

**CONFERENCE OF PLENIPOTENTIARIES
OF THE COASTAL STATES
OF THE MEDITERRANEAN REGION FOR THE
PROTECTION OF THE MEDITERRANEAN SEA
1976**

FINAL ACT



UNITED NATIONS

1976

F I N A L A C T

OF THE CONFERENCE OF PLENIPOTENTIARIES OF THE
COASTAL STATES OF THE MEDITERRANEAN REGION ON
THE PROTECTION OF THE MEDITERRANEAN SEA

1. The Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region on the Protection of the Mediterranean Sea was convened by the Executive Director of the United Nations Environment Programme, in co-operation with the Food and Agriculture Organization of the United Nations and other United Nations agencies concerned, in pursuance of a recommendation adopted by the Intergovernmental Meeting on the Protection of the Mediterranean which had been convened by the Executive Director of the Programme in Barcelona from 28 January to 4 February 1975. The recommendation received the approval of the Governing Council of UNEP at its third session.

2. The Conference met at the Palacio de Congresos, Barcelona, at the invitation of the Government of Spain, from 2 to 16 February 1976.

3. The Mediterranean coastal States that were invited to participate in the Conference were: Albania, Algeria, Cyprus, Egypt, France, Greece, Israel, Italy, Lebanon, Libyan Arab Republic, Malta, Monaco, Morocco, Spain, Syrian Arab Republic, Tunisia, Turkey, Yugoslavia.

4. The following Mediterranean coastal States accepted the invitation and participated in the Conference: Cyprus, Egypt, France, Greece, Israel, Italy, Lebanon, Libyan Arab Republic, Malta, Monaco, Morocco, Spain, Syrian Arab Republic, Tunisia, Turkey, Yugoslavia.

5. Observers for the following States attended the Conference's proceedings: Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

6. Observers for the following United Nations bodies, specialized agencies and intergovernmental bodies also attended the Conference:

United Nations

The United Nations - Office for Inter-Agency Affairs and Co-ordination,
The Secretariat of the Third United Nations Conference on the Law of the Sea,
The Economic Commission for Europe,
The Economic Commission for Western Asia,
The United Nations Development Programme.

Specialized agencies

The Food and Agriculture Organization of the United Nations,
The Inter-Governmental Maritime Consultative Organization,
The World Health Organization.

Intergovernmental bodies

The Commission of the European Communities,
The Organisation for Economic Co-operation and Development,
The League of Arab States,
The International Council for the Scientific Exploration of the Mediterranean.

7. In the course of an inaugural ceremony the Conference heard a welcoming address by Mr. Salvador Sanchez Terán, Governor of Barcelona, on behalf of the Government of Spain. The Conference was formally opened by Dr. Mostafa K. Tolba, the Executive Director of the United Nations Environment Programme, who served as the Secretary-General of the Conference.

8. The Conference elected Mr. Fernando de Ybarra y Lopez Dóriga, Marqués de Arriluce de Ybarra, head of the Spanish delegation, as its President, and Mr. Joseph Najjar, head of the delegation of Lebanon, and Mr. Tome Kuzmanovski, head of the delegation of Yugoslavia, as its Vice-Presidents.

9. The Conference adopted as its agenda the provisional agenda as proposed by the United Nations Environment Programme secretariat (UNEP/CONF.1/7/Rev.1). The agenda as adopted read as follows:

1. Opening of the Conference
2. Election of the President
3. Adoption of the Rules of Procedure
4. Election of two Vice-Presidents and two Chairmen for the two main committees
5. Adoption of the agenda
6. Appointment of the Credentials Committee
7. Appointment of the Drafting Committee
8. Organization of the work of the Conference
9. Examination of Draft Convention for the Protection of the Marine Environment against Pollution in the Mediterranean
10. Examination of Draft Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft
11. Examination of Draft Protocol on Co-operation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in cases of Emergency

12. Examination of the Executive Director's report on the establishment of a Regional Oil Combating Centre in the Mediterranean
13. Consideration of the report of the Credentials Committee
14. Adoption of the Convention and Protocols and of the Final Act of the Conference
15. Signature of the Final Act of the Conference and Closing of the Conference
16. Signature of the Convention and Protocols.

10. The Conference adopted as its rules of procedure the draft rules proposed by the United Nations Environment Programme secretariat (UNEP/CONF.1/6 and Corr.1 and 2).

11. In conformity with the rules of procedure, the Conference established the following Committees:

General Committee

Chairman: The President of the Conference

Members: The Vice-Presidents of the Conference, the Chairmen of the two Main Committees and the Chairman of the Drafting Committee.

Main Committee I

Chairman: Professor Dr. Hamed Sultan (Egypt)

Rapporteur: Mr. Charles Vella (Malta)

Main Committee II

Chairman: Mr. Alberto Sciolla-Lagrange (Italy)

Rapporteur: Mr. M'hamed Malliti (Morocco)

The Credentials Committee

Chairman: The President of the Conference

Members: The Vice-Presidents of the Conference, the Chairmen of the two Main Committees and the Chairman of the Drafting Committee.

The Drafting Committee

Chairman: Mr. Marcel F. Surbiguet (France)

Members: Mr. Mohamed Mouldi Marsit (Tunisia)
Mr. Jose A. de Yturriaga (Spain)
Mr. Demetre Yiannopoulos (Greece)
Mr. Mehmet Dulger (Turkey)

12. The Conference referred to Main Committee I agenda items 9 and 10 and to Main Committee II items 11 and 12, with the request that they consider these items and report the results of their deliberations to the Plenary of the Conference. Main Committee I referred the Annexes of the draft Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft to a special working group for consideration.

