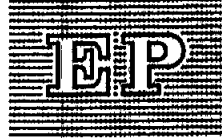




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Conference of Plenipotentiaries of the  
Coastal States of the Mediterranean Region  
on the Protection of the Mediterranean Sea  
(convened by UNEP)  
2-13 February 1976

### Note by the Executive Director

A document prepared by the Food and Agriculture Organization of the United Nations (FAO) "Existing and proposed international Conventions for the control of marine pollution and their relevance to the Mediterranean", Background paper No. 8 is submitted separately to participants in the Conference for their information (English and French only).



EXISTING AND PROPOSED INTERNATIONAL CONVENTIONS FOR THE  
CONTROL OF MARINE POLLUTION AND THEIR RELEVANCE TO THE MEDITERRANEAN

C O R R I G E N D U M

Insert at the top of page 7:-

The Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil Thereof, opened for signature in Washington, London and Moscow in 1971, precludes the emplacement of nuclear weapons or other weapons of mass destruction on the seabed or in its subsoil, or assistance in such emplacement. The Treaty has global application and applies, generally speaking, to areas of the seabed beyond a coastal zone of 12 miles. It entered into force in May 1972 and now has a participation of some 57 states including 7 Mediterranean coastal states, Bulgaria, Romania, Ukrainian S.S.R. and U.S.S.R.



LEGAL OFFICE

Background Paper No. 8

EXISTING AND PROPOSED INTERNATIONAL CONVENTIONS FOR THE  
CONTROL OF MARINE POLLUTION AND THEIR RELEVANCE TO THE MEDITERRANEAN

by

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### Summary

This paper is an updating of a paper presented to the FAO Consultation on the Protection of Living Resources and Fisheries from Pollution in the Mediterranean, held in Rome in February and May 1974. It analyzes existing and proposed international agreements for the control of marine pollution at the global, regional and subregional levels, and examines their application to, or relevance for, the control of pollution in the Mediterranean Sea area. The paper then considers the further action required to improve controls over marine pollution in the Mediterranean Sea area.

The information contained in the survey and tables has been gathered in part from communications by Governments and Depositary Governments, and in part from secondary sources available to FAO. The survey and tables are meant to serve merely as a guide and should not be taken as representing any official statement of national claims or of the status of participation in any particular treaty or convention.

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EXISTING AND PROPOSED INTERNATIONAL CONVENTIONS FOR THE  
CONTROL OF MARINE POLLUTION AND THEIR RELEVANCE TO THE MEDITERRANEAN AREA

1 INTRODUCTION

Marine pollution may be regarded as a series of problems, some of which can best be resolved by action at a global level; some of which call for action at a regional or subregional level; and others of which can perhaps be handled most effectively at the national or local levels. Until recently the international community has been concerned primarily with cooperative action on the first of these levels only - the global level. Within the last few years, however, has come the realization that, at least in certain ecologically self-contained areas, some form of regional controls may be desirable in addition to the global controls. The FAO Technical Conference on Marine Pollution and its Effects on Living Resources and Fishing, held in Rome in December 1970, recognized this need and called for regional pollution control systems within such areas. Since then events have moved quickly. The Member States of the North East Atlantic Fisheries Commission (NEAFC), meeting in Oslo in February 1972, established the beginnings of a regional control system for the North Eastern Atlantic, limited initially to the control of waste dumping but envisaging expansion to cover other sources of pollution. Elsewhere other initiatives were springing up, some more, others less ambitious than the North East Atlantic experiment, covering areas such as the Baltic Sea, the Black Sea and the Persian Gulf. This movement towards regional action was endorsed by the United Nations Conference on the Human Environment in Stockholm in 1972.

