 21, which provides 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”,

Taking into account the circumstances and particular requirements of developing countries,

Mindful of the work and studies proceeding within both international and national organizations and, in particular, of the World Plan of Action on the Ozone Layer of the United Nations Environment Programme,

Mindful also of the precautionary measures for the protection of the ozone layer which have already been taken at the national and international levels,

Aware that measures to protect the ozone layer from modifications due to human activities require international co-operation and action, and should be based on relevant scientific and technical considerations,

Aware also of the need for further research and systematic observations to further develop scientific knowledge of the ozone layer and possible adverse effects resulting from its modification,

Determined to protect human health and the environment against adverse effects resulting from modifications of the ozone layer,

Have agreed as follows:

Article 1. DEFINITIONS

For the purposes of this Convention:

1. “The ozone layer” means the layer of atmospheric ozone above the planetary boundary layer.
2. “Adverse effects” means changes in the physical environment or biota, including changes in climate, which have significant deleterious effects on human health or on the composition, resilience and productivity of natural and managed ecosystems, or on materials useful to mankind.
3. “Alternative technologies or equipment” means technologies or equipment the use of which makes it possible to reduce or effectively eliminate emissions of substances which have or are likely to have adverse effects on the ozone layer.
4. “Alternative substances” means substances which reduce, eliminate or avoid adverse effects on the ozone layer.
5. “Parties” means, unless the text otherwise indicates, Parties to this Convention.
6. “Regional economic integration organization” means an organization constituted by sovereign States of a given region which has competence in respect of matters governed by this Convention or its protocols and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to the instruments concerned.
7. “Protocols” means protocols to this Convention.

Article 2. GENERAL OBLIGATIONS

1. The Parties shall take appropriate measures in accordance with the provisions of this Convention and of those protocols in force to which they are party to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer.

2. To this end the Parties shall, in accordance with the means at their disposal and their capabilities:

(a) Co-operate by means of systematic observations, research and information exchange in order to better understand and assess the effects of human activities on the ozone layer and the effects on human health and the environment from modification of the ozone layer;

(b) Adopt appropriate legislative or administrative measures and co-operate in harmonizing appropriate policies to control, limit, reduce or prevent human activities under their jurisdiction or control should it be found that these activities have or are likely to have adverse effects resulting from modification or likely modification of the ozone layer;

(c) Co-operate in the formulation of agreed measures, procedures and standards for the implementation of this Convention, with a view to the adoption of protocols and annexes;

(d) Co-operate with competent international bodies to implement effectively this Convention and protocols to which they are party.

3. The provisions of this Convention shall in no way affect the right of Parties to adopt, in accordance with international law, domestic measures additional to those referred to in paragraphs 1 and 2 above, nor shall they affect additional domestic measures already taken by a Party, provided that these measures are not incompatible with their obligations under this Convention.

4. The application of this article shall be based on relevant scientific and technical considerations.

Article 3. RESEARCH AND SYSTEMATIC OBSERVATIONS

1. The Parties undertake, as appropriate, to initiate and co-operate in, directly or through competent international bodies, the conduct of research and scientific assessments on:

(a) The physical and chemical processes that may affect the ozone layer;

(b) The human health and other biological effects deriving from any modifications of the ozone layer, particularly those resulting from changes in ultra-violet solar radiation having biological effects (UV-B);

(c) Climatic effects deriving from any modifications of the ozone layer;

(d) Effects deriving from any modifications of the ozone layer and any consequent change in UV-B radiation or natural and synthetic materials useful to mankind;

(e) Substances, practices, processes and activities that may affect the ozone layer, and their cumulative effects;

(f) Alternative substances and technologies;

(g) Related socio-economic matters;

and as further elaborated in annexes I and II.

2. The Parties undertake to promote or establish, as appropriate, directly or through competent international bodies and taking fully into account national legislation and relevant ongoing activities at both the national and international levels, joint or complementary programmes for systematic observation of the state of the ozone layer and other relevant parameters, as elaborated in annex I.

3. The Parties undertake to co-operate, directly or through competent international bodies, in ensuring the collection, validation and transmission of research and observational data through appropriate world data centres in a regular and timely fashion.

Article 4. CO-OPERATION IN THE LEGAL, SCIENTIFIC AND TECHNICAL FIELDS

1. The Parties shall facilitate and encourage the exchange of scientific, technical, socio-economic, commercial and legal information relevant to this Convention as further elaborated in annex II. Such information shall be supplied to bodies agreed upon by the Parties. Any such body receiving information regarded as confidential by the supplying Party shall ensure that such information is not disclosed and shall aggregate it to protect its confidentiality before it is made available to all Parties.

2. The Parties shall co-operate, consistent with their national laws, regulations and practices and taking into account in particular the needs of the developing countries, in promoting, directly or through competent international bodies, the development and transfer of technology and knowledge. Such co-operation shall be carried out particularly through:

- (a) Facilitation of the acquisition of alternative technologies by other Parties;
- (b) Provision of information on alternative technologies and equipment, and supply of special manuals or guides to them;
- (c) The supply of necessary equipment and facilities for research and systematic observations;
- (d) Appropriate training of scientific and technical personnel.

Article 5. TRANSMISSION OF INFORMATION

The Parties shall transmit, through the secretariat, to the Conference of the Parties established under article 6 information on the measures adopted by them in implementation of this Convention and of protocols to which they are party in such form and at such intervals as the meetings of the parties to the relevant instruments may determine.

Article 6. CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the secretariat designated on an interim basis under article 7 not later than one year after entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.

2. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the secretariat, it is supported by at least one third of the Parties.

3. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure and financial rules for itself and for any subsidiary bodies it may establish, as well as financial provisions governing the functioning of the secretariat.

4. The Conference of the Parties shall keep under continuous review the implementation of this Convention, and, in addition, shall:

(a) Establish the form and the intervals for transmitting the information to be submitted in accordance with article 5 and consider such information as well as reports submitted by any subsidiary body;

(b) Review the scientific information on the ozone layer, on its possible modification and on possible effects of any such modification;

(c) Promote, in accordance with article 2, the harmonization of appropriate policies, strategies and measures for minimizing the release of substances causing or likely to cause modification of the ozone layer, and make recommendations on any other measures relating to this Convention;

(d) Adopt, in accordance with articles 3 and 4, programmes for research, systematic observations, scientific and technological co-operation, the exchange of information and the transfer of technology and knowledge;

(e) Consider and adopt, as required, in accordance with articles 9 and 10, amendments to this Convention and its annexes;

(f) Consider amendments to any protocol, as well as to any annexes thereto, and, if so decided, recommend their adoption to the parties to the protocol concerned;

(g) Consider and adopt, as required, in accordance with article 10, additional annexes to this Convention;

(h) Consider and adopt, as required, protocols in accordance with article 8;

(i) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention;

(j) Seek, where appropriate, the services of competent international bodies and scientific committees, in particular the World Meteorological Organization and the World Health Organization, as well as the Co-ordinating Committee on the Ozone Layer, in scientific research, systematic observations and other activities pertinent to the objectives of this Convention, and make use as appropriate of information from these bodies and committees;

(k) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention.

5. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not party to this Convention, may be represented at meetings of the Conference of the Parties by observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to the protection of the ozone layer which has informed the secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one-third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

Article 7. SECRETARIAT

1. The functions of the secretariat shall be:
 - (a) To arrange for and service meetings provided for in articles 6, 8, 9 and 10;
 - (b) To prepare and transmit reports based upon information received in accordance with articles 4 and 5, as well as upon information derived from meetings of subsidiary bodies established under article 6;
 - (c) To perform the functions assigned to it by any protocol;
 - (d) To prepare reports on its activities carried out in implementation of its functions under this Convention and present them to the Conference of the Parties;
 - (e) To ensure the necessary co-ordination with other relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;
 - (f) To perform such other functions as may be determined by the Conference of the Parties.
2. The secretariat functions will be carried out on an interim basis by the United Nations Environment Programme until the completion of the first ordinary meeting of the Conference of the Parties held pursuant to article 6. At its first ordinary meeting, the Conference of the Parties shall designate the secretariat from amongst those existing competent international organizations which have signified their willingness to carry out the secretariat functions under this Convention.

Article 8. ADOPTION OF PROTOCOLS

1. The Conference of the Parties may at a meeting adopt protocols pursuant to article 2.
2. The text of any proposed protocol shall be communicated to the Parties by the secretariat at least six months before such a meeting.

Article 9. AMENDMENT OF THE CONVENTION OR PROTOCOLS

1. Any Party may propose amendments to this Convention or to any protocol. Such amendments shall take due account, *inter alia*, of relevant scientific and technical considerations.
2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the signatories to this Convention for information.
3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, approval or acceptance.

4. The procedure mentioned in paragraph 3 above shall apply to amendments to any protocol, except that a two-thirds majority of the parties to that protocol present and voting at the meeting shall suffice for their adoption.

5. Ratification, approval or acceptance of amendments shall be notified to the Depositary in writing. Amendments adopted in accordance with paragraphs 3 or 4 above shall enter into force between parties having accepted them on the ninetieth day after the receipt by the Depositary of notification of their ratification, approval or acceptance by at least three-fourths of the Parties to this Convention or by at least two-thirds of the parties to the protocol concerned, except as may otherwise be provided in such protocol. Thereafter the amendments shall enter into force for any other Party on the ninetieth day after the Party deposits its instrument of ratification, approval or acceptance of the amendments.

6. For the purposes of this article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

Article 10. ADOPTION AND AMENDMENT OF ANNEXES

1. The annexes to this Convention or to any protocol shall form an integral part of this Convention or of such protocol, as the case may be, and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.

2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to a protocol:

(a) Annexes to this Convention shall be proposed and adopted according to the procedure laid down in article 9, paragraphs 2 and 3, while annexes to any protocol shall be proposed and adopted according to the procedure laid down in article 9, paragraphs 2 and 4;

(b) Any party that is unable to approve an additional annex to this Convention or an annex to any protocol to which it is party shall so notify the Depositary, in writing, within six months from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annexes shall thereupon enter into force for that Party;

(c) On the expiry of six months from the date of the circulation of the communication by the Depositary, the annex shall become effective for all Parties to this Convention or to any protocol concerned which have not submitted a notification in accordance with the provision of subparagraph (b) above.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to a protocol. Annexes and amendments thereto shall take due account, *inter alia*, of relevant scientific and technical considerations.

4. If an additional annex or an amendment to an annex involves an amendment to this Convention or to any protocol, the additional annex or amended annex

shall not enter into force until such time as the amendment to this Convention or to the protocol concerned enters into force.

Article 11. SETTLEMENT OF DISPUTES

1. In the event of a dispute between Parties concerning the interpretation or application of this Convention, the parties concerned shall seek solution by negotiation.

2. If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.

3. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depositary that for a dispute not resolved in accordance with paragraph 1 or paragraph 2 above, it accepts one or both of the following means of dispute settlement as compulsory:

(a) Arbitration in accordance with procedures to be adopted by the Conference of the Parties at its first ordinary meeting;

(b) Submission of the dispute to the International Court of Justice.

4. If the parties have not, in accordance with paragraph 3 above, accepted the same or any procedure, the dispute shall be submitted to conciliation in accordance with paragraph 5 below unless the parties otherwise agree.