13. The main documents which served as the basis for the deliberations of the Conference were:

- Draft Convention for the Protection of the Marine Environment against Pollution in the Mediterranean (UNEP/CONF.1/3 and Corr.1)
- Draft Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft (UNEP/CONF.1/4 and Corr.1)
- Draft Protocol on Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in cases of Emergency (UNEP/CONF.1/5 and Corr.1)
- Report by the Executive Director of the United Nations Environment Programme on the proposed establishment of a regional oil-combating centre for the Mediterranean (UNEP/CONF.1/9 and Corr.1 and 2, and Add.1-4) prepared in co-operation with the Inter-Governmental Maritime Consultative Organization.

14. In addition, the Conference had before it a number of other documents that were made available to it by the Secretariat of UNEP.^{1/}

15. The Conference approved the recommendation of its Credentials Committee that the credentials of the representatives of the participating States should be recognized as being in order.

16. On the basis of the deliberations of the two Main Committees as embodied in their reports,^{2/} the Conference, on 13 February 1976, adopted the Convention for the Protection of the Mediterranean Sea against Pollution, the Protocol for

^{1/} For the list of documents see the Appendix.

^{2/} UNEP/CONF.1/CRP.15 and Add.1 and 2, and UNEP/CONF.1/CRP.16/Rev.1, CRP.16/Rev.1/Add.1 and Corr.1 and CRP.16/Rev.1/Add.2.

the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, and the Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in cases of Emergency. The Convention and the two Protocols which are annexed to this Final Act will be opened by the Government of Spain as Depositary for signature, in Barcelona on 16 February 1976 and thereafter in Madrid from 17 February 1976 to 16 February 1977, by the coastal States of the Mediterranean Sea Area, by the European Economic Community and by similar regional economic groupings at least one member of which is a coastal State of the Mediterranean Sea Area and which exercise competences in fields covered by this Convention, as well as by any protocol affecting them.

17. The Conference also adopted the following resolutions which are appended to this Final Act:

1. Resolution concerning signature, ratification, acceptance and approval of and accession to the legal instruments
- 2. Resolution concerning interim arrangements
3. Resolution concerning the application of article 11 of the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft
4. Resolution concerning the establishment of a committee of experts on an inter-State guarantee fund for the Mediterranean Sea Area
5. Resolution concerning reporting by ships and aircraft of pollution incidents
6. Resolution concerning future improvement in a maritime communications system
- 7. Resolution concerning the establishment of a regional oil-combating centre for the Mediterranean
8. Resolution concerning subregional oil-combating centres
9. Resolution concerning an intergovernmental meeting in 1977
10. Tribute to the Government of Spain.

IN WITNESS WHEREOF the representatives of the following coastal States of the Mediterranean Region have signed this Final Act:

DONE AT BARCELONA this sixteenth day of February one thousand nine hundred and seventy six in a single copy in the Arabic, English, French and Spanish languages, the four texts being equally authentic. The original texts shall be deposited with the Government of Spain.

RESOLUTIONS ADOPTED BY THE CONFERENCE

1. Signature, ratification, acceptance and approval of and accession to the legal instruments

The Conference,

Having concluded and adopted on this thirteenth day of February 1976 the Convention for the Protection of the Mediterranean Sea against Pollution, the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft and the Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency (hereinafter respectively referred to as "the Convention" and "the Protocols"),

Desirous of ensuring that the Convention and the Protocols shall begin to produce their effects at the earliest possible moment,

Having regard to the clauses in the Convention and in the Protocols which govern the signature, ratification, acceptance or approval of the said instruments and accession thereto and their entry into force,

Having regard furthermore to the provisions in the Convention which relate to the functions of the Depositary,

Having designated the Government of Spain as Depositary of the Convention and of the Protocols,

1. Invites the Government of Spain to open the Convention and the Protocols for signature in Barcelona on 16 February 1976 and in Madrid from 17 February 1976 to 16 February 1977, by all those entitled to sign the said instruments by virtue of their provisions governing signature;

2. Requests the Government of Spain to perform all the functions pertaining to the Depositary pursuant to the relevant provisions of article 29 of the Convention.

3. Urges all parties that are entitled to sign the Convention and the Protocols to do so as soon as practicable and to complete at the earliest opportunity the constitutional procedures needed for the ratification, acceptance or approval of the Convention under their respective statutory or legislative provisions and to transmit the instruments of ratification, acceptance or approval to the Depositary;

4. Calls upon all parties entitled to accede to the Convention and the Protocols to do so as soon as possible after the period specified in article 26 of the Convention.