It was against this background that the General Fisheries Council for the Mediterranean (GFCM) at its meeting in Athens in March 1972 called for consultations with a view to preparing a convention for the protection of living resources and fisheries from pollution in the Mediterranean. The FAO Consultation on the Protection of Living Resources and Fisheries from Pollution in the Mediterranean was held in Rome in February and May 1974, and adopted a series of Guidelines which could serve as a basis for the drafting of a framework convention and protocols for the protection of the marine environment against pollution in the Mediterranean. The original version of the present document was prepared as a guide for the FAO Consultation in 1974. Since then a good deal of progress in the formulation of international legal controls has been achieved, both in the Mediterranean area and elsewhere, including, in particular, the adoption on the Convention for the Protection of the Marine Environment of the Baltic Sea Area and the Paris Convention for the Prevention of Marine Pollution from Land-Based Sources. The present revised version of the document brings the review up to date as of 1 September 1975. As before, the paper will first review the coverage of existing conventions for the control of marine pollution and their application to the Mediterranean area, and point out the gaps in such coverage. The paper will then attempt to identify the type of action which may be required to fill these gaps and the level at which such action should be taken. Throughout, the paper will look both at gaps in participation in existing conventions and gaps in substantive matters covered.

2 EXISTING CONVENTIONS AT THE GLOBAL LEVEL 1/

This section will examine the present state of global controls over marine pollution emanating from waste dumping, shipping, seabed and continental shelf operations, coastal discharges and military sources.

2.1 Pollution from waste dumping

2.1.1 Dumping of nuclear substances

Article 25 of the Convention on the High Seas, adopted in Geneva in 1958, requires Contracting States to "take measures to prevent pollution of the seas from the dumping of radioactive wastes, taking into account any standards and regulations which may be formulated by the competent international organizations". The second paragraph of Article 25 requires states in general terms to "cooperate with the competent international organizations in taking

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1/ Further details regarding the status of participation in the conventions cited in this section are given in the table at Annex II.

measures for the prevention of pollution of the seas or air space above, resulting from any activities with radioactive materials or other harmful agents".

The Convention on the High Seas applies to all sea areas including the Mediterranean Sea. The Convention entered into force in September 1962 and as of 1 September 1975 has been ratified 1/ by some 56 states, including 5 Mediterranean coastal states, Bulgaria, Romania, Ukrainian S.S.R. and U.S.S.R.. The Convention has been signed but not ratified by a further 3 Mediterranean coastal states.

#### 2.1.2 Dumping of wastes generally

The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, opened for signature in London, Mexico, Moscow and Washington, in December 1972, establishes three categories of waste. The dumping of wastes falling in the first category is prohibited. This category includes organo-halogen compounds, mercury and cadmium and their compounds, persistent plastics and other persistent synthetic materials likely to interfere generally with fishing, navigation or other legitimate uses of the seas, most kinds of oils, high level radioactive substances and materials produced for chemical or biological warfare. The second category includes wastes containing significant amounts of arsenic, lead, copper, zinc and their compounds, organo-silicon compounds, cyanides, fluorides, pesticides, other than those listed in the first category, beryllium, chromium, nickel, vanadium, lower level radioactive wastes and bulky materials liable to impede fishing or navigation. Substances listed in this second category may be dumped but the dumping operations must be subjected to close controls, including authorization of each particular operation. Other wastes not listed in categories 1 or 2 may be dumped only under the authority of a general dumping permit. The appropriate national authority when considering applications for dumping operations must take into account certain specified factors, including, for example, the possibilities of synergistic effects and the possible effects of the dumping on other legitimate uses of the seas.

The Convention entered into force on 30 August 1975. As of 1 September 1975, the Convention had been signed by some 47 states, including 6 Mediterranean coastal states, the Ukrainian S.S.R. and the U.S.S.R., and had been ratified by 16 states, including one Mediterranean coastal state only.

#### 2.2 Pollution from shipping

##### 2.2.1 Operational discharges

###### (a) Oil

Article 24 of the Convention on the High Seas, adopted in Geneva in 1958, calls on states to draw up regulations, inter alia, to prevent the pollution of the sea by the discharge of oil from ships, taking into account existing treaty provisions on the subject. See above S.2.1.1 for a description of the scope of application and status of participation in this Convention.

The International Convention for the Prevention of Pollution of the Seas by Oil, (London Oil Convention), was adopted in 1954 and amended in 1962, 1969 and again in 1971 2/. The Convention entered into force in July 1958 and the 1962 amendments in May and June 1967. Neither the 1969 nor the 1971 amendments are yet in force. As it now stands, the London Oil Convention prohibits the discharge of oil or oil mixtures within certain prohibited zones (basically sea areas 100 miles from the nearest land) from tankers and other merchant ships over a certain minimum size. The Convention also calls for the provision of facilities for the reception of oily wastes in ports to provide an alternative to their discharge at sea.