5. A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall be composed of an equal number of members appointed by each party concerned and a chairman chosen jointly by the members appointed by each party. The commission shall render a final and recommendatory award, which the parties shall consider in good faith.

6. The provisions of this article shall apply with respect to any protocol except as otherwise provided in the protocol concerned.

Article 12. SIGNATURE

This Convention shall be open for signature by States and by regional economic integration organizations at the Federal Ministry for Foreign Affairs of the Republic of Austria in Vienna from 22 March 1985 to 21 September 1985 and at United Nations Headquarters in New York from 22 September 1985 to 21 March 1986.

Article 13. RATIFICATION, ACCEPTANCE OR APPROVAL

1. This Convention and any protocol shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. Instruments of ratification, acceptance or approval shall be deposited with the Depositary.

2. Any organization referred to in paragraph 1 above which becomes a Party to this Convention or any protocol without any of its member States being a Party shall be bound by all the obligations under the Convention or the protocol, as the case may be. In the case of such organizations, one or more of whose member States is a Party to the Convention or relevant protocol, the organization and its member States shall decide on their respective responsibilities for the performance of their obligation under the Convention or protocol, as the case may be. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention or relevant protocol concurrently.

3. In their instruments of ratification, acceptance or approval, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.

Article 14. ACCESSION

1. This Convention and any protocol shall be open for accession by States and by regional economic integration organizations from the date on which the Convention or the protocol concerned is closed for signature. The instruments of accession shall be deposited with the Depositary.

2. In their instruments of accession, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.

3. The provisions of article 13, paragraph 2, shall apply to regional economic integration organizations which accede to this Convention or any protocol.

Article 15. RIGHT TO VOTE

1. Each Party to this Convention or to any protocol shall have one vote.

2. Except as provided for in paragraph 1 above, regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties to the Convention or the relevant protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Article 16. RELATIONSHIP BETWEEN THE CONVENTION AND ITS PROTOCOLS

1. A State or a regional economic integration organization may not become a party to a protocol unless it is, or becomes at the same time, a Party to the Convention.

2. Decisions concerning any protocol shall be taken only by the parties to the protocol concerned.

Article 17. ENTRY INTO FORCE

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the twentieth instrument of ratification, acceptance, approval or accession.

2. Any protocol, except as otherwise provided in such protocol, shall enter into force on the ninetieth day after the date of deposit of the eleventh instrument of ratification, acceptance or approval of such protocol or accession thereto.

3. For each Party which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the twentieth instrument of ratification, acceptance, approval or accession, it shall enter into force on the ninetieth day after the date of deposit by such Party of its instrument of ratification, acceptance, approval or accession.

4. Any protocol, except as otherwise provided in such protocol, shall enter into force for a party that ratifies, accepts or approves that protocol or accedes thereto after its entry into force pursuant to paragraph 2 above, on the ninetieth day after the date on which that party deposits its instrument of ratification, acceptance, approval or accession, or on the date on which the Convention enters into force for that Party, whichever shall be the later.

5. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

Article 18. RESERVATIONS

No reservations may be made to this Convention.

Article 19. WITHDRAWAL

1. At any time after four years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

2. Except as may be provided in any protocol, at any time after four years from the date on which such protocol has entered into force for a party, that party may withdraw from the protocol by giving written notification to the Depositary.

3. Any such withdrawal shall take effect upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

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

Article 20. DEPOSITARY

1. The Secretary-General of the United Nations shall assume the functions of depositary of this Convention and any protocols.

2. The Depositary shall inform the Parties, in particular, of:

(a) The signature of this Convention and of any protocol, and the deposit of instruments of ratification, acceptance, approval or accession in accordance with articles 13 and 14;

(b) The date on which the Convention and any protocol will come into force in accordance with article 17;

(c) Notifications of withdrawal made in accordance with article 19;

(d) Amendments adopted with respect to the Convention and any protocol, their acceptance by the parties and their date of entry into force in accordance with article 9;

(e) All communications relating to the adoption and approval of annexes and to the amendment of annexes in accordance with article 10;

(f) Notifications by regional economic integration organizations of the extent of their competence with respect to matters governed by this Convention and any protocols, and of any modifications thereto.

(g) Declarations made in accordance with article 11, paragraph 3.

Article 21. AUTHENTIC TEXTS

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

DONE at Vienna on the 22nd day of March 1985.

ANNEX I

RESEARCH AND SYSTEMATIC OBSERVATIONS

1. The Parties to the Convention recognize that the major scientific issues are:

(a) Modification of the ozone layer which would result in a change in the amount of solar ultra-violet radiation having biological effects (UV-B) that reaches the Earth's surface and the potential consequences for human health, for organisms, ecosystems and materials useful to mankind;

(b) Modification of the vertical distribution of ozone, which could change the temperature structure of the atmosphere and the potential consequences for weather and climate.

2. The Parties to the Convention, in accordance with article 3, shall co-operate in conducting research and systematic observations and in formulating recommendations for future research and observation in such areas as:

(a) *Research into the physics and chemistry of the atmosphere*

(i) Comprehensive theoretical models: further development of models which consider the interaction between radiative, dynamic and chemical processes; studies of the simultaneous effects of various man-made and naturally occurring species upon atmospheric ozone; interpretation of satellite and non-satellite measurement data sets; evaluation of trends in atmospheric and geophysical parameters, and the development of methods for attributing changes in these parameters to specific causes;

(ii) Laboratory studies of: rate coefficients, absorption cross-sections and mechanisms of tropospheric and stratospheric chemical and photochemical processes; spectroscopic data to support field measurements in all relevant spectral regions;

(iii) Field measurements: the concentration and fluxes of key source gases of both natural and anthropogenic origin; atmospheric dynamics studies; simultaneous measurements of photochemically-related species down to the planetary boundary layer, using *in situ* and remote sensing instruments; intercomparison of different sensors, including co-ordinated correlative measurements for satellite instrumentation; three-dimensional fields of key atmospheric trace constituents, solar spectral flux and meteorological parameters;

(iv) Instrument development, including satellite and non-satellite sensors for atmospheric trace constituents, solar flux and meteorological parameters;

(b) *Research into health, biological and photodegradation effects*

(i) The relationship between human exposure to visible and ultra-violet solar radiation and (a) the development of both non-melanoma and melanoma skin cancer and (b) the effects on the immunological system;

(ii) Effects of UV-B radiation, including the wavelength dependence, upon (a) agricultural crops, forests and other terrestrial ecosystems and (b) the aquatic food web and fisheries, as well as possible inhibition of oxygen production by marine phytoplankton;

(iii) The mechanisms by which UV-B radiation acts on biological materials, species and ecosystems, including: the relationship between dose, dose rate, and response; photorepair, adaptation, and protection;

(iv) Studies of biological action spectra and the spectral response using polychromatic radiation in order to include possible interactions of the various wavelength regions;

(v) The influence of UV-B radiation on: the sensitivities and activities of biological species important to the biospheric balance; primary processes such as photosynthesis and biosynthesis;

(vi) The influence of UV-B radiation on the photodegradation of pollutants, agricultural chemicals and other materials;

(c) *Research on effects on climate*

(i) Theoretical and observational studies of the radiative effects of ozone and other trace species and the impact on climate parameters, such as land and ocean surface temperatures, precipitation patterns, the exchange between the troposphere and stratosphere;

(ii) The investigation of the effects of such climate impacts on various aspects of human activity;

(d) *Systematic observations on:*

(i) The status of the ozone layer (i.e. the spatial and temporal variability of the total column content and vertical distribution) by making the Global Ozone Observing System, based on the integration of satellite and ground-based systems, fully operational;

(ii) The tropospheric and stratospheric concentrations of source gases for the HO_x, NO_x, ClO_x and carbon families;

(iii) The temperature from the ground to the mesosphere, utilizing both ground-based and satellite systems;

(iv) Wavelength-resolved solar flux reaching, and thermal radiation leaving, the Earth's atmosphere, utilizing satellite measurements;

(v) Wavelength-resolved solar flux reaching the Earth's surface in the ultra-violet range having biological effects (UV-B);

(vi) Aerosol properties and distribution from the ground to the mesosphere, utilizing ground-based, airborne and satellite systems;

(vii) Climatically important variables by the maintenance of programmes of high-quality meteorological surface measurements;

(viii) Trace species, temperatures, solar flux and aerosols utilizing improved methods for analysing global data.

3. The Parties to the Convention shall co-operate, taking into account the particular needs of the developing countries, in promoting the appropriate scientific and technical training required to participate in the research and systematic observations outlined in this annex. Particular emphasis should be given to the intercalibration of observational instrumentation and methods with a view to generating comparable or standardized scientific data sets.

4. The following chemical substances of natural and anthropogenic origin, not listed in order of priority, are thought to have the potential to modify the chemical and physical properties of the ozone layer.

(a) *Carbon substances*

(i) *Carbon monoxide (CO)*. Carbon monoxide has significant natural and anthropogenic sources, and is thought to play a major direct role in tropospheric photochemistry, and an indirect role in stratospheric photochemistry.

(ii) *Carbon dioxide (CO₂)*. Carbon dioxide has significant natural and anthropogenic sources, and affects stratospheric ozone by influencing the thermal structure of the atmosphere.

(iii) *Methane (CH₄)*. Methane has both natural and anthropogenic sources, and affects both tropospheric and stratospheric ozone.

(iv) *Non-methane hydrocarbon species*. Non-methane hydrocarbon species, which consist of a large number of chemical substances, have both natural and anthropogenic sources, and play a direct role in tropospheric photochemistry and an indirect role in stratospheric photochemistry.

(b) *Nitrogen substances*

(i) *Nitrous oxide (N₂O)*. The dominant sources of N₂O are natural, but anthropogenic contributions are becoming increasingly important. Nitrous oxide is the primary source of stratospheric NO_x, which plays a vital role in controlling the abundance of stratospheric ozone.

(ii) *Nitrogen oxides (NO_x)*. Ground-level sources of NO_x play a major direct role only in tropospheric photochemical processes and an indirect role in stratosphere photochemistry, whereas injection of NO_x close to the tropopause may lead directly to a change in upper tropospheric and stratospheric ozone.

(c) *Chlorine substances*

(i) *Fully halogenated alkanes, e.g. CCl₄, CFCI₃ (CFC-11), CF₂Cl₂ (CFC-12), C₂F₃Cl₃ (CFC-113), C₂F₄Cl₂ (CFC-114)*. Fully halogenated alkanes are anthropogenic and act as a source of ClO_x, which plays a vital role in ozone photochemistry, especially in the 30-50 km altitude region.

(ii) *Partially halogenated alkanes, e.g. CH₃Cl, CHF₂Cl (CFC-22), CH₃CCl₃ (CHFCI₂ (CFC-21))*. The sources of CH₃Cl are natural, whereas the other partially halogenated alkanes mentioned above are anthropogenic in origin. These gases also act as a source of stratospheric ClO_x.

(d) *Bromine substances*

Fully halogenated alkanes, e.g. CF₃Br. These gases are anthropogenic and act as a source of BRO_x, which behaves in a manner similar to ClO_x.

(e) *Hydrogen substances*

(i) *Hydrogen (H₂)*. Hydrogen, the source of which is natural and anthropogenic, plays a minor role in stratospheric photochemistry.