2. Interim arrangements

The Conference,

Acknowledging the role of the Food and Agriculture Organization of the United Nations and its General Fisheries Council for the Mediterranean in initiating the work on legal instruments for the protection of the marine environment against pollution in the Mediterranean, and the important contribution of FAO and the Inter-Governmental Maritime Consultative Organization and the Government of Spain in the preparation of these instruments,

Acknowledging the work undertaken by the World Health Organization for the preparation of a draft Protocol for the Protection of the Mediterranean Sea against Pollution from Land-based Sources,

Having regard to the recommendation of the Intergovernmental Meeting for the Protection of the Mediterranean, held in Barcelona from 28 January to 4 February 1975, for the convening of working groups of governmental experts to prepare additional protocols,

1. Notes with appreciation the announcement by the Executive Director of the United Nations Environment Programme of his willingness to carry out the secretariat functions relating to the Convention for the Protection of the Mediterranean Sea against Pollution, the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, and the Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency, and to provide the necessary facilities for this purpose;
2. Calls on the Executive Director of UNEP, in co-operation with the international organizations concerned, to continue the preparatory work for a draft Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources;
3. Also calls on the Executive Director, pending the entry into force of the Convention and Protocols, to make such interim arrangements as may be required for the achievement of the objectives of this Convention and to continue to convene working groups of government experts to prepare additional protocols, in co-operation with the international organizations concerned, as recommended in the Action Plan approved at the Intergovernmental Meeting held in Barcelona in 1975.

3. Application of article 11 of the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft

The Conference,

Having adopted the text of the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, which provides in article 11 that each Party shall apply the measures required to implement this Protocol to ships and aircraft registered in its territory and to ships and aircraft loading in its territory;

Recognizing the importance of universal implementation and observation of article 11 by all ships and aircraft;

1. Invites the Parties to the said Protocol to prevail upon other States to take appropriate steps so that ships flying their flags and aircraft registered in their countries will observe articles 4, 5 and 6 of the Protocol;
2. Invites the Inter-Governmental Maritime Consultative Organization to persuade the other States to act in conformity with the said Protocol.

4. Establishment of a committee of experts on an
Inter-state guarantee fund
for the Mediterranean Sea Area */

The Conference,

Conscious of the gravity of the threat posed by the various forms of pollution to the environment of the Mediterranean Sea,

Recognizing that the Barcelona Conference and the legal instruments resulting from it are a first step towards safeguarding and protecting that Sea,

Believing the question of liability and compensation, which is the subject of article 12 of this Convention, to be fundamental and to call, therefore, for appropriate measures,

Convinced of the urgent need to protect the coastal States against all damage caused by pollution, whether of accidental or other origin,

Requests the Organization, as defined in article 2, paragraph (b), of the Convention for the Protection of the Mediterranean Sea against Pollution, upon the entry into force of the Convention and at the time of the first meeting of the Contracting Parties, to:

(a) propose that a study should be made of the possibility of establishing an Interstate Guarantee Fund for the Mediterranean Sea Area and that the study should be entrusted to a committee of experts from the Contracting Parties to the Convention;

(b) request the said committee of experts to report to the Contracting Parties concerning the implications of establishment of the Fund, in order that, at a later stage, appropriate legal instruments may be prepared.

*/ One delegation expressed the reservations of its Government to this resolution.

5. Reporting by ships and aircraft of
pollution incidents

The Conference,

Having adopted the text of the Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency which provides in article 8 that the masters of ships flying the flags of Parties and pilots of aircraft registered with Parties are required to report on incidents involving harmful substances,

Noting article 8 of the International Convention for the Prevention of Pollution from Ships, 1973, and Protocol I of that Convention, concerning the reports on incidents involving harmful substances,

Recognizing the importance of the provisions of article 8 of the Protocol first above mentioned being applied also by ships flying the flags of States and aircraft registered in States which are not Parties to the Protocol,

1. Requests the Parties to the said Protocol to prevail upon other States to take appropriate steps so that ships flying their flags and aircraft registered in their countries will observe the provision of article 8 of the Protocol;
2. Requests further the Parties to the Protocol to encourage charterers of their nationality to insert in charter parties a clause to the effect that the ships in question navigating in the Mediterranean Sea Area shall observe the same provision as a ship flying the flag of a Party;
3. Invites the Inter-Governmental Maritime Consultative Organization to assist in the implementation of the above-mentioned measures.

6. Future improvement in the maritime communications system

The Conference,

Considering that an efficient communications system in the maritime field is a factor of the utmost importance for the prevention of pollution by oil and other noxious substances, and for combating such pollution in the Mediterranean Sea Area,

Conscious of the susceptibility of the telecommunications systems to technical improvement,

Recommends to the coastal States of the Mediterranean Sea Area to encourage the adoption and operation of any maritime communications system which, by combining the possibilities of location and communications, should assist in improving the prevention of accidents, in reducing consequently the risk of pollution and in reinforcing the efficacy in combating pollution in the Mediterranean Sea Area.

7. Establishment of a regional oil-combating centre
for the Mediterranean

The Conference,

Conscious of the ever-present and growing threat to the Mediterranean environment from massive oil pollution whether caused by accident or through accumulation,

Realising the lack of regional contingency plans for co-ordinated action for the prevention, control and combating of oil spills, especially in cases of emergencies,

Recognizing the need to develop and strengthen the capacities of the coastal States of the Mediterranean and to facilitate co-operation among them in order to deal effectively with cases of massive pollution,

Noting that the Protocol on Co-operation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency makes provision for a Regional Centre within the Mediterranean for the execution of some of the functions required by that Protocol,

Noting also the consensus reached, at the Consultation of Experts from Mediterranean States convened by the United Nations Environment Programme at Malta in September 1975, on the advisability of the establishment of a Regional Centre and on the objectives and functions of such a Centre,

Having considered the report of the Executive Director of the United Nations Environment Programme, prepared in co-operation with the Inter-governmental Maritime Consultative Organization, on the Establishment of a Regional Oil-Combating Centre for the Mediterranean, ^{1/} in particular the willingness of the United Nations Environment Programme to assist in the early establishment of an oil-combating centre,

Taking into consideration the comments and observations made by various delegations during the discussion of the above-mentioned report,

1. Decides to accept the offer of the Government of the Republic of Malta to host such a Regional Centre;

^{1/} UNEP/CONF. 1/9 and Corr.1 and Corr.2, and Add. 1-4.