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1/ Throughout this paper the terms "ratification" or "acceptance" should be read as including ratification, acceptance, approval or accession.

2/ The London Oil Convention will be superseded by the International Convention for the Prevention of Pollution from Ships, 1973, when the latter enters into force. See below p.3.



The enforcement powers under the Convention are left with the flag state of the ship involved except when the offence has taken place in waters under the jurisdiction of another state. To simplify enforcement, masters of ships are required to maintain oil record books detailing operations liable to cause oil pollution.

The London Oil Convention applies generally to all sea areas throughout the world. Under the 1962 amendments the "Mediterranean and Adriatic Prohibited Zone" comprises sea areas up to 100 miles from the coasts of the territories bordering the Mediterranean and Adriatic Seas where those territories have accepted the Convention. As of 1 September 1975, the London Oil Convention, as amended in 1962, had been accepted by 52 states, including 15 Mediterranean coastal states and U.S.S.R.

The 1969 amendments to the London Oil Convention would remove the concept of prohibited zones from the Convention and would instead prohibit all discharges of oil or oily wastes from ships covered by the Convention, with the exception of slight discharges en route clearly defined in terms of rate of flow and cargo-carrying capacity. The specification of discharges allowed is based on the requirements of the "load on top" procedure. The 1969 amendments will enter into force on their acceptance by two-thirds of the Contracting Governments to the London Oil Convention (i.e. at present 35). As of 1 September 1975, the 1969 amendments have been accepted by 24 Governments, including 7 Mediterranean coastal states and U.S.S.R.

The Convention for the Prevention of Pollution from Ships, adopted in November 1973, incorporates the controls of the London Oil Pollution Convention in a strengthened form within the framework of a broader convention covering all forms of operational or accidental pollution from shipping. The Convention, which was opened for signature on 15 January 1974, will come into force 12 months after its acceptance by 15 states representing at least 50 percent of the world's merchant shipping, and will at the same time replace the London Oil Pollution Convention. As of 1 September 1975, the 1973 Convention had been signed by 16 states, including 3 Mediterranean coastal states, Bulgaria and U.S.S.R., and had been acceded to by one state (non-Mediterranean).

Under the Convention, the Mediterranean Sea, defined as bounded by the Straits of Gibraltar at the meridian 5° 36'W and the Black Sea at the 41°N parallel, is designated as a Special Area in which operational discharges of oil are to be prohibited entirely.

#### (b) Radioactive substances

The International Convention for the Safety of Life at Sea, 1960 deals, inter alia, with the safety of crew, passengers, waterways and food and water resources from radiation caused by nuclear ships and the transport of radioactive substances as cargo. The Convention requires that the design and construction of nuclear reaction installations be examined and approved by the competent national authorities. Safety certificates and assessments are to be made available to the competent authorities of countries the ship intends to visit. The Convention also prescribes detailed requirements as to packaging, labelling, storage and documentation of dangerous goods, including radioactive substances carried as cargo 1/.

The International Convention for the Safety of Life at Sea, 1974 was adopted in London in November 1974, to replace the 1960 convention. The new convention, which will enter into force 12 months after ratification by at least 25 states, representing at least 50 percent of the world's merchant shipping, does not differ in substance from the 1960 Convention insofar as the provisions concerning nuclear ships and carriage of dangerous goods are concerned. As of 1 September 1975, the 1974 SOLAS Convention had been signed by 37 states, including 7 Mediterranean coastal states, Bulgaria, the Ukrainian S.S.R. and U.S.S.R., 2 states (Monaco and Ukrainian S.S.R.) having signed without reservation as to ratification. No ratifications have as yet been received.

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1/ For the status of participation in the SOLAS Convention, see below S.2.2.2.