(ii) *Water (H₂O)*. Water, the source of which is natural, plays a vital role in both tropospheric and stratospheric photochemistry. Local sources of water vapour in the stratosphere include the oxidation of methane and, to a lesser extent, of hydrogen.

ANNEX II

INFORMATION EXCHANGE

1. The Parties to the Convention recognize that the collection and sharing of information is an important means of implementing the objectives of this Convention and of assuring that any actions that may be taken are appropriate and equitable. Therefore, Parties shall exchange scientific, technical, socio-economic, business, commercial and legal information.

2. The Parties to the Convention, in deciding what information is to be collected and exchanged, should take into account the usefulness of the information and the costs of obtaining it. The Parties further recognize that co-operation under this annex has to be consistent with national laws, regulations and practices regarding patents, trade secrets, and protection of confidential and proprietary information.

3. *Scientific information*

This includes information on:

(a) Planned and ongoing research, both governmental and private, to facilitate the co-ordination of research programmes so as to make the most effective use of available national and international resources;

(b) The emission data needed for research;

(c) Scientific results published in peer-reviewed literature on the understanding of the physics and chemistry of the Earth's atmosphere and of its susceptibility to change, in particular on the state of the ozone layer and effects on human health, environment and climate which would result from changes on all time-scales in either the total column content or the vertical distribution of ozone;

(d) The assessment of research results and the recommendations for future research.

4. *Technical information*

This includes information on:

(a) The availability and cost of chemical substitutes and of alternative technologies to reduce the emissions of ozone-modifying substances and related planned and ongoing research;

(b) The limitations and any risks involved in using chemical or other substitutes and alternative technologies.

5. *Socio-economic and commercial information on the substances referred to in annex I*

This includes information on:

(a) Production and production capacity;

(b) Use and use patterns;

(c) Imports/exports;

(d) The costs, risks and benefits of human activities which may indirectly modify the ozone layer and of the impacts of regulatory actions taken or being considered to control these activities.

6. *Legal information*

This includes information on:

(a) National laws, administrative measures and legal research relevant to the protection of the ozone layer;

(b) International agreements, including bilateral agreements, relevant to the protection of the ozone layer;

(c) Methods and terms of licensing and availability of patents relevant to the protection of the ozone layer.

[For the signatures, see p. 386 of this volume.]

DECLARATIONS MADE UPON
RATIFICATION

FINLAND

“With respect to Article 11 paragraph 3 of the Convention Finland declares that it accepts both of the said means of dispute settlement as compulsory.”

NORWAY

“Norway accepts the means of dispute settlement as described in art. 11, para. 3 (a) and (b) of the Convention as compulsory; that is a) arbitration in accordance with procedures to be adopted by the Conference of the Parties at its first ordinary meeting, or b) submission of the dispute to the International Court of Justice.”

SWEDEN

“Sweden accepts the following means of dispute settlement as compulsory:

“Submission of the dispute to the International Court of Justice (Article 11, paragraph 3 (b)).

“It is, however, the intention of the Swedish Government to accept also the following means of dispute settlement as compulsory;

“Arbitration in accordance with procedures to be adopted by the Conference of the Parties at its first ordinary meeting (Article 11, paragraph 3 (a)).

“A declaration in this latter respect will, however, not be given until the procedures for arbitration have been adopted by the Conference of the Parties at its first ordinary meeting.”

DÉCLARATIONS FAITES LORS
DE LA RATIFICATION

FINLANDE

[TRADUCTION — TRANSLATION]

En référence au paragraphe 3 de l'article 11 de la Convention, la Finlande déclare qu'elle accepte comme obligatoires les deux modes de règlement des différends qui ont été prévus.

NORVÈGE

[TRADUCTION — TRANSLATION]

La Norvège accepte de considérer comme obligatoires les modes de règlement des différends décrits dans les alinéas a et b du paragraphe 3 de l'article 11 de la Convention; a) l'arbitrage conformément à la procédure qui sera adoptée par la Conférence des Parties à sa première session ordinaire ou b) soumission du différend à la Cour internationale de Justice.

SUÈDE

[TRADUCTION — TRANSLATION]

La Suède accepte de considérer comme obligatoire le mode de règlement ci-après :

Soumission du différend à la Cour internationale de Justice (alinéa b du paragraphe 3 de l'article 11).

Le Gouvernement suédois a toutefois l'intention de considérer également comme obligatoire le mode de règlement ci-après :

Arbitrage, conformément à la procédure qui sera adoptée par la Conférence des Parties, à sa première session ordinaire (alinéa a du paragraphe 3 de l'article 11).

La Suède attendra toutefois pour faire une déclaration sur ce dernier point que la procédure d'arbitrage ait été adoptée par la Conférence des Parties, à sa première session ordinaire.

FINAL ACT OF THE CONFERENCE OF PLENIPOTENTIARIES ON THE PROTECTION OF THE OZONE LAYER

1. The Conference of Plenipotentiaries on the Protection of the Ozone Layer was convened by the Executive Director of the United Nations Environment Programme (UNEP) pursuant to decision 12/14, section 1, paragraph 4, adopted by the Governing Council of UNEP on 28 May 1984.

2. The Conference met at the Vienna International Centre, Vienna, with the kind support of the Government of the Republic of Austria, from 18 to 22 March 1985.

3. All States were invited to participate in the Conference. The following States accepted the invitation and participated in the Conference: Algeria, Argentina, Australia, Austria, Belgium, Brazil, Byelorussian Soviet Socialist Republic, Canada, Chile, Denmark, Egypt, Finland, France, Germany, Federal Republic of, Greece, Ireland, Italy, Japan, Luxembourg, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Peru, Philippines, Senegal, Spain, Sweden, Switzerland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

4. Observers from the following States attended the proceedings of the Conference: Bulgaria, China, Ecuador, Indonesia, Tunisia, Uruguay, Yugoslavia.

5. Observers from the following United Nations bodies, specialized agencies, intergovernmental and non-governmental organizations also attended the Conference: United Nations Industrial Development Organization, World Meteorological Organization, European Economic Community, Organization for Economic Co-operation and Development, European Council of Chemical Manufacturers' Federations, International Chamber of Commerce, Federation of European Aerosol Associations.

6. In the course of the inaugural ceremony, the Conference heard a welcoming address by Dr. Kurt Stöyrer, Federal Minister for Health and Environmental Protection on behalf of the Government of the Republic of Austria. The Conference was formally opened by Dr. Mostafa K. Tolba, the Executive Director of UNEP, who served as Secretary-General of the Conference and appointed Mr. Jerry O'Dell as Executive Secretary.

7. The Conference unanimously elected Dr. Winfried Lang (Austria) as its President.

8. The Conference also elected the following officers:

Vice-Presidents:

Mr. Geraldo Eulalio do Nascimento e Silva (Brazil)

Mr. Mohamed El-Taher Shash (Egypt)

Mr. Rune Lönngren (Sweden)

Mr. Yuri Sedunov (Union of Soviet Socialist Republics)

Rapporteur:

Mr. Willem Kakebeeke (Netherlands)

9. The Conference adopted the following agenda:

1. Opening of the Conference.
2. Organizational matters:
 - (a) Adoption of the rules of procedure;
 - (b) Election of the President;
 - (c) Election of Vice-Presidents and Rapporteur;
 - (d) Adoption of the agenda;
 - (e) Appointment of the Credentials Committee;
 - (f) Appointment of the Drafting Committee;
 - (g) Organization of the work of the Conference.
3. Consideration of the draft Convention for the Protection of the Ozone Layer, and its technical annexes.
4. Consideration of the report of the *Ad Hoc* Working Group of Legal and Technical Experts for the Elaboration of a Global Framework for the Protection of the Ozone Layer, concerning a draft Protocol on Chlorofluorocarbons.
5. Consideration of the report of the Credentials Committee.
6. Adoption of the Convention and other instruments, as appropriate.
7. Adoption of the Final Act of the Conference.
8. Signature of final instruments.
9. Closing of the Conference.

10. The Conference adopted as its rules of procedure document UNEP/IG.53/2 proposed by the secretariat, as amended (UNEP/IG.53/2/Corr.1).

11. In conformity with the rules of procedure, the Conference established the following Committees:

Committee of the Whole

Chairman: The President of the Conference

General Committee

Chairman: The President of the Conference

Members: The Vice-Presidents of the Conference, the Rapporteur and the Chairman of the Drafting Committee

Drafting Committee

Chairman:

Mr. Alberto L. Davèrède (Argentina)

Members:

Mr. Waguih Saïd Hanafi (Egypt)

Ms. Satu Nurmi (Finland)

Mr. Philippe Seigneurin (France)

Mr. Vadim Bakoumov (USSR)

Mr. Patrick Széll (United Kingdom)

Mr. Scott A. Hajost (USA)

12. The main documents which served as the basis for the deliberations of the Conference were:

- Fifth Revised Draft Convention for the Protection of the Ozone Layer (UNEP/IG.53/3)
- Final Report of the *Ad Hoc* Working Group of Legal and Technical Experts for the Elaboration of a Global Framework Convention for the Protection of the Ozone Layer (UNEP/IG.53/4).

13. In addition, the Conference had before it a number of other documents that were made available to it by the Secretariat of UNEP.^(*)

14. The Conference approved the recommendation of its Credentials Committee that the credentials of the representatives of the participating States as listed in paragraph 3 should be recognized as being in order.

15. On the basis of the deliberations of the Committee of the Whole, the Conference, on 22 March 1985, adopted the Vienna Convention for the Protection of the Ozone Layer. The Convention, which is appended to this Final Act, will be open for signature at the Federal Ministry for Foreign Affairs of the Republic of Austria in Vienna from 22 March 1985 to 21 September 1985, and at the United Nations Headquarters in New York from 22 September 1985 to 21 March 1986.

16. The Conference also adopted the following resolutions which are appended to this Final Act:

1. Resolution on institutional and financial arrangements;
2. Resolution on a protocol concerning chlorofluorocarbons;
3. Tribute to the Government of the Republic of Austria.

17. At the time of the adoption of this Final Act, several States made declarations which are recorded in document UNEP/IG.53/5 appended hereto.¹

IN WITNESS WHEREOF the representatives have signed this Final Act.

DONE at Vienna this twenty-second day of March one thousand nine hundred and eighty-five in one original in the Arabic, Chinese, English, French, Russian and Spanish languages, each language version being equally authentic. The original text will be deposited with the Secretary-General of the United Nations.

(*) Financial implications of the implementation of the Convention for the Protection of the Ozone Layer: Revised estimates, and comments by WMO (documents UNEP/WG.94/13, UNEP/WG.94/13/Add.1 and UNEP/WG.94/13/Add.2/Rev.1).

¹ See page 446.

1. *Resolution on Institutional and Financial Arrangements*

The Conference,

Having adopted the Vienna Convention for the Protection of the Ozone Layer,

Recalling that under the Convention the United Nations Environment Programme (UNEP) is responsible for carrying out the secretariat functions until the completion of the first ordinary meeting of the Conference of the Parties held pursuant to article 6 of the Convention,

Recognizing that it is for the Parties to the Convention to finance the costs of the secretariat of the Convention and other administrative costs,

1. Notes the cost estimates for the first two years of the Convention secretariat, as presented by the secretariats of UNEP and the World Meteorological Organization (WMO);

2. Also notes the willingness of the Executive Director of UNEP to contribute towards the costs of the interim secretariat during its initial two to three years of operation, subject to the availability of resources in the Environment Fund;

3. Requests the Executive Director of UNEP, in consultation with the signatories to the Convention and in close co-operation with WMO and other relevant United Nations bodies, to make arrangements required for the interim secretariat in order to achieve the objectives of the Convention;

4. Further notes with appreciation the statements of the Executive Director of UNEP and the WMO Executive Council, offering to serve as the permanent secretariat for the Convention.