2. Requests the Executive Director of the United Nations Environment Programme, after consultations with the Government of Malta and the Inter-Governmental Maritime Consultative Organization, to assist in the early establishment of a Regional Oil-Combating Centre in Malta having the objectives and functions set out in the annex to this resolution;
3. Welcomes the intention of the Executive Director of the United Nations Environment Programme to entrust to the Inter-Governmental Maritime Consultative Organization the functions and responsibility as Co-operating Agency for the establishment and operation of the aforesaid Regional Centre, it being understood that the exercise of functions and responsibilities by IMCO should not lead to an increase in its budget;
4. As a consequence requests the Executive Director of the United Nations Environment Programme to submit, in the light of comments made at the Conference of Plenipotentiaries, a report on the establishment of the Regional Oil-Combating Centre to the Governing Council of UNEP at its fourth session and to seek to obtain such further authorization from the Council as he may need to draw on the Fund of UNEP for the purpose of defraying the expenses involved in the establishment and initial operating costs of the centre. This authorization might be requested on the assumption that the operating expenses of the Centre will be gradually defrayed by means of voluntary multilateral or individual contributions from governments of the Mediterranean Region, from international organizations and from non-governmental organizations. The financing of the centre should be reviewed at the meeting of the Contracting Parties to the Convention and the appropriate Protocol, when these instruments have entered into force;
5. Further requests the Executive Director of the United Nations Environment Programme to report to the coastal States of the Mediterranean region at the next intergovernmental meeting of these States and thereafter annually on the work and activities of the Centre.

ANNEX

Objectives and functions of a regional oil-combating centre

I. Objectives

1. To strengthen the capacities of the coastal States in the Mediterranean region and to facilitate co-operation among them in order to combat massive pollution by oil, especially in case of emergencies in which there is grave and imminent danger to the marine environment.
2. To assist coastal States of the Mediterranean region, which so request, in the development of their own national capabilities to combat oil pollution and to facilitate information exchange, technological co-operation and training.

3. A later objective, namely the possibility of initiating operations to combat pollution by oil and eventually by other harmful substances at the regional level, can be considered. This possibility should be submitted for approval by governments after evaluating the results achieved in the fulfilment of the previous two objectives and in the light of financial resources which could be made available for this purpose.

II. Functions

A. To collect and disseminate information on:

- (i) inventories of experts and equipment in each coastal State for combating massive accidental spillages of oil;
- (ii) plans, methods and techniques used for combating oil pollution in order to assist as far as necessary countries of the region in the preparation of their national contingency plans;
- (iii) those areas in the Mediterranean which are especially vulnerable to oil pollution and, with reference to these areas, specification of clean-up methods which can be used with minimum environmental damage in such areas.

B. To prepare and keep up to date, in the light of information collected, emergency plans that could be implemented:

- (i) in cases of massive oil pollution where there is an absence of bilateral or multilateral agreements between coastal States;
- (ii) in sectors of the Mediterranean, yet to be identified, where the risk of massive accidental oil pollution is high or where the capability for prompt counter-action in times of emergency does not presently exist.

C. To develop and maintain a Communications/Information system appropriate to the needs of States being served by the Centre.

D. To develop and encourage technological co-operation and training programmes for combating oil pollution.

E. To assist in strengthening the IRS by developing the capacity to serve as a sectoral focal point which could collect data on the sources of information available in connexion with oil pollution with special emphasis on dealing with massive spills of oil and will make that data available.

F. To develop and maintain close working relationships with other Mediterranean regional activity centres and with the "specialized regional organisms" which play a co-ordinating role as set forth in the Barcelona Action Plan, 2/ particularly with the scientific institutions within the region.

G. To co-operate in all appropriate activities which are directed towards the prevention and reduction of pollution in the Mediterranean resulting from oil spills.

8. Subregional oil-combating centres

The Conference,

Taking note of the relevant paragraphs of the report of the Executive Director of the United Nations Environment Programme on the establishment of a regional oil-combating centre for the Mediterranean, 1/

Taking also note of the offers made by certain States to act as host to subregional oil-combating centres,

1. Requests the Executive Director to consult with the coastal States of the Mediterranean Region on the required objectives and functions of such subregional centres and their relations to the regional oil-combating centre,
2. Further requests the Executive Director to report his findings to the appropriate intergovernmental meeting of the coastal States of the Mediterranean Region.

1/ UNEP/CONF.1/9 and Corr.1 and 2 and Add. 1-4 and UNEP/CONF.1/INF.8.