(c) Noxious substances other than oil and radioactive substances

Although operational discharges from shipping of chemicals and other noxious liquid substances carried in bulk, packaged substances, sewage and garbage are at the moment uncontrolled by international convention law, such discharges will be covered by the Convention for the Prevention of Pollution from Ships, 1973 when it eventually comes into force. For the purposes of regulating disposal of garbage from shipping, the Mediterranean is again designated as a Special Area entailing strict controls. But the Mediterranean, unlike the Black Sea and the Baltic Sea, is not termed a Special Area under the Annex dealing with controls over operational discharges of chemicals.

2.2.2 Pollution from shipping accidents

The question of pollution caused by shipping accidents involves four main classes of problems: how to avoid accidents in the first place; how to minimize the damage once the accident has occurred; how to clean up the pollution resulting from accidents, and, finally, how to determine questions of liability and compensation.

(i) The prevention of accidents

Some of the problems connected with safety of navigation are regulated by the International Convention on the Safety of Life at Sea (SOLAS Convention) of 1960, which establishes certain basic construction, equipment, safety and operation standards. The SOLAS Convention entered into force in May 1965 and has subsequently been amended in 1966, 1967, 1968, 1969, 1971 and 1973, although none of these amendments has yet entered into force. The SOLAS Convention has global application and consequently applies throughout the Mediterranean Sea. As of 1 September 1975, the 1960 Convention had a total membership of 91 states, including 16 Mediterranean coastal states, Bulgaria, Romania and the U.S.S.R. The 1960 SOLAS Convention will eventually be superseded by the International Convention on the Safety of Life at Sea of November 1974 when the new convention enters into force.

The International Regulations for Preventing Collisions at Sea (Collision Regulations) of 1960 lay down basic rules for avoiding accident situations, including a provision relating to voluntary traffic separation schemes. The Collision Regulations entered into force in September 1965 and have subsequently been amended in 1972. This last amendment, which would provide for obligatory traffic separation schemes, has not yet entered into force. Like the SOLAS Convention, the Collision Regulations have global application and consequently apply throughout the Mediterranean Sea. As of 1 September 1975, the 1960 Collision Regulations had been accepted by 65 states, including 13 Mediterranean coastal states, Bulgaria, Romania and the U.S.S.R. The 1972 amended Collision Regulations had been accepted by 18 states as of 1 September 1975, including 3 Mediterranean coastal states, Bulgaria, Romania and U.S.S.R., and will enter into force after their acceptance by 15 states, representing at least 65 per cent of the world's merchant shipping of 100 gross tons and over, but not before 1 January 1976.

(ii) Minimizing pollution damage

In 1971 further amendments were adopted to the London Oil Convention that would set construction standards for new tankers, with particular reference to tank sizes and tank arrangements. The new standards are designed to minimize the outflow of oil in the case of maritime accidents. As of 1 September 1975, the 1971 amendments had been accepted by 13 states, including 4 Mediterranean coastal states. Under the International Convention for the Prevention of Pollution from Ships, which was adopted in November 1973 and opened for signature in 1974, further provisions are made concerning construction standards, surveying and certification. The convention would also extend general construction, equipment, survey and operation requirements to chemical tankers, while leaving the detailed specification of standards to the flag states.

The International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (Intervention Convention), adopted in Brussels in November 1969, confirms the right of coastal states faced with a "grave and imminent danger to their coastline or related interests from pollution or threats of pollution of the sea by oil following upon a maritime casualty", to take such action on the high seas, including the destruction of the ship and its cargo, as may be reasonably necessary to avert or mitigate that danger. The coastal state's related interests are defined to include the conservation of marine living

resources and wildlife and fishing upon which the livelihood of the persons concerned depends as well as tourist amenities and health interests. Certain procedures of notification and consultation are envisaged by the Convention, although these may be waived in cases of extreme urgency. The Intervention Convention entered into force in May 1975 and as of 1 September 1975 had been ratified by 20 states, including 6 Mediterranean coastal states and U.S.S.R.

Under the Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil, adopted in London in November 1973, and opened for signature in January 1974, the provisions of the Brussels Intervention Convention would be extended to pollution or the threat of pollution by substances other than oil. The Protocol will enter into force 90 days after its acceptance by 15 states, provided the Intervention Convention itself has already entered into force. As of 1 September 1975, the Protocol had been signed by 10 states, including one Mediterranean coastal state and U.S.S.R. No ratifications had been received.