2. Resolution on a Protocol Concerning Chlorofluorocarbons

The Conference,

Noting with appreciation that the Convention for the Protection of the Ozone Layer was opened for signature in Vienna on 22 March 1985,

Bearing in mind decision 8/7B adopted on 29 April 1980 by the Governing Council of the United Nations Environment Programme (UNEP),

Considering that the Convention is an important step to protect the ozone layer from modifications due to human activities,

Noting that article 2 of the Convention establishes an obligation to take appropriate measures to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer,

Recognizing the possibility that world-wide emissions and use of fully-halogenated chlorofluorocarbons (CFCs) and other chlorine-containing substances can significantly deplete and otherwise modify the ozone layer, leading to potentially adverse effects on human health, crops, marine life, materials and climate, and recognizing at the same time the need to further assess possible modifications and their potentially adverse effects,

Mindful of the precautionary measures for controlling emissions and use of CFCs that have already been taken at national and regional levels, but recognizing that such measures might not be sufficient for protecting the ozone layer,

Determined therefore to continue negotiations on the development of a protocol to control equitably global production, emissions and use of CFCs,

Mindful that special consideration should be given to the particular situation of developing countries,

Mindful also of the relationship between the level of industrialization of a State and its responsibilities for the protection of the ozone layer,

Noting the considerable progress made by the *Ad Hoc* Working Group of Legal and Technical Experts for the Elaboration of a Global Framework Convention for the Protection of the Ozone Layer to develop a protocol concerning CFCs, but further noting that the Working Group was not in a position to complete its work on the protocol,

1. Pending the entry into force of the Convention, requests the Executive Director of UNEP, on the basis of the work of the *Ad Hoc* Working Group, to convene a working group to continue work on a protocol that addresses both short and long term strategies to control equitably global production, emissions and use of CFCs, taking into account the particular situation of developing countries as well as updated scientific and economic research;

2. Urges all interested parties, in order to facilitate work on a protocol, to co-operate in studies leading to a more common understanding of possible scenarios for global production, emissions and use of CFCs and other substances affecting the ozone layer and the costs and effects of various control measures and, to this end, requests such parties to sponsor, under the patronage of UNEP, a workshop on this subject;

3. Requests the working group, in further developing a protocol, to take into account, *inter alia*, the report of the Co-ordinating Committee on the Ozone Layer on its eighth session as well as the 1985 World Meteorological Organization assessment of the current understanding of the physical and chemical processes which control atmospheric ozone;

4. Authorizes the Executive Director, in consultation with the signatories and pending the entry into force of the Convention, to convene a Diplomatic Conference, if possible in 1987, for the purpose of adopting such a protocol;

5. Appeals to signatories to the Convention and to other interested parties participating in the preparation of a protocol to make available financial means to support activities envisaged under the above paragraphs;

6. Urges all States and regional economic integration organizations, pending entry into force of a protocol, to control their emissions of CFCs, *inter alia* in aerosols, by any means at their disposal, including controls on production or use, to the maximum extent practicable.

3. *Tribute to the Government of the Republic of Austria*

The Conference,

Having met in Vienna from 18 to 22 March 1985 at the gracious invitation of the Government of the Republic of Austria,

Convinced that the efforts made by the Government of the Republic of Austria and by the civic authorities of Vienna in providing facilities, premises and other resources contributed significantly to the smooth conduct of its proceedings,

Deeply appreciative of the courtesy and hospitality extended by the Government of the Republic of Austria and the City of Vienna to the members of the delegations, observers and the secretariat attending the Conference,

Expresses its sincere gratitude to the Government of the Republic of Austria, to the authorities of Vienna and, through them, to the Austrian people and in particular to the population of Vienna for the cordial welcome which they accorded to the Conference and to those associated with its work and for their contribution to the success of the Conference.

DOCUMENT UNEP/IG.53/5

DECLARATIONS MADE AT THE TIME OF ADOPTION OF THE FINAL ACT OF THE CONFERENCE OF PLENIPOTENTIARIES ON THE PROTECTION OF THE OZONE LAYER

1. The delegations of Australia, Austria, Belgium, Canada, Chile, Denmark, Finland, France, Germany, Federal Republic of, Italy, Netherlands, New Zealand, Norway, Sweden, Switzerland, and United Kingdom of Great Britain and Northern Ireland express their regret at the absence from the Vienna Convention for the Protection of the Ozone Layer of any provision for the compulsory settlement of disputes by third parties, at the request of one party. Consistently with their traditional support for such a procedure, these delegations appeal to all Parties to the Convention to make use of the possibility of a declaration under article 11, paragraph 3, of the Convention.

2. The delegation of Egypt reiterates the importance attached by its Government to the international and national efforts to protect the environment, including the protection of the ozone layer. For that reason, it has participated from the outset in the preparatory work for the Conference of Plenipotentiaries on the Protection of the Ozone Layer, and in the adoption of the Convention and resolutions. While concurring with the consensus on article 1 of the Convention, the delegation of Egypt understands paragraph 6 of that article as being applicable to all regional organizations, including the Organization of African Unity and the League of Arab States, provided they fulfil the conditions laid down in that article, namely, that they have competence in respect of matters governed by the Convention and have been duly authorized by their member States in accordance with their internal rules of procedure. While concurring with the consensus on article 2 of the Convention, the delegation of Egypt states that the first sentence of paragraph 2 of that article should be read in the light of the third preambular paragraph. While concurring with the consensus on Resolution No. 1 on Institutional and Financial Arrangements, the delegation of Egypt states that its approval of the third preambular paragraph of that resolution is without prejudice to its position on the method of apportioning contributions among the member States, with particular reference to option 2, which it had supported during the discussions on preparatory document UNEP/WG.94/13, whereby 80 per cent of the costs would be covered by the industrialized countries and the remaining 20 per cent apportioned among the member States on the basis of the United Nations scale of assessment.

3. With regard to Resolution No. 2 on a Protocol Concerning Chlorofluorocarbons, the delegation of Japan is of the opinion that a decision whether or not to continue work on a protocol should await the results of the work of the Co-ordinating Committee on the Ozone Layer. Secondly, with regard to paragraph 6 of the above-mentioned resolution, the delegation of Japan is of the opinion that each country should itself decide how to control emissions of chlorofluorocarbons.

4. The delegation of Spain declares that, in accordance with the interpretation by the President of the Conference in his statement of 2 March 1985, its Government understands paragraph 6 of the Resolution on a Protocol Concerning Chlorofluorocarbons as being addressed exclusively to the individual countries themselves, which are urged to control their limits of production or use, and not to third countries or to regional organizations with respect to such countries.

5. The delegation of the United States of America declares that it understands article 15 of the Convention to mean that regional economic integration organizations, none of whose member States are parties to the Convention or relevant protocol, shall have one vote each. It further understands that article 15 does not allow any double voting by regional economic integration organizations and their member States; that is, regional economic integration organizations may never vote in addition to their member States which are party to the Convention or relevant protocol, and vice versa.

[For the signatures, see p. 475 of this volume.]

Annex 99

Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region, 21 June 1985, OJ C 253/10

**CONVENTION FOR THE PROTECTION, MANAGEMENT AND DEVELOPMENT OF THE
MARINE AND COASTAL ENVIRONMENT OF THE EASTERN AFRICAN REGION**

THE CONTRACTING PARTIES,

Fully aware of the economic and social value of the marine and coastal environment of the Eastern African region;

Conscious of their responsibility to preserve their natural heritage for the benefit and enjoyment of present and future generations;

Recognizing the special hydrographic and ecological characteristics of the region which require special care and responsible management;

Recognizing further the threat to the marine and coastal environment, its ecological equilibrium, resources and legitimate uses posed by pollution and by the insufficient integration of an environmental dimension into the development process;

Seeking to ensure that resource development shall be in harmony with the maintenance of the environmental quality of the region and the evolving principles of rational environmental management;

Realizing fully the need for cooperation amongst themselves and with competent international and regional organizations in order to ensure a coordinated and comprehensive development of the natural resources of the region;

Recognizing the desirability of promoting the wider acceptance and national implementation of existing international environmental agreements;

Noting, however, that existing international conventions concerning the marine and coastal environment do not cover, in spite of the progress achieved, all aspects and sources of marine pollution and environmental degradation and do not entirely meet the special requirements of the Eastern African region;

Desirous to adopt a regional convention elaborated within the framework of the action plan for the protection, management and development of the marine and coastal environment of the Eastern African region adopted at Nairobi on 21 June 1985,

HAVE AGREED AS FOLLOWS:

Article 1

Geographical coverage

1. This Convention shall apply to the Eastern African region, hereinafter referred to as 'the Convention area' as defined in paragraph (a) of Article 2.

2. Except as may be otherwise provided in any Protocol to this Convention, the Convention area shall not include internal waters of the Contracting Parties.

Article 2

Definitions

For the purposes of this Convention:

(a) the 'Convention area' shall be comprised of the marine and coastal environment of that part of the Indian Ocean situated within the Eastern African region and falling within the jurisdiction of the Contracting Parties to this Convention. The extent

of the coastal environment to be included within the Convention area shall be indicated in each Protocol to this Convention taking into account the objectives of the Protocol concerned;

(b) 'pollution' means the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, 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;

(c) 'Organization' means the body designated as responsible for carrying out secretariat functions pursuant to Article 16 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 and management of the marine and coastal environment of the Convention area. Such agreements shall be consistent with this Convention and in accordance with international law. Copies of such agreements shall be communicated to the Organization and, through the Organization, to all Contracting Parties to this Convention.

2. Nothing in this Convention or its Protocols shall be deemed to affect obligations assumed by a Contracting Party under agreements previously concluded.

3. This Convention and its Protocols shall be construed in accordance with international law relating to their subject matter. Nothing in this Convention and its Protocols shall prejudice the present or future claims and legal views of any Contracting Party concerning the nature and extent of its maritime jurisdiction.

*Article 4***General obligations**

1. The Contracting Parties shall, individually or jointly, take all appropriate measures in conformity with international law and in accordance with this Convention and those of its Protocols in force to which they are party, to prevent, reduce and combat pollution of the Convention area and to ensure sound environmental management of natural resources, using for this purpose the best practicable means at their disposal, and in accordance with their capabilities.

2. The Contracting Parties shall cooperate in the formulation and adoption of Protocols to facilitate the effective implementation of this Convention.

3. The Contracting Parties shall take all appropriate measures in conformity with international law for the effective discharge of the obligations prescribed in this Convention and its Protocols and shall endeavour to harmonize their policies in this regard.

4. The Contracting Parties shall cooperate with the competent international, regional and subregional organizations to ensure the effective implementation of this Convention and its Protocols. They shall assist each other in fulfilling their obligations under this Convention and its protocols.

5. In taking the measures referred to in paragraph 1, the Contracting Parties shall ensure that the application

of such measures does not cause pollution of the marine environment outside the Convention area.