9. Intergovernmental meeting in 1977

The Conference,

Considering that the Action Plan approved at the Intergovernmental Meeting on the Protection of the Mediterranean held in Barcelona from 28 January to 4 February 1975 ^{1/} provided a valuable basis for the deliberations which have led to the conclusion of the Convention for the Protection of the Mediterranean Sea against Pollution, the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft and the Protocol concerning Co-operation in combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency, adopted in Barcelona on 13 February 1976,

Considering that the Action Plan approved by the said Intergovernmental Meeting sets forth a number of additional recommendations concerning activities to be carried out over a period of years and that the Executive Director of the United Nations Environment Programme was entrusted with a number of tasks to be performed in co-operation or consultation, as appropriate, with the Governments of the coastal States of the Mediterranean Sea Area and with the international and regional intergovernmental organizations concerned,

Considering it desirable to make provision for a future review of the way in which the Action Plan is being put into effect,

Desirous of strengthening the efforts of Governments, of UNEP and of the international and regional intergovernmental bodies concerned in protecting the environment of the Mediterranean Sea Area and in enhancing the environment while promoting the development of the Area in keeping with sound principles of environmental management,

1. Recommends that the Executive Director of UNEP convene in 1977 an intergovernmental meeting at which he would inform Governments of the coastal States of the Mediterranean Sea Area of steps taken and progress achieved pursuant to all recommendations set forth in the said Action Plan for the Protection of the Mediterranean approved at Barcelona on 4 February 1975;
2. Requests these Governments to keep the Executive Director informed of steps they are taking which will assist in the accomplishment of the objectives and in the implementation of the recommendations embodied in the Action Plan.
3. Accepts with appreciation the invitation of the Government of Monaco to hold the Intergovernmental Meeting of 1977 at Monte Carlo.

^{1/} UNEP/WG.2/5, annex

10. Tribute to the Government of Spain

The Conference,

Having met in Barcelona from 2 to 16 February 1976 at the gracious invitation of the Government of Spain,

Convinced that the efforts made by the Government of Spain and by the civic authorities of Barcelona 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 Spain and the City of Barcelona to the members of the delegations, observers and the secretariat attending the Conference,

Expresses its sincere gratitude to the Government of Spain, to the authorities of Barcelona and, through them, to the Spanish people and to the population of Barcelona 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.

APPENDIX

LIST OF DOCUMENTS BEFORE THE CONFERENCE

(Other than those mentioned in the Final Act)

| | |
|--------------------------|---|
| UNEP/CONF.1/1 | Introductory note |
| UNEP/CONF.1/2 | Working Group on Draft Legal Instruments for the Protection of the Mediterranean, Geneva, 7-11 April 1975. Report of the Meeting |
| UNEP/CONF.1/8 and Corr.1 | Annotated provisional agenda |
| UNEP/CONF.1/INF.1 | List of documents |
| UNEP/CONF.1/INF.2 | Provisional list of participants |
| UNEP/CONF.1/INF.3 | Progress report of the Executive Director on the implementation of the Mediterranean Action Plan |
| UNEP/CONF.1/INF.4 | Note by the Executive Director (Meeting of Experts to advise the Executive Director on the preparations for the Conference of Plenipotentiaries of the coastal States of the Mediterranean Region, Geneva, 7-9 January 1976) |
| UNEP/CONF.1/INF.5 | Note by the Executive Director (Report of the Intergovernmental Consultation of Experts on a Regional Oil-Combating Centre, Malta, 15-19 September 1975) |
| UNEP/CONF.1/INF.6 | Note by the Executive Director (Existing and proposed International Conventions for the Control of Marine Pollution and their Relevance to the Mediterranean, FAO Legal Office, Background Paper No. 8, 1975) |
| UNEP/CONF.1/INF.7 | Note by the Executive Director (Comparative table of texts relating to the Draft Convention for the Protection of the Marine Environment against Pollution in the Mediterranean, FAO Legal Office, Background paper No.9, 1975) |
| UNEP/CONF.1/INF.8 | Information concerning possible subregional centres. |

CONVENTION FOR THE PROTECTION OF THE MEDITERRANEAN SEA
AGAINST POLLUTION

THE CONTRACTING PARTIES,

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

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

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

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

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

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

HAVE AGREED AS FOLLOWS:

Article 1

Geographical coverage

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

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

Article 2

Definitions

For the purposes of this Convention:

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

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

Article 3

General provisions

1. The Contracting Parties may enter into bilateral or multilateral agreements, including regional or sub-regional agreements, for the protection of the marine environment of the Mediterranean Sea against pollution,

provided that such agreements are consistent with this Convention and conform to international law. Copies of such agreements between Contracting Parties to this Convention shall be communicated to the Organization.

2. Nothing in this Convention shall prejudice the codification and development of the Law of the Sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750 C (XXV) of the General Assembly of the United Nations, nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

Article 4

General undertakings

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

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

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

Article 5

Pollution caused by dumping from ships and aircraft

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

Article 6

Pollution from ships

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

Article 7

Pollution resulting from exploration and exploitation of the continental shelf and the seabed and its sub- - soil

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

Article 8

Pollution from land-based sources

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

Article 9

Co-operation in dealing with pollution emergencies

1. The Contracting Parties shall co-operate in taking the necessary measures for dealing with pollution - - emergencies in the Mediterranean Sea Area, whatever - the causes of such emergencies, and reducing or eliminating damage resulting therefrom.
2. Any Contracting Party which becomes aware of any - pollution emergency in the Mediterranean Sea Area - - shall without delay notify the Organization and, - - - either through the Organization or directly, any Con--tracting Party likely to be affected by such emergen--cy.

Article 10

Monitoring

1. The Contracting Parties shall endeavour to esta- - bish, in close co-operation with the international - bodies which they consider competent, complementary or joint programmes, including, as appropriate, program--mes at the bilateral or multilateral levels, for pol--lution monitoring in the Mediterranean Sea Area and - shall endeavour to establish a pollution monitoring - system for that Area.
2. For this purpose, the Contracting Parties shall - designate the competent authorities responsible for - pollution monitoring within areas under their national jurisdiction and shall participate as far as practic--able in international arrangements for pollution - - - monitoring in areas beyond national jurisdiction.
3. The Contracting Parties undertake to co-operate in the formulation, adoption and implementation of such - annexes to this Convention as may be required to pres--cribe common procedures and standards for pollution - monitoring.