(iii) Cooperation in cleaning up pollution

So far no global action has been taken to tackle this problem which appears to be essentially one for regional and local action. The new International Convention for the Prevention of Pollution from Ships, adopted on 1973, however, would provide for the reporting of incidents and non-permitted discharges of oil or other noxious substances, both to the flag state of the ship involved and to any other state which may be affected.

(iv) Liability and compensation

The International Convention relating to the Limitation of the Liability of Owners of Sea-going Ships, adopted in October 1957, limits the liability of shipowners for damage caused by their ships in absence of privity or fault to a maximum of \$7 million. The Convention is not aimed specifically at questions of damage caused by pollution though it would cover such cases. The Convention has global application and entered into force in May 1968. It has been ratified to date by some 22 countries, including 6 Mediterranean coastal states (Algeria, Egypt, France, Israel, Spain and Syria).

The International Convention on Civil Liability for Oil Pollution Damage (Oil Liability Convention), adopted in Brussels in 1969, provides for the liability of a shipowner for all pollution damage caused in the territory or territorial waters of any Contracting State by oil which has escaped or been discharged from his ship up to a maximum liability ceiling. The Oil Liability Convention entered into force in June 1975 and, as of 1 September 1975, had been ratified by 17 states, including 6 Mediterranean coastal states and U.S.S.R.

Problems of compensation for oil pollution damage are the subject matter of the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage adopted under the aegis of the Intergovernmental Maritime Consultative Organization (IMCO) in 1971. The Convention establishes an International Compensation Fund to ensure full and adequate compensation of all victims of oil pollution on the basis of strict liability. The basic source of funds is to be contributions by persons receiving more than a certain amount of oil a year. The Convention had been ratified by 6 states, including 2 Mediterranean coastal states, as of 1 September 1975, and has consequently not yet entered into force. A total of 8 ratifications or accessions are required for entry into force, in addition to other conditions.

The question of civil liability for damage caused by nuclear incidents has been the subject of three conventions over the last decade or so. The International Convention on the Liability of Operators of Nuclear Ships, signed in Brussels in 1962, attempted to place strict liability on the operators of nuclear ships, including warships and other government-owned vessels. The Convention had received only 3 ratifications and 3 accessions as of 1 September 1975, and had thus failed to enter into force as of that date. A further Convention on Civil Liability for Nuclear Damage, signed in Vienna in 1963, which would have imposed strict liability on the operator of a nuclear installation for damage caused by a nuclear incident, has also not yet entered into force, having received only 7 ratifications as of 1 September 1975. The Convention on Third Party Liability in the Field of Nuclear Energy,

signed in Paris in 1960, again imposes strict liability for nuclear damage exclusively on the operators of nuclear installations. The Convention had been ratified by 10 countries as of 1 September 1975, including 4 Mediterranean coastal states, and entered into force in August 1966. The Convention was modified by an Additional Protocol in January 1964, which entered into force in April 1968. A Convention supplementary to the Paris Convention on Third Party Liability in the Field of Nuclear Energy, signed in 1963, which increased the amount of compensation available from public funds, entered into force in December 1974, and as of 1 September 1975, had been ratified by 6 countries, including 2 Mediterranean coastal states. The Supplementary Convention was modified by an Additional Protocol in January 1964, which entered into force along with the Supplementary Convention.

The Convention relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material, adopted in Brussels in December 1971, is designed to remove certain conflicts between the Paris Convention of 1960 and other conventions on general maritime liability under which the shipowner bears liability. The new convention exonerates other persons from liability under general maritime law where the operator of a nuclear installation is liable for the damage under the Paris or Vienna Conventions or under national law. The Convention entered into force in July 1975 and, as of 1 September 1975, had been ratified by 5 states, including 2 Mediterranean coastal states.

### 2.3 Pollution from operations on the seabed and continental shelf

The Convention on the High Seas, adopted in Geneva in 1958, provides that every state should draw up regulations to prevent pollution of the sea by the discharge of oil from ships or pipelines or resulting from operations for the exploration and exploitation of the seabed and its subsoil. Details have already been given in S.2.1.1 concerning the scope of application and status of participation in the Convention.