*Article 5***Pollution from ships**

The Contracting Parties shall take all appropriate measures to prevent, reduce and combat pollution of the Convention area caused by discharges from ships and, for this purpose, to ensure the effective implementation of the applicable international rules and standards established by, or within the framework of, the competent international organization.

*Article 6***Pollution caused by dumping**

The Contracting Parties shall take all appropriate measures to prevent, reduce and combat pollution of the Convention area caused by dumping of wastes and other matter at sea from ships, aircraft, or man-made structures at sea, taking into account applicable international rules and standards and recommended practices and procedures.

*Article 7***Pollution from land-based sources**

The Contracting Parties shall endeavour to take all appropriate measures to prevent, reduce and combat pollution of the Convention area caused by coastal disposal or by discharges emanating from rivers, estuaries, coastal establishments, outfall structures, or any other sources within their territories.

*Article 8***Pollution from sea-bed activities**

The Contracting Parties shall take all appropriate measures to prevent, reduce and combat pollution of the Convention area resulting directly or indirectly from exploration and exploitation of the sea-bed and its subsoil.

*Article 9***Airborne pollution**

The Contracting Parties shall take all appropriate measures to prevent, reduce and combat pollution of the Convention area resulting from discharges into the atmosphere from activities under their jurisdiction.

*Article 10***Specially protected areas**

The Contracting Parties shall, individually or jointly, take all appropriate measures to protect and preserve rare or fragile ecosystems as well as rare, depleted, threatened or endangered species of wild fauna and flora and their habitats in the Convention area. To this end the Contracting Parties shall, in areas under their jurisdiction, establish protected areas, such as parks and reserves, and shall regulate and, where required and subject to the rules of international law, prohibit any activity likely to have adverse effects on the species, ecosystems or biological processes that such areas are established to protect. The establishment of such areas shall not affect the rights of other Contracting Parties and third States and in particular other legitimate uses of the sea.

*Article 11***Cooperation in combating pollution in cases of emergency**

1. The Contracting Parties shall cooperate in taking all necessary measures to respond to pollution emergencies in the Convention area and to reduce or eliminate pollution or the threat of pollution resulting therefrom. To this end, the Contracting Parties shall, individually and jointly, develop and promote contingency plans for responding to incidents involving pollution or the threat thereof in the Convention area.

2. When a Contracting Party becomes aware of a case in which the Convention area is in imminent danger of being polluted or has been polluted, it shall immediately notify other States likely to be affected by such pollution, as well as competent international organizations. Furthermore, it shall inform, as soon as feasible, such other States and the Organization of any measures it has taken to minimize or reduce pollution or the threat thereof.

*Article 12***Environmental damage from engineering activities**

The Contracting Parties shall take all appropriate measures to prevent, reduce and combat environmental damage in the Convention area, in particular the destruction of marine and coastal ecosystems, caused by engineering activities such as land reclamation and dredging.

*Article 13***Environmental impact assessment**

1. As part of their environmental management policies, the Contracting Parties shall, in cooperation with competent regional and international organizations if necessary, develop technical and other guidelines to assist the planning of their major development projects in such a way as to prevent or minimize harmful impacts on the Convention area.

2. Each Contracting Party shall assess, within its capabilities, the potential environmental effects of major projects which it has reasonable grounds to expect may cause substantial pollution of, or significant and harmful changes to, the Convention area.

3. With respect to the assessments referred to in paragraph 2, the Contracting Parties shall, if appropriate in consultation with the Organization, develop procedures for the dissemination of information and, if necessary, for consultations among the Contracting Parties concerned.

*Article 14***Scientific and technical cooperation**

1. The Contracting Parties shall cooperate, directly or with the assistance of competent regional and international organizations, in scientific research, monitoring, and the exchange of data and other scientific information relating to the purposes of this Convention and its Protocols.

2. To this end, the Contracting Parties shall develop and coordinate their research and monitoring programmes concerning pollution and natural resources in the Convention area and shall establish, in cooperation with competent regional and international organizations, a regional network of national research centres and institutes to ensure compatible results. With the aim of further protecting the Convention area, the Contracting Parties shall endeavour to participate in international arrangements for research and monitoring outside the Convention area.

3. The Contracting Parties shall cooperate, within their available capabilities, directly or through competent regional and international organizations, in the provision to other Contracting Parties of technical and other assistance in fields relating to pollution and sound environmental management of the Convention area.

*Article 15***Liability and compensation**

The Contracting Parties shall cooperate, directly or with the assistance of competent regional and international organizations, with a view to formulating and adopting appropriate rules and procedures which are in conformity with international law in the field of liability and compensation for damage resulting from pollution of the Convention area.

*Article 16***Institutional arrangements**

1. The Contracting Parties designate the United Nations Environment Programme as the secretariat of the Convention to carry out the following functions:

- (a) to prepare and convene the meetings of Contracting Parties and conferences provided for in Articles 17, 18 and 19;
- (b) to transmit to the Contracting Parties the information received in accordance with Articles 3, 11, 13 and 23;
- (c) to perform the functions assigned to it by Protocols to this Convention;
- (d) to consider enquiries by, and information from, the Contracting Parties and to consult with them on questions relating to this Convention and its Protocols;
- (e) to coordinate the implementation of cooperative activities agreed upon by the meetings of Contracting Parties;
- (f) to ensure the necessary coordination with other regional and international bodies that the Contracting Parties consider competent;
- (g) to enter into such administrative arrangements as may be required for the effective discharge of the secretariat functions.

2. Each Contracting Party shall designate an appropriate authority to serve as the channel of communication with the Organization for the purposes of this Convention and its Protocols.

*Article 17***Meetings of the contracting parties**

1. The Contracting Parties shall hold ordinary meetings once every two years. It shall be the function of the ordinary meetings of the Contracting Parties to keep under review the implementation of this Convention and its Protocols and, in particular:

- (a) to consider information submitted by the Contracting Parties under Article 23;
- (b) to adopt, review and amend annexes to this Convention and to its related Protocols, in accordance with the provisions of Article 20;

(c) to make recommendations regarding the adoption of any additional Protocols or amendments to this Convention or its Protocols in accordance with the provisions of Articles 18 and 19;

(d) to establish working groups as required to consider any matters concerning this Convention and its Protocols;

(e) to assess periodically the state of the environment in the Convention area;

(f) to consider cooperative activities to be undertaken within the framework of this Convention and its Protocols, including their financial and institutional implications, and to adopt decisions relating thereto;

(g) to consider and undertake any additional action that may be required for the achievement of the purposes of this Convention and its Protocols.

2. The Organization shall convene the first ordinary meeting of the Contracting Parties within nine months of the date on which the Convention enters into force in accordance with Article 29.

3. Extraordinary meetings shall be convened at the request of any Contracting Party or upon the request of the Organization, provided that such requests are supported by a two-thirds majority of the Contracting Parties. It shall be the function of the extraordinary meeting of the Contracting Parties to consider only those items proposed in the request for the holding of the extraordinary meeting.

*Article 18***Adoption of protocols**

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

2. If so requested by a two-thirds majority of the Contracting Parties, the Organization shall convene a conference of plenipotentiaries for the purpose of adopting additional protocols to this Convention.

*Article 19***Amendment of the convention and its protocols**

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

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

3. The text of any proposed amendment shall be communicated by the Organization to all Contracting Parties at least 90 days before the opening of the conference of plenipotentiaries.

4. Any amendment to this Convention shall be adopted by a two-thirds majority vote of the Contracting Parties to the Convention which are present and voting at the conference of plenipotentiaries 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 two-thirds majority vote of the Contracting Parties to the Protocol which are present and voting at the conference of plenipotentiaries and shall be submitted by the Depositary for acceptance by all Contracting Parties to the Protocol.

5. Instruments of ratification, acceptance or approval of amendments shall be deposited with the Depositary. Amendments adopted in accordance with paragraph 4 shall enter into force between Contracting Parties having accepted such amendments on the 30th day following the date of receipt by the Depositary of the instruments of at least six of the Contracting Parties to this Convention or to the Protocol concerned, as the case may be. Thereafter the amendments shall enter into force for any other Contracting Party on the 30th day after the date on which that Party deposits its instrument.

6. 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 Convention or Protocol as amended.

Article 20

Annexes and amendment of annexes

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

2. Except as may be otherwise provided in any Protocol with respect to its Annexes, the following procedure shall apply to the adoption and entry into force of amendments to Annexes to this Convention or to Annexes to a Protocol:

- (a) any Contracting party may propose amendments to Annexes to this Convention or Annexes to any Protocol at the meetings convened pursuant to Article 17;
- (b) such amendments shall be adopted by a two-thirds majority vote of the Contracting Parties to the instrument in question;
- (c) the Depositary shall without delay communicate the amendments so adopted to all Contracting parties to this Convention;
- (d) any Contracting Party that is unable to accept an amendment to Annexes to this Convention or to

Annexes to any protocol shall so notify the Depositary in writing within a period determined by the Contracting Parties concerned when adopting the amendment;

- (e) the Depositary shall without delay notify all Contracting Parties of notifications received pursuant to the preceding subparagraph;
- (f) on expiry of the period determined in accordance with subparagraph (d) 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;
- (g) a Contracting Party may at any time substitute an acceptance for a previous declaration of objection, and the amendment shall thereupon enter into force for that Party.

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 that for the adoption and entry into force of an amendment to an Annex, provided that, if it entails an amendment to the Convention or a Protocol, the new Annex shall not enter into force until such time as that amendment enters into force.

4. Any amendment to the Annex on Arbitration shall be proposed and adopted, and shall enter into force, in accordance with the procedures set out in Article 19.

Article 21

Rules of procedures and financial rules

1. The Contracting Parties shall adopt rules of procedure for their meetings.

2. The Contracting Parties shall adopt financial rules, prepared in consultation with the Organization, to determine, in particular, their financial participation in the cooperative activities undertaken for the purposes of this Convention and of Protocols to which they are parties.

Article 22

Special exercise of the right to vote

In their fields of competence, the regional inter-governmental integration organizations referred to in Article 26 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. Such organizations shall not exercise their rights to vote if the Member States concerned exercise theirs and *vice versa*.

*Article 23***Transmission of information**

The Contracting Parties shall transmit regularly to the Organization information on the measures adopted by them in the implementation of this Convention and of Protocols to which they are parties, in such form as the meetings of Contracting Parties may determine.

*Article 24***Settlement of disputes**

1. In case of a dispute between Contracting Parties as to the interpretation or application of this Convention or its 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 of the parties concerned, be submitted to arbitration under the conditions set out in the Annex on Arbitration.

*Article 25***Relationship between the convention and its protocols**

1. No State or regional intergovernmental integration organization may become a Contracting Party to this Convention unless it becomes at the same time a Contracting party to at least one Protocol to the Convention. No State or regional intergovernmental integration organization may become a Contracting Party to a Protocol unless it is, or becomes at the same time, a Contracting Party to this Convention.

2. Decisions concerning any protocol shall be taken only by the Contracting Parties to the Protocol concerned.

*Article 26***Signature**

This Convention, the Protocol concerning protected areas and wild fauna and flora in the Eastern African region and the Protocol concerning cooperation in combating marine pollution in cases of emergency in the Eastern African region shall be open for signature at Nairobi from 21 June 1985 to 20 June 1986 by any State invited as a participant to the conference of plenipotentiaries on the protection, management and development of the marine and coastal environment of the Eastern African region, held at Nairobi from 17 to 21 June 1985. They shall also be open for signature between the same dates by any regional intergovernmental integration organization exercising competence in fields covered by the Convention and

such Protocols and having at least one Member State which belongs to the Eastern African region, provided that such regional organization has been invited to participate in the conference of plenipotentiaries.