Article 11

Scientific and technological co-operation

1. The Contracting Parties undertake as far as possible to co-operate directly, or when appropriate through competent regional or other international organizations, in the fields of science and technology and to exchange data as well as other scientific information for the purpose of this Convention.
2. The Contracting Parties undertake as far as possible to develop and co-ordinate their national research programmes relating to all types of marine pollution in the Mediterranean Sea Area and to co-operate in the establishment and implementation of regional and other international research programmes for the purposes of this Convention.
3. The Contracting Parties undertake to co-operate in the provision of technical and other possible assistance in fields relating to marine pollution, with priority to be given to the special needs of developing countries in the Mediterranean region.

Article 12

Liability and compensation

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

Article 13

Institutional arrangements

The Contracting Parties designate the United Nations Environment Programme as responsible for

carrying out the following secretariat functions:

(i) To convene and prepare the meetings of Contracting Parties and conferences provided for in articles 14, 15 and 16;

(ii) To transmit to the Contracting Parties notifications, reports and other information received in accordance with article 3, 9 and 20;

(iii) To consider inquiries by, and information from, the Contracting Parties, and to consult with them on questions relating to this Convention and the protocols and annexes thereto;

(iv) To perform the functions assigned to it by the protocols to this Convention;

(v) To perform such other functions as may be assigned to it by the Contracting Parties;

(vi) To ensure the necessary co-ordination with other international bodies which the Contracting Parties consider competent, and in particular, to enter into such administrative arrangements as may be required for the effective discharge of the secretariat functions.

Article 14

Meetings of the Contracting Parties

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

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

(i) To review generally the inventories carried out by Contracting Parties and competent international

organizations on the state of marine pollution and its effects in the Mediterranean Sea Area;

(ii) To consider reports submitted by the Contracting Parties under article 20;

(iii) To adopt, review and amend as required the annexes to this Convention and to the protocols, in accordance with the procedure established in article 17;

(iv) To make recommendations regarding the adoption of any additional protocols or any amendments to this Convention or the protocols in accordance with the provisions of articles 15 and 16;

(v) To establish working groups as required to consider any matters related to this Convention and the protocols and annexes;

(vi) To consider and undertake any additional action that may be required for the achievement of the purposes of this Convention and the protocols.

Article 15

Adoption of additional protocols

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

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

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

Article 16

Amendment of the Convention or protocols

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

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

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

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

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

Article 17

Annexes and amendments to annexes

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

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

(i) Any Contracting Party may propose amendments- - to the Annexes to this Convention or to any protocol- - at the meetings referred to in article 14:

(ii) Such amendments shall be adopted by a three- - fourths majority vote of the Contracting Parties to - - the instrument in question;

(iii) The Depositary shall without delay communicate- - the amendments so adopted to all Contracting Parties;

(iv) Any Contracting Party that is unable to approve an amendment to the annexes to this Convention or to any protocol shall so notify in writing the Deposi- - tary within a period determined by the Contracting - - Parties concerned when adopting the amendment;

(v) The Depositary shall without delay notify all - - Contracting Parties of any notification received - - pursuant to the preceding sub-paragraph;

(vi) On expiry of the period referred to in sub-para- - graph (iv) above, the amendment to the annex shall - - become effective for all Contracting Parties to this- - Convention or to the protocol concerned which have - - not submitted a notification in accordance with the - - provisions of that sub-paragraph.

3. The adoption and entry into force of a new annex- - to this Convention or to any protocol shall be sub- - ject to the same procedure as for the adoption and - - entry into force of an amendment to an annex in ac- - cordance with the provisions of paragraph 2 of this - - article, provided that, if any amendment to the Con- - vention or the protocol concerned is involved, the -

new annex shall not enter into force until such time as the amendment to the Convention or the protocol concerned enters into force.

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

Article 18

Rules of procedure and financial rules

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

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

Article 19

Special exercise of voting right

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

Article 20

Reports

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

Article 21

Compliance control

The Contracting Parties undertake to co-operate - in the development of procedures enabling them to con--trol the application of this Convention and the proto--cols.

Article 22

Settlement of disputes

1. In case of a dispute between Contracting Parties - as to the interpretation or application of this Con--vention or the protocols, they shall seek a settle--ment of the dispute through negotiation or any other--peaceful means of their own choice.
2. If the Parties concerned cannot settle their dis--pute through the means mentioned in the preceding - - paragraph, the dispute shall upon common agreement - be submitted to arbitration under the conditions laid down in Annex A to this Convention.
3. Nevertheless, the Contracting Parties may at any--time declare that they recognize as compulsory ipso--facto and without special agreement, in relation to - any other Party accepting the same obligation, the ap--plication of the arbitration procedure in conformity--with the provisions of Annex A. Such declaration - - shall be notified in writing to the Depositary, who - shall communicate it to the other Parties.

Article 23

Relationship between the Convention and protocols

1. No one may become a Contracting Party to this Convention unless it becomes at the same time a Contracting Party to at least one of the protocols. No one may become a Contracting Party to a protocol unless it is, or becomes at the same time, a Contracting Party to this Convention.
2. Any protocol to this Convention shall be binding only on the Contracting Parties to the protocol in question.
3. Decisions concerning any protocol pursuant to articles 14, 16 and 17 of this Convention shall be taken only by the Parties to the protocol concerned.