The Convention on the Continental Shelf, also adopted in Geneva in 1958, prohibits, inter alia, any unjustifiable interference with navigation, fishing or the conservation of the living resources of the sea as a result of the exploration of the continental shelf and the exploitation of its natural resources. Under the Convention, coastal states are also obliged to take all appropriate measures for the protection of the living resources of the sea from harmful agents in the safety zones, to be established around continental shelf installations. Other preventive measures, such as requirements for giving notice of the construction of installations, the maintenance of adequate warnings for shipping, the removal of abandoned or disused installations, and the siting of installations away from recognized shipping lanes are also provided for. The Convention applies to continental 1/ shelf areas beyond the limits of the territorial sea throughout the world. The Convention entered into force in June 1964 and as of 1 September 1975, had been accepted by 53 states, including 8 Mediterranean coastal states, Bulgaria, Romania, Ukrainian S.S.R. and U.S.S.R. It has also been signed but not ratified by a further 2 Mediterranean coastal states.

### 2.4 Pollution from coastal discharges and other land-based sources

To date no conventions have been concluded at the global level restricting discharges of polluting substances into the sea from coastal establishments or purporting to control the introduction of polluting substances into the sea from land-based sources through media such as inland waterways and the atmosphere.

### 2.5 Pollution from military sources

The Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and Underwater (the Nuclear Test Ban Treaty) of 1963 prohibits nuclear test explosions anywhere in the atmosphere, in outer space and underwater, including both territorial waters and high seas. The Treaty, which entered into force in October 1963, has global application and had been ratified by a total of 106 states as of 1 September 1975, including 14 Mediterranean coastal states, Bulgaria, Romania, Ukrainian S.S.R. and U.S.S.R. The Treaty had also been signed but not ratified by one further Mediterranean coastal state.

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1/ The Convention defines the limits of the continental shelf as being the 200 m. isobath or "beyond that limit /to/ where the depth of the superjacent waters admits of the exploitation of the natural resources of the said area".....

The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, which was opened for signature in London, Washington and Moscow in April 1972, prohibits the development, production and stockpiling of such weapons and provides for the destruction or diversion to peaceful uses of existing weapons. The Convention has global application and applies within the territories of Member States and to weapons otherwise under the jurisdiction or control of Member States. The Convention entered into force in March 1975 following ratification by the Depositary States. As of 1 September 1975, the Convention had been ratified by 55 states, including 7 Mediterranean coastal states, Bulgaria, Ukrainian S.S.R. and U.S.S.R.

## 2.6 Coastal states' rights

Article 24 of the Convention on the Territorial Sea and the Contiguous Zone, adopted in Geneva in 1958, allows a coastal state to exercise such controls within a contiguous zone extending beyond the limits of the territorial sea (but no further than 12 miles) as may be necessary to "prevent infringement of its customs, fiscal, immigration or sanitary regulations within its territory or territorial sea". The Convention has been interpreted in practice as conferring a right on coastal states to take unilateral pollution control measures within the limits of the contiguous zone.

The Convention entered into force in September 1964 and, as of 1 September 1975, had been ratified by 45 states, including 5 Mediterranean coastal states, Bulgaria, Romania, Ukrainian S.S.R. and U.S.S.R.

## 3 PROPOSED CONVENTIONS AND PRINCIPLES AT THE GLOBAL LEVEL

The 25th Session of the UN General Assembly in its Resolution 2750 (XXV) of 17 December 1970 called for the convening of a third UN Conference on the Law of the Sea. The scope of the conference, which opened in New York in December 1973 and which has held substantive sessions in Caracas in 1974 and in Geneva in 1975, includes, among other things, protection and preservation of the marine environment (including, inter alia, the prevention of pollution).

The present section will describe briefly the proposals that have been forwarded to that conference for consideration from the UN Conference on the Human Environment, the Principles concerning transfrontier pollution recommended in the OECD Council, and the Informal Single Negotiating Text provisions now being discussed by the conference.