*Article 27***Ratification, acceptance and approval**

This Convention and its Protocols shall be subject to ratification, acceptance or approval by the States and organizations referred to in Article 26. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Republic of Kenya which will assume the functions of Depositary.

*Article 28***Accession**

1. This Convention and its Protocols shall be open for accession by the States and organizations referred to in Article 26 as from the day following the date on which the Convention or the Protocol concerned is closed for signature.

2. After the entry into force of this Convention and of any Protocol, any State or regional intergovernmental integration organization not referred to in Article 26 may accede to the Convention and to any Protocol, subject to prior approval by three-fourths of the Contracting Parties to the Convention or the Protocol concerned.

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

*Article 29***Entry into force**

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

2. Any Protocol to this Convention, except as otherwise provided in such Protocol, shall enter into force on the 90th day following the date of deposit of the sixth instrument of ratification, acceptance, or approval of, or accession to, such Protocol by the States referred to in Article 26.

3. Thereafter, this Convention and any Protocol shall enter into force with respect to any State or organization referred to in Article 26 or Article 28 on the 90th day following the date of deposit of its instruments of ratification, acceptance, approval or accession.

*Article 30***Withdrawal**

1. At any time after three years from the date of entry into force of this Convention with respect to a Contracting Party, that Contracting Party may withdraw from this Convention by giving written notification to the Depositary.
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 with respect to that Contracting Party, withdraw from such Protocol by giving written notification to the Depositary.
3. Withdrawal shall take effect one year 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 Contracting Party.
5. Any Contracting Party which, upon its withdrawal from a Protocol, is no longer a Contracting Party to any Protocol to this Convention, shall be considered as also having withdrawn from the Convention itself.

*Article 31***Responsibilities of the Depositary**

1. The Depositary shall inform the Signatories and the Contracting Parties, as well as the Organization, of:
 - (a) the signature of this Convention and of its Protocols and the deposit of instruments of ratification, acceptance, approval or accession;
 - (b) the date on which the Convention or any Protocol will come into force for each Contracting Party;
 - (c) notification of withdrawal and the date on which it will take effect;
 - (d) the amendments adopted with respect to the Convention or to any Protocol, their acceptance by the Contracting Parties and the date of their entry into force;
 - (e) all matters relating to new Annexes and to the amendment of any Annex.
2. The original of this Convention and of any Protocol shall be deposited with the Depositary, the Government of the Republic of Kenya, which shall send certified copies thereof to the Signatories, the Contracting Parties and the Organization.
3. As soon as the Convention or any Protocol enters into force, the Depositary shall transmit a certified copy of the instrument concerned to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

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

DONE AT NAIROBI this twenty-first day of June one thousand nine hundred and eighty-five in a single copy in the English and French languages, the two texts being equally authentic.

*ANNEX***Arbitration***Article 1*

Unless the agreement referred to in Article 24 of the Convention provides otherwise, the arbitration procedure shall be conducted in accordance with Articles 2 to 10 below.

Article 2

The claimant party shall notify the Organization that the parties agree to submit the dispute to arbitration pursuant to paragraph 2 of Article 24 of the Convention. The notification shall state the subject-matter of arbitration and include, in particular, the Articles of the Convention or the Protocol, the interpretation or application of which are at issue. The organization shall forward the information thus received to all Contracting Parties to the Convention or to the Protocol concerned.

Article 3

The arbitral tribunal shall consist of three members. Each of the parties to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the chairman of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

Article 4

1. If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of either party, designate him within a further two months' period.
2. If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other party may inform the Secretary-General of the United Nations who shall designate the chairman of the arbitral tribunal within a further two months' period. Upon designation, the chairman of the arbitral tribunal shall request the party which has not appointed an arbitrator to do so within two months. After such period, he shall inform the Secretary-General of the United Nations, who shall make this appointment within a further two months' period.

Article 5

1. The arbitral tribunal shall render its decision in accordance with international law and in accordance with the provisions of this Convention and the Protocol or Protocols concerned.
2. Any arbitral tribunal constituted under the provisions of this Annex shall draw up its own rules of procedure.

Article 6

1. The decisions of the arbitral tribunal, both on procedure and on substance, shall be taken by majority vote of its members.
2. The arbitral tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the parties, recommend essential interim measures of protection.
3. The parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.
4. The absence or default of a party to the dispute shall not constitute an impediment to the proceedings.

Article 7

The arbitral tribunal may hear and determine counterclaims arising directly out of the subject-matter of the dispute.

Article 8

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its expenses, and shall furnish a final statement thereof to the parties.

Article 9

Any Contracting Party that has an interest of a legal nature in the subject-matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the arbitral tribunal.

Article 10

1. The arbitral tribunal shall render its award within five months of the date on which it is established unless it finds it necessary to extend the time limit for a period which should not exceed five months.
 2. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the parties to the dispute.
 3. Any dispute which may arise between the parties concerning the interpretation or execution of the award may be submitted by either party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another arbitral tribunal constituted for this purpose in the same manner as the first.
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Annex 100

ASEAN Agreement on the Conservation of Nature and Natural Resources, 9 July 1985

ASEAN Agreement
on the Conservation of Nature and Natural Resources

The Government of Negara Brunei Darussalam,
The Government of the Republic of Indonesia,
The Government of Malaysia,
The Government of the Republic of the Philippines,
The Government of the Republic of Singapore and
The Government of the Kingdom of Thailand,
Member States of the Association of South East Asian Nations (ASEAN)

Recognizing the importance of natural resources for present and future generations;

Conscious of their ever-growing value from a scientific, cultural, social and economic point of view;

Conscious also that the interrelationship between conservation and socio-economic development implies both that conservation is necessary to ensure sustainability of development, and that socio-economic development is necessary for the achievement of conservation on a lasting basis;

Recognizing the interdependence of living resources, between them and with other natural resources, within ecosystems of which they are part;

Wishing to undertake individual and joint action for the conservation and management of their living resources and the other natural elements on which they depend;

Recognizing that international co-operation is essential to attain many of these goals;

Convinced that an essential means to achieve such concerted action is the conclusion and implementation of an Agreement;

Have agreed as follows;

Chapter 1
Conservation and Development

Article 1
Fundamental Principle

- 1) The Contracting Parties, within the framework of their respective national laws, undertake to adopt singly, or where necessary and appropriate through concerted action, the measures necessary to maintain essential ecological processes and life-support systems, to preserve genetic diversity, and to ensure the sustainable utilization of harvested natural resources under their jurisdiction in accordance with scientific principles and with a view to attaining the goal of sustainable development.
- 2) To this end they shall develop national conservation strategies, and shall co-ordinate such strategies within the framework of a conservation strategy for the Region.

Article 2
Development Planning

- 1) The Contracting Parties shall take all necessary measures, within the framework of their respective national laws, to ensure that conservation and management of natural resources are treated as an integral part of development planning at all stages and at all levels.
- 2) To that effect they shall, in the formulation of all development plans, give as full consideration to ecological factors as to economic and social ones.
- 3) The Contracting Parties shall, where necessary, take appropriate action with a view to conserving and managing natural resources of significant importance for two or several Contracting Parties.

Chapter II
Conservation of Species and Ecosystems

Article 3
Species - genetic diversity

- 1) The Contracting Parties shall, wherever possible, maintain maximum genetic diversity by taking action aimed at ensuring the survival and promoting the conservation of all species under their jurisdiction and control.

- 2) To that end, they shall adopt appropriate measures to conserve animal and plant species whether terrestrial, marine and freshwater, and more specifically
 - a) conserve natural, terrestrial, freshwater and coastal or marine habitats;
 - b) ensure sustainable use of harvested species;
 - c) protect endangered species;
 - d) conserve endemic species; and
 - e) take all measures in their power to prevent the extinction of any species or sub-species.

- 3) In order to fulfil the aims of the preceding paragraphs of this Article the Contracting Parties shall, in particular endeavour to
 - a) create and maintain protected areas;
 - b) regulate the taking of species and prohibit unselective taking methods;
 - c) regulate and, where necessary, prohibit the introduction of exotic species;
 - d) promote and establish gene banks and other documented collections of animal and plant genetic resources.

Article 4

Species - sustainable use

The Contracting Parties shall pay special attention to harvested species, and, to that effect, shall endeavour to

- 1) develop, adopt and implement management plans for those species, based on scientific studies and aiming at
 - a) preventing decrease in the size of any harvested population to levels below those which ensure its stable recruitment and the stable recruitment of those species which are dependent upon, or related to them;
 - b) maintaining the ecological relationship between harvested, dependent and related populations of living resources of the ecosystem considered;
 - c) restoring depleted populations to at least the levels referred to in sub-paragraph (a) of this paragraph;
 - d) preventing changes or minimizing risk of changes in the ecosystem considered which are not reversible over a reasonable period of time.

- 2) Take the appropriate and necessary legislative and administrative measures on harvesting activities in the light of their national interests whereby
 - (a) such activities must conform to the management plans referred to above;
 - (b) the conduct of such activities is controlled by a permit system;
 - (c) all indiscriminate means of taking and the use of all means capable of causing local extinction of, or serious disturbance to, populations of a species or related species are prohibited;
 - (d) such activities are prohibited or strictly regulated at certain periods, seasons or places of importance in the life cycle of the species;

- (e) such activities may be regulated more strictly, temporarily or locally in order to assist restoration of population levels or counterbalance any threat caused by special circumstances;
- (f) special measures, such as restocking, are provided for whenever the conservation status of a species so warrants;
- (g) trade and possession of specimens or products of specimens are regulated whenever such regulations meaningfully contribute to the implementation of the harvesting regulations.

Article 5

Species - endangered and endemic

- 1) Appendix I to this Agreement shall list endangered species recognized by the Contracting Parties as of prime importance to the Region and deserving special attention. The Appendix shall be adopted by a meeting of the Contracting Parties.

Accordingly, Contracting Parties shall, wherever possible,

- (a) prohibit the taking of these species, except for exceptional circumstances by special allowance from the designated authorities of the Contracting Parties;
 - (b) regulate the trade in and possession of specimens and products of those species accordingly;
 - (c) especially protect habitat of those species by ensuring that sufficient portions are included in protected areas;
 - (d) take all other necessary measures to improve their conservation status, and restore their populations to the highest possible level.
- 2) Each Contracting Party shall, wherever possible, apply the above measures to species endangered at national level.

- 3) The Contracting Parties recognize their special responsibility in respect of species that are endemic to areas under their jurisdiction and shall undertake accordingly to take, wherever possible, all the necessary measures to maintain the population of such species at the highest possible level.