Article 24

Signature

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

Article 25

Ratification, acceptance or approval

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

Article 26

Accession

1. As from 17 February 1977, the present Convention, the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, and the Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency shall be open for accession by the States, by the European Economic Community and by any grouping as referred to in article 24.
2. After the entry into force of the Convention and of any protocol, any State not referred to in article 24 may accede to this Convention and to any protocol, subject to prior approval by three-fourths of the Contracting Parties to the protocol concerned.
3. Instruments of accession shall be deposited with the Depositary.

Article 27

Entry into force

1. This Convention shall enter into force on the same date as the protocol first entering into force.
2. The Convention shall also enter into force with regard to the States, the European Economic Community and any regional economic grouping referred to in

article 24 if they have complied with the formal requirements for becoming Contracting Parties to any other protocol not yet entered into force.

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

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

Article 28

Withdrawal

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

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

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

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

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

Article 29

Responsibilities of the Depositary

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

(i) Of the signature of this Convention and of any protocol thereto, and of the deposit of instruments of ratification, acceptance, approval or accession in accordance with articles 24, 25 and 26;

(ii) Of the date on which the Convention and any protocol will come into force in accordance with the provisions of article 27;

(iii) Of notifications of withdrawal made in accordance with article 28;

(iv) Of the amendments adopted with respect to the Convention and to any protocol, their acceptance by the Contracting Parties and the date of entry into force of those amendments in accordance with the provisions of article 16;

(v) Of the adoption of new annexes and of the amendment of any annex in accordance with article 17;

(vi) Of declarations recognizing as compulsory the application of the arbitration procedure mentioned in paragraph 3 of article 22.

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

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

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

ANNEX A

Arbitration

Article 1

Unless the Parties to the dispute otherwise agree, the arbitration procedure shall be conducted in accordance with the provisions of this Annex.

Article 2

1. At the request addressed by one Contracting Party to another Contracting Party in accordance with the provisions of paragraph 2 or paragraph 3 of article 22 of the Convention, an arbitral tribunal shall be constituted. The request for arbitration shall state the subject matter of the application including, in particular, the articles of the Convention or the protocol, the interpretation or application of which is in dispute.

2. The claimant party shall inform the Organization that it has requested the setting up of an arbitral tribunal, stating the name of the other Party to the dispute and articles of the Convention or the protocols the interpretation or application of which is in its opinion in dispute. The Organization shall forward the information thus received to all Contracting Parties to the Convention.

Article 3

The arbitral tribunal shall consist of three members: each of the Parties to the dispute shall appoint an arbitrator; 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 the most diligent 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 decide according to the rules of international law and, in particular, those of this Convention and the 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. If two or more arbitral tribunals constituted - under the provisions of this Annex are seized of re- requests with identical or similar subjects, they may inform themselves of the procedures for establish- ing the facts and take them into account as far as- possible.

4. The Parties to the dispute shall provide all - facilities necessary for the effective conduct of - the proceedings.

5. The absence or default of a Party to the dis- - pute shall not constitute an impediment to the pro- ceedings.

Article 7

1. The award of the arbitral tribunal shall be ac- companied by a statement of reasons. It shall be - final and binding upon the Parties to the dispute.

2. Any dispute which may arise between the Parties concerning the interpretation or execution of the - award may be submitted by the most diligent 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.

Article 8

The European Economic Community and any region- al economic grouping referred to in article 24 of - the Convention, like any Contracting Party to the - Convention, are empowered to appear as complainants or as respondents before the arbitral tribunal.

PROTOCOL FOR THE PREVENTION OF POLLUTION
OF THE MEDITERRANEAN SEA BY DUMPING
FROM SHIPS AND AIRCRAFT

THE CONTRACTING PARTIES TO THE PRESENT PROTOCOL,

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

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

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

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

HAVE AGREED AS FOLLOWS:

Article 1

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

Article 2

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

Article 3

For the purposes of this Protocol:

1. "Ships and aircraft" means waterborne or airborne craft of any type whatsoever. This expression includes air-cushioned craft and floating craft, whether self-propelled or not, and platforms and other man-made structures at sea and their equipment.

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

3. "Dumping" means:

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

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

4. "Dumping" does not include:

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

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

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

Article 4

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

Article 5

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

Article 6

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

Article 7

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

Article 8

The provisions of articles 4, 5 and 6 shall not apply in case of force majeure due to stress of weather or any other cause when human life or the safety of a ship or aircraft is threatened. Such dumpings shall immediately be reported to the Organization and

either through the Organization or directly, to any Party or Parties likely to be affected, together with full details of the circumstances and of the nature and quantities of the wastes or other matter dumped.

Article 9

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

Article 10

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

(a) Issue the special permits provided for in article 5;

(b) Issue the general permits provided for in article 6;

(c) Keep records of the nature and quantities of the wastes or other matter permitted to be dumped and of the location, date and method of dumping.

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

(a) Loaded in its territory;

(b) Loaded by a ship or aircraft registered in its territory or flying its flag, when the loading --

occurs in the territory of a State not Party to this Protocol.

Article 11

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

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

(b) Ships and aircraft loading in its territory wastes or other matter which are to be dumped;

(c) Ships and aircraft believed to be engaged in dumping in areas under its jurisdiction in this matter.