Article 6

Vegetation Cover and Forest Resources

- 1) The Contracting Parties shall, in view of the role of vegetation and forest cover in the functioning of natural ecosystems, take all necessary measures to ensure the conservation of the vegetation cover and in particular of the forest cover on lands under their jurisdiction.
- 2) They shall, in particular, endeavour to
 - (a) - control clearance of vegetation;
- endeavour to prevent bush and forest fires;
- prevent overgrazing by, inter alia, limiting grazing activities to periods and intensities that will not prevent regeneration of the vegetation;
 - (b) regulate mining and mineral exploration operations with a view to minimizing disturbance of vegetation and to requiring the rehabilitation of vegetation after such operations;
 - (c) set aside areas as forest reserves, inter alia with a view to conserve the natural forest genetic resources;
 - (d) in reforestation and afforestation planning avoid as far as possible monoculture causing ecological imbalance;
 - (e) designate areas whose primary function shall be the maintenance of soil quality in the catchment considered and the regulation of the quantity and quality of the water delivered from it;

- (f) ensure to the maximum extent possible the conservation of their natural forests, particularly mangroves with a view, inter alia, to maintaining maximum forest species diversity;
- (g) develop their forestry management plans on the basis of ecological principles with a view to maintaining potential for optimum sustained yield and avoiding depletion of the resource capital.

Article 7

Soil

- 1) The Contracting Parties shall, in view of the role of soil in the functioning of natural ecosystems, take measures, wherever possible towards soil conservation, improvement and rehabilitation; they shall, in particular, endeavour to take steps to prevent soil erosion and other forms of degradation, and promote measures which safeguard the processes of organic decomposition and thereby its continuing fertility.
- 2) To that effect, they shall, in particular, endeavour to
 - (a) establish land use policies aimed at avoiding losses of vegetation cover, substantial soil losses, and damages to the structure of the soil;
 - (b) take all necessary measures to control erosion, especially as it may affect coastal or freshwater ecosystems lead to siltation of downstream areas such as lakes or vulnerable ecosystems such as coral reefs, or damage critical habitats, in particular that of endangered or endemic species;
 - (c) take appropriate measures to rehabilitate eroded or degraded soils including rehabilitation of soil affected by mineral exploitation.

Article 8

Water

- 1) The Contracting Parties shall, in view of the role of water in the functioning of natural ecosystems, take all appropriate measures towards the conservation of their underground and surface water resources.

- 2) They shall to that effect, in particular, endeavour to
 - (a) undertake and promote the necessary hydrological research especially with a view to ascertaining the characteristics of each watershed;
 - (b) regulate and control water utilization with a view to achieving sufficient and continuous supply of water for, inter alia, the maintenance of natural life supporting systems and aquatic fauna and flora;
 - (c) when planning and carrying out water resource development projects take fully into account possible effects of such projects on natural processes or on other renewable natural resources and prevent or minimize such effects.

Article 9

Air

The Contracting Parties shall, in view of the role of air in the functioning of natural ecosystems, endeavour to take all appropriate measures towards air quality management compatible with sustainable development.

Chapter III
Conservation of Ecological Processes

Article 10
Environmental Degradation

The Contracting Parties, with a view to maintaining the proper functioning of ecological processes, undertake, wherever possible, to prevent, reduce and control degradation of the natural environment and, to this end, shall endeavour to undertake, in addition to specific measures referred to in the following article;

- (a) to promote environmentally sound agricultural practices by, inter alia, controlling the application of pesticides, fertilizers and other chemical products for agricultural use, and by ensuring that agricultural development schemes, in particular for wetland drainage or forest clearance, pay due regard to the need to protect critical habitats as well as endangered and economically important species;
- (b) to promote pollution control and the development of environmentally sound industrial processes and products;
- (c) to promote adequate economic or fiscal incentives for the purposes of sub-paragraphs (a) and (b) above;
- (d) as far as possible to consider the originator of the activity which may lead to environmental degradation responsible for its prevention, reduction and control as well as, wherever possible, for rehabilitation and remedial measures required;
- (e) to take into consideration, when authorizing activities likely to affect the natural environment, the foreseeable interactions between the new activities proposed and those already taking place in the same area, and the result of such interactions on the air, waters and soils of the area;
- (f) to pay particular attention to the regulation of activities which may have adverse effects on processes which are ecologically essential or on areas which are particularly important or sensitive from an ecological point of view, such as the breeding and feeding grounds of harvested species.

Article 11

Pollution

The Contracting Parties, recognizing the adverse effect that polluting discharges or emissions may have on natural processes and the functioning of natural ecosystems as well as on each of the individual ecosystem components, especially animal and plants species, shall endeavour to prevent, reduce and control such discharges, emissions or applications, in particular by

- (a) submitting activities likely to cause pollution of the air, soil, freshwater, or the marine environment, to controls which shall take into consideration both the cumulative effects of the pollutants concerned and the self-purificating aptitude of the recipient natural environment;
- (b) making such controls conditional on, inter alia, appropriate treatment of polluting emissions; and
- (c) establishing national environmental quality monitoring programmes, particular attention being paid to the effects of pollution on natural ecosystems, and co-operation in such programmes for the Region as a whole.

Chapter IV

Environmental Planning Measures

Article 12

Land use Planning

- 1) The Contracting Parties shall, wherever possible in the implementation of their development planning, give particular attention to the national allocation of land usage. They shall endeavour to take the necessary measures to ensure the integration of natural resource conservation into the land use planning process and shall, in the preparation and implementation of specific land use plans at all levels, give as full consideration as possible to ecological factors as to economic and social ones. In order to achieve optimum sustainable land use, they undertake to base their land use plans as far as possible on the ecological capacity of the

- 2) The Contracting Parties shall, in carrying out the provisions of paragraph (1) above, particularly consider the importance of retaining the naturally high productivity of areas such as coastal zones and wetlands.
- 3) They shall, where appropriate, co-ordinate their land use planning with a view to conserving and managing natural resources of significant importance for two or several Contracting Parties.

Article 13
Protected Areas

- 1) The Contracting Parties shall as appropriate establish, in areas under their jurisdiction, terrestrial, freshwater, coastal or marine protected areas for the purpose of safeguarding
 - the ecological and biological processes essential to the functioning of the ecosystems of the Region;
 - representative samples of all types of ecosystem of the Region;
 - satisfactory population levels for the largest possible number of species of fauna and flora belonging to those ecosystems;
 - areas of particular importance because of their scientific, educational, aesthetic, or cultural interest;and taking into account their importance in particular as:
 - the natural habitat of species of fauna and flora, particularly rare or endangered or endemic species;
 - zones necessary for the maintenance of exploitable stocks of economically important species;
 - pools of genetic material and safe refuges for species, especially endangered ones;
 - sites of ecological, aesthetic or cultural interest;
 - reference sources for scientific research;
 - areas for environmental education.

They shall, in particular, take all measures possible in their power to preserve those areas which are of an exceptional character and are peculiar to their country or the Region as well as those which constitute the critical habitats of endangered or rare species, of species that are endemic to a small area and of species that migrate between countries of Contracting Parties.

- 2) Protected areas established pursuant to this Agreement shall be regulated and managed in such a way as to further the objectives for the purpose of which they have been created. Contracting Parties shall, wherever possible, prohibit within such protected areas activities which are inconsistent with such objectives.

- 3) Protected areas shall include
 - (a) National Parks
 - i) This expression denotes natural areas that are sufficiently large to allow for ecological self-regulation of one or several ecosystems, and which have not been substantially altered by human occupation or exploitation.
 - ii) National Parks shall be placed under public control, their boundaries shall not be altered nor shall any portion of any National Park be alienated except by the highest competent authority.
 - iii) National Parks shall be dedicated to conservation and to scientific, educational and recreational uses and the common welfare of the people.
 - (b) Reserves
 - i) This expression denotes areas set aside for the purpose of preserving a specific ecosystem, the critical habitat of certain species of fauna or flora, a water catchment area or for any other specific purpose relating to the conservation of natural resources or objects or areas of scientific, aesthetic, cultural, educational or recreational interest.

- ii) After reserves have been established their boundaries shall not be altered nor shall any portion of such reserves be alienated except by the authority establishing them or by higher authority.
 - iii) Reserves shall be dedicated to the purposes for which they have been created and, in the light of the national interests of the Contracting Parties, any activity inconsistent with such purposes shall be prohibited.
- 4) Contracting Parties shall, in respect of any protected area established pursuant to this Agreement
- (a) prepare a management plan and manage the area on the basis of this plan;
 - (b) establish, wherever appropriate, terrestrial or aquatic buffer zones that shall be located around protected areas and which, in the case of marine areas, may include coastal land areas or watersheds of rivers flowing into the protected area; in such buffer zones all activities that may have harmful consequences on the ecosystems that such areas purport to protect shall be prohibited or regulated and activities which are consistent with the purpose of the protected area shall be promoted.
- 5) Contracting Parties shall, in respect of any protected area established pursuant to this Agreement, endeavour to
- (a) prohibit the introduction of exotic animal or plant species;
 - (b) prohibit the use or release of toxic substances or pollutants which could cause disturbance or damage to protected ecosystems or to the species they contain;
 - (c) to the maximum extent possible, prohibit or control any activity exercised outside protected areas when such an activity is likely to cause disturbance or damage to the ecosystems or species that such protected areas purport to protect.

- 6) Contracting Parties shall co-operate in the development of principles, objectives, criteria and guidelines for the selection, establishment and management of protected areas in the Region with a view to establishing a co-ordinated network of protected areas throughout the Region, giving particular attention to those of regional importance. An Appendix containing such principles, objectives, criteria and guidelines shall be drawn up in the light of the best scientific evidence as adapted to the conservation requirements of the Region and shall be adopted by a meeting of Contracting Parties.
- 7) In addition to the establishment of the protected areas referred to in paragraph 3 of this Article, Contracting Parties shall promote, through the adoption of appropriate measures, the conservation of natural areas by private owners, community or local authorities.

Article 14

Impact Assessment

- 1) The Contracting Parties undertake that proposals for any activity which may significantly affect the natural environment shall as far as possible be subjected to an assessment of their consequences before they are adopted, and they shall take into consideration the results of this assessment in their decision-making process.
- 2) In those cases where any such activities are undertaken, the Contracting Parties shall plan and carry them out so as to overcome or minimize any assessed adverse effects and shall monitor such effects with a view to taking remedial action as appropriate.

Chapter V
National Supporting Measures

Article 15
Scientific Research

The Contracting Parties shall individually or in co-operation with other Contracting Parties or appropriate international organizations, promote and, whenever possible, support scientific and technical programmes of relevance to the conservation and management of natural resources, including monitoring, research, the exchange of technical information and the evaluation of results.

Article 16
Education, Information and Participation of the Public, Training

- 1) The Contracting Parties shall endeavour to promote adequate coverage of conservation and management of natural resources in education programmes at all levels.
- 2) They shall circulate as widely as possible information on the significance of conservation measures and their relationship with sustainable development objectives, and shall, as far as possible, organize participation of the public in the planning and implementation of conservation measures.
- 3) Contracting Parties shall endeavour to, individually or in co-operation with other Contracting Parties or appropriate international organizations, develop the programmes and facilities necessary to train adequate and sufficient scientific and technical personnel to fulfil the aims of this Agreement.

Article 17
Administrative Machinery

- 1) The Contracting Parties shall identify or maintain the administrative machinery necessary to implement the provisions of this Agreement, and, where several governmental institutions are involved, create the necessary co-ordinating mechanism for the authorities dealing with designated aspects of the environment.
- 2) They shall endeavour to allocate sufficient funds to the task necessary for the implementation of this Agreement, as well as sufficient qualified personnel with adequate enforcement powers.