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

Article 12

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

Article 13

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

Article 14

1. Ordinary meetings of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties to the Convention held pursuant to article 14 of the Convention. The Parties to this Protocol may also hold extraordinary meetings in conformity with article 14 of the Convention.
2. It shall be the function of the meetings of the Parties to this Protocol:
 - (a) To keep under review the implementation of this Protocol, and to consider the efficacy of the measures adopted and the need for any other measures, in particular in the form of annexes;
 - (b) To study and consider the records of the permits issued in accordance with articles 5, 6 and 7 and of the dumping which has taken place;
 - (c) To review and amend as required any annex to this Protocol;
 - (d) To discharge such other functions as may be appropriate for the implementation of this Protocol.
3. The adoption of amendments to the annexes to this Protocol pursuant to article 17 of the Convention shall require a three-fourths majority vote of the Parties.

Article 15

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

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

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

ANNEX I

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

1. Organohalogen compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic or which are rapidly converted in the sea into substances which are biologically harmless, provided that they do not make edible marine organisms unpalatable.

2. Organosilicon compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic or which are rapidly converted in the sea into substances which are biologically harmless, provided that they do not make edible marine organisms unpalatable.

3. Mercury and mercury compounds.

4. Cadmium and cadmium compounds.

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

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

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

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

9. Materials in whatever form (e.g. solids, liquids, semi-liquids, gases or in a living state) -

produced for biological and chemical warfare, other than those rapidly rendered harmless by physical, - chemical or biological processes in the sea, provided that they do not:

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

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

ANNEX II

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

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

ANNEX III

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

A. Characteristics and composition of the matter

1. Total amount and average compositions of matter dumped (e.g. per year).
2. Form (e.g. solid, sludge, liquid or gaseous).
3. Properties: physical (e.g. solubility and density), chemical and biochemical (e.g. oxygen-demand, nutrients) and biological (e.g. presence of viruses, bacteria, yeasts, parasites).
4. Toxicity.
5. Persistence: physical, chemical and biological.
6. Accumulation and biotransformation in biological materials or sediments.
7. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic-environment with other dissolved organic and inorganic materials.
8. Probability of production of taints or other changes reducing marketability of resources (fish, 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, particularly the speed of the ship.
5. Dispersal characteristics (e.g. effects of - currents, tides and wind on horizontal transport and vertical mixing).
6. Water characteristics (e.g. temperature, pH, salinity, stratification, oxygen indices of pollution - dissolved oxygen (DO), chemical oxygen-demand (COD), biochemical oxygen demand (BOD) -- nitrogen present in organic and mineral form, including ammonia, suspended matter, other nutrients and productivity).
7. Bottom characteristics (e.g. topography, geochemical and geological characteristics and biological productivity).
8. Existence and effects of other dumpings which have been made in the dumping area (e.g. heavy - metal background reading and organic carbon content).
9. When issuing a permit for dumping, the Contracting Parties shall endeavour to determine - whether an adequate scientific basis exists for - assessing the consequences of such dumping in - the area concerned, in accordance with the foregoing provisions and taking into account seasonal variations.

C. General considerations and conditions

1. Possible effects on amenities (e.g. presence of floating or stranded material, turbidity, objectionable odour, discolouration and foaming).
2. Possible effects on marine life, fish and - shellfish culture, fish stocks and fisheries, - sea-weed 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, inter--ference with ship operations from floating materials, interference with fishing or navigation -

through deposit of waste or solid objects on the sea floor and protection of areas of special importance for scientific or conservation purposes).

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

PROTOCOL CONCERNING CO-OPERATION IN COMBATING
POLLUTION OF THE MEDITERRANEAN SEA BY OIL AND
OTHER HARMFUL SUBSTANCES IN CASES OF EMERGENCY

THE CONTRACTING PARTIES TO THE PRESENT PROTOCOL,

Being Parties to the Convention for the Protec-
tion of the Mediterranean Sea against Pollution,

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

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

Bearing in mind the International Convention -
for the Prevention of Pollution from Ships, 1973, -
the International Convention relating to Interven--
tion on the High Seas in Cases of Oil Pollution -
Casualties, 1969, as well as the Protocol relating-
to Intervention on the High Seas in Cases of Marine
Pollution by Substances Other than Oil, 1973,

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

HAVE AGREED AS FOLLOWS:

Article 1

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

Article 2

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

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

Article 3

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

Article 4

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

Article 5

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

Article 6

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

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

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

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

2. Parties which have agreed to exchange information directly between themselves shall nevertheless communicate such information to the regional centre. The latter shall communicate this information to the other Parties and, on a basis of reciprocity, to coastal States of the Mediterranean Sea Area which

Article 7

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

Article 8

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

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

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

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

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

(b) by the regional centre.

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

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

Article 9

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

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

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

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

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

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

Article 10

1. Any Party requiring assistance for combating pollution by oil or other harmful substances polluting or threatening to pollute its coasts may call for assistance from other Parties, either directly or through the regional centre referred to in article 6, starting with

the Parties which appear likely to be affected by the -
pollution. This assistance may comprise, in particular,
expert advice and the supply to or placing at the dis-
posal of the Party concerned of products, equipment and
nautical facilities. Parties so requested shall use -
their best endeavours to render this assistance.

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

Article 11

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

Article 12

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

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

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

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

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

Article 13

1. The provisions of the Convention relating to any - protocol shall apply with respect to the present Protocol.
2. The rules of procedure and the financial rules - adopted pursuant to article 18 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.

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

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

ANNEX I

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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