Chapter VI
International Co-operation

Article 18
Co-operative Activities

- 1) The Contracting Parties shall co-operate together and with the competent international organizations, with a view to co-ordinating their activities in the field of conservation of nature and management of natural resources and assisting each other in fulfilling their obligations under this Agreement.
- 2) To that effect, they shall endeavour
 - (a) to collaborate in monitoring activities;
 - (b) to the greatest extent possible, co-ordinate their research activities;
 - (c) to use comparable or standardized research techniques and procedures with a view to obtaining comparable data;
 - (d) to exchange appropriate scientific and technical data, information and experience, on a regular basis;
 - (e) whenever appropriate, to consult and assist each other with regard to measures for the implementation of this Agreement.

- 3) In applying the principles of co-operation and co-ordination set forth above, the Contracting Parties shall forward to the Secretariat
 - (a) Information of assistance in the monitoring of the biological status of the natural living resources of the Region;
 - (b) Information, including reports and publications of a scientific, administrative or legal nature and, in particular, information on
 - measures taken by the Parties in pursuance of the provisions of this Agreement;
 - the status of species included in Appendix I;
 - any other matter to which the Conference of the Parties may give special priority.

Article 19

Shared Resources

- 1) Contracting Parties that share natural resources shall co-operate concerning their conservation and harmonious utilization, taking into account the sovereignty, rights and interests of the Contracting Parties concerned in accordance with generally accepted principles of international law.
- 2) To that end, they shall, in particular
 - (a) co-operate with a view to controlling, preventing, reducing or eliminating adverse environmental effects which may result in one Contracting Party from the utilization of such resources in another Party;
 - (b) endeavour to conclude bilateral or multilateral agreements in order to secure specific regulation of their conduct in respect of the resources concerned;
 - (c) as far as possible, make environmental assessments prior to engaging in activities with respect to shared natural resources which may create a risk of significantly affecting the environment of another sharing Contracting Party or other sharing Contracting Parties;

- (d) notify in advance the other sharing Contracting Party or the other sharing Contracting Parties of pertinent details of plans to initiate, or make a change in, the conservation or utilization of the resource which can reasonable be expected to affect significantly the environment in the territory of the other Contracting Party or Contracting Parties;
 - (e) upon request of the other sharing Contracting Party or sharing Contracting Parties, enter into consultation concerning the above-mentioned plans;
 - (f) inform the other sharing Contracting Party or other sharing Contracting Parties of emergency situations or sudden grave natural events which may have repercussions on their environment;
 - (g) whenever appropriate, engage in joint scientific studies and assessments, with a view to facilitating co-operation with regard to environmental problems related to a shared resource, on the basis of agreed data.
- 3) Contracting Parties shall especially co-operate together and, where appropriate, shall endeavour to co-operate with other Contracting Parties, with a view to
- (a) the conservation and management of
 - border or contiguous protected areas;
 - shared habitats of species listed in Appendix I;
 - shared habitats of any other species of common concern;
 - (b) the conservation, management and, where applicable, regulation of the harvesting of species which constitute shared resources
 - by virtue of their migratory character, or
 - because they inhabit shared habitats.

Article 20

Transfrontier Environmental Effects

- 1) Contracting Parties have in accordance with generally accepted principles of international law the responsibility of ensuring that activities under their jurisdiction or control do not cause damage to the environment or the natural resources under the jurisdiction of other Contracting Parties or of areas beyond the limits of national jurisdiction.

- 2) In order to fulfil this responsibility, Contracting Parties shall avoid to the maximum extent possible and reduce to the minimum extent possible adverse environmental effects of activities under their jurisdiction or control, including effects on natural resources, beyond the limits of their national jurisdiction.

- 3) To that effect, they shall endeavour
 - (a) to make environmental impact assessment before engaging in any activity that may create a risk of significantly affecting the environment or the natural resources of another Contracting Party or the environment or natural resources beyond national jurisdiction;
 - (b) to notify in advance the other Contracting Party or Contracting Parties concerned of pertinent details of plans to initiate, or make a change in, activities which can reasonably be expected to have significant effects beyond the limits of national jurisdiction;
 - (c) to enter into consultation concerning the above-mentioned plans upon request of the Contracting Party or Contracting Parties in question;
 - (d) to inform the Contracting Party or Contracting Parties in question of emergency situations or sudden grave natural events which may have repercussion beyond national jurisdiction.

- 4) Contracting Parties shall, in particular, endeavour to refrain from actions which might directly or indirectly adversely affect wildlife habitats situated beyond the limits of national jurisdiction, especially habitats of species listed in Appendix I or habitats included in protected areas.

Chapter VII
International Supporting Measures

Article 21
Meeting of the Contracting Parties

- 1) Ordinary meetings of the Contracting Parties shall be held at least once in three years, in as far as possible in conjunction with appropriate meetings of ASEAN, and extraordinary meetings shall be held at any other time, upon the request of one Contracting Party provided that such request is supported by at least one other Party.

- 2) It shall be the function of the meetings of the Contracting Parties, in particular
 - (a) to keep under review the implementation of this Agreement and the need for other measures, in particular the Appendices;
 - (b) to adopt review and amend as required any Appendix to this Agreement;
 - (c) to consider reports submitted by the Contracting Parties in accordance with Article 28 or any other information which may be submitted by a Party, directly or through the Secretariat;
 - (d) to make recommendations regarding the adoption of any Protocol or any amendment to this Agreement;
 - (e) to establish working groups or any other subsidiary body as required to consider any matter related to this Agreement;
 - (f) to consider and undertake any additional action, including the adoption of financial rules, that may be required for the achievement of the purposes of this Agreement.

Article 22
Secretariat

On the coming into force of this Agreement the Contracting Parties shall designate the Secretariat responsible for carrying out the following functions:

- (a) to convene and prepare the meetings of Contracting Parties;
- (b) to convene diplomatic conferences for the purpose of adopting Protocols;
- (c) to transmit to the Contracting Parties notifications, reports and other information received in accordance with this Agreement;
- (d) to consider inquiries by, and information from, the Contracting Parties, and to consult with them on questions relating to this Agreement.
- (e) to perform such other functions as may be assigned to it by the Contracting Parties;
- (f) to ensure the necessary co-ordination with other competent international bodies and in particular to enter into the such administrative arrangements as may be required for the effective discharge of the secretariat functions.

Article 23
National Focal Points

In order to facilitate communications with other Parties and the Secretariat, the Contracting Parties shall designate an appropriate national agency or institution responsible for co-ordinating matters arising from consultations and channelling communications between Contracting Parties or with the Secretariat.

Chapter VIII

Final Clauses

Article 24

Adoption of Protocols

- 1) The Contracting Parties shall co-operate in the formulation and adoption of Protocols to this Agreement, prescribing agreed measures, procedures and standards for the implementation of this Agreement.
- 2) The Contracting Parties, at a diplomatic conference, may adopt Protocols to this Agreement.
- 3) The Protocols of this Agreement shall be subject to acceptance and shall enter into force on the thirtieth day after the deposit with the Depositary of the Instruments of Acceptance of all the Contracting Parties.

Article 25

Amendment of the Agreement

- 1) Any Contracting Party to this Agreement may propose amendments to the Agreement. Amendments shall be adopted by a diplomatic conference which shall be convened at the request of the majority of the Contracting Parties.
- 2) Amendments to this Agreement shall be adopted by a consensus of the Contracting Parties.
- 3) Acceptance of amendments shall be notified to the Depositary in writing and shall enter into force on the thirtieth day following the receipt by the Depositary of notification of the acceptance by all the Contracting Parties.
- 4) After the entry into force of an amendment to this Agreement any new Contracting Party to this Agreement shall become a Contracting Party to this Agreement as amended.

Article 26

Appendices and Amendments to Appendices

- 1) Appendices to this Agreement shall form an integral part of the Agreement;
- 2) Amendments to an Appendix:
 - (a) Any Contracting Party may propose amendments to an Appendix at a meeting of the Contracting Parties;
 - (b) Such amendments shall be adopted by a consensus of the Contracting Parties;
 - (c) The Depositary shall without delay communicate the amendment so adopted to all Contracting Parties.
- 3) The adoption and entry into force of a new Appendix to this Agreement shall be subject to the same procedure as for the adoption and entry into force of an amendment to an Appendix as provided for in paragraph (2) of this Article, provided that, the new Appendix shall not enter into force until such time as the amendment to the Agreement enters into force.

Article 27

Rules of Procedure

The Contracting Parties shall adopt rules of procedure for their meetings.

Article 28

Reports

The Contracting Parties shall transmit to the Secretariat reports on the measures adopted in implementation of this Agreement in such form and at such intervals as the meetings of Contracting Parties may determine.

Article 29

Relationships with Other Agreements

The provisions of this Agreement shall in no way affect the rights and obligations of any Contracting Party with regard to any existing treaty, convention or agreement.

Article 30

Settlement of Disputes

Any dispute between the Contracting Parties arising out of the interpretation or implementation of this Agreement shall be settled amicably by consultation or negotiation.

Article 31

Ratification

This Agreement shall be subject to ratification by the Contracting Parties. The Instruments of Ratification shall be deposited with the Secretary-General of the ASEAN Secretariat, who shall assume the functions of Depositary.

Article 32

Accession

- 1) After the entry into force of the Agreement, any Member State may accede to this Agreement, subject to prior approval by the Contracting Parties to this Agreement.
- 2) Instrument of accession shall be deposited with the Depositary.

Article 33

Entry into Force

- 1) This Agreement shall enter into force on the thirtieth day after the deposit of the sixth Instruments of Ratification.
- 2) Thereafter, this Agreement shall enter into force with respect to any Contracting Party on the thirtieth day following the date of deposit of the instrument of accession by that Contracting Party.

Article 34

Responsibility of the Depositary

The Depositary shall inform the Governments which have signed this Agreement :

- (a) of the deposit of instruments of ratification, acceptance or accession ;
- (b) of the date on which the Agreement will come into force.

Article 35

Deposit and Registration

- 1) The present Agreement shall be deposited with the Depositary who shall transmit certified true copies thereof to the Governments of all Contracting Parties which have signed the present Agreement or acceded to it.
- 2) As soon as the present Agreement enters into force, the text shall be transmitted by the Depositary to the Secretary-General of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

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

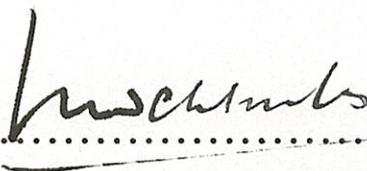
DONE at Kuala Lumpur on this 9th day of July in the year 1985 in a single copy in the English language.

For the Government of
Negara Brunei Darussalam



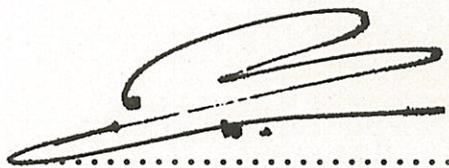
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For the Government of the
Republic of Indonesia



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For the Government of
Malaysia



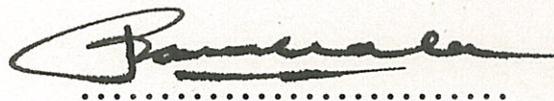
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For the Government of the
Republic of the Philippines



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For the Government of the
Republic of Singapore



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For the Government of the
Kingdom of Thailand



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