### 3.1 UN Conference on the Human Environment - General Principles for assessment and control of marine pollution

The United Nations Conference on the Human Environment, held in Stockholm in June 1972, recommended that governments should collectively endorse a set of 23 General Principles worked out by the Intergovernmental Working Group on Marine Pollution as guiding concepts for the United Nations Conference on the Law of the Sea (and for the IMCO Conference on the Prevention of Pollution from Ships, held in October-November 1973). The principles provide, inter alia, for the general duty of states to protect and preserve the marine environment, particularly areas where an internationally shared resource is located. The principles call on states to use the best means available to minimize the discharge of potentially hazardous substances into the sea by all routes, including land-based sources such as rivers, outfalls and pipelines within national jurisdiction, as well as dumping from ships, aircraft and platforms. Provisions are also included in the 23 General Principles on technical assistance to developing countries in such areas as training and provision of equipment and facilities, state responsibility for pollution damage, the development of a comprehensive plan for the protection of the marine environment, including international guidelines and criteria, the protection of the marine environment from pollution resulting from operations on the seabed, cooperation in research programmes and the exchange of scientific information. So far as regional action is concerned, the principles call on states to join together regionally to concert their policies and adopt common measures to prevent pollution of areas which, for geographical or ecological reasons, form a natural entity and an integrated whole. States should, however, in taking action guard against the

effect of simply transferring damage or hazard from one part of the environment to another.

The Stockholm Conference also referred to the UN Conference on the Law of the Sea the important and controversial question of the extent and nature of coastal states' rights with respect to marine pollution control.

In the main body of its recommendations on marine pollution control, the Conference called for greater acceptance and enforcement of existing conventions and for better controls over ocean dumping. In addition to the adoption of a global convention on ocean dumping, the Conference called for regional agreements, in particular for enclosed and semi-enclosed seas, within the framework of this global convention. The Conference also called for simultaneous action at the global, regional and national levels with a view to bringing all significant sources of pollution, including land-based as well as sea-based sources, under effective control.

### 3.2 OECD Principles concerning transfrontier pollution 1974

In November 1974 the Council of the Organization for Economic Cooperation and Development (OECD) meeting in Paris adopted a Recommendation on Principles concerning transfrontier pollution to guide its members in their environmental policies. The Principles call for a concerted, long-term policy for the protection and improvement of the environment in zones liable to be effected by transfrontier pollution, and list specific factors and elements concerning its implementation. Pending the definition of a concerted, long-term policy, countries are to take all appropriate measures, individually and jointly, to prevent and control transfrontier pollution. One of the bases of the OECD Principles is the principle of non-discrimination involving the adoption and application of laws, standards, principles and protection, which do not discriminate between transfrontier and internal pollution and which, in particular, would afford equal rights of hearing in public investigation before adoption of new proposals, etc., and equal rights of standing to sue in respect of damage caused. Where projects liable to cause transfrontier pollution are concerned, countries are to provide information to countries concerned, enter into consultations at their request, and refrain from carrying out such projects before giving such information and reasonable time for consultations. The Principles also include provisions on warnings of pollution emergencies, on cooperation in the prevention of incidents, and emergency cleaning up operations, and on the exchange of information and data and cooperation in research. In zones affected by transfrontier pollution, the countries concerned are to consider setting up joint monitoring systems or networks, and establishing international commissions or strengthening existing institutions. Where disputes arise over transfrontier pollution that cannot be settled by negotiation, an opportunity should exist for prompt, effective and final legal settlement of those disputes.

The final title of the OECD Principles deals with international agreements. Countries are to endeavour to conclude, where necessary, bilateral or multilateral agreements in accordance with the Principles, and to bring into force agreements already signed. Such agreements should include efficient prevention and control measures in accordance with the Polluter-Pays Principle, and could include provisions facilitating compensation for pollution damage and information and consultation.

The OECD Principles were adopted by recommendation of the OECD Council, at which 24 states were represented, including 5 Mediterranean coastal states (France, Greece, Italy, Spain and Turkey). The delegate for Spain reserved his position on the titles dealing with international solidarity, equal rights of hearing and information and consultation. As they are in the form of a Council Recommendation only, the Principles are not binding on Member countries, but they do represent a significant consensus of opinion among those Member countries.

### 3.3 Proposals presented to the UN Conference on the Law of the Sea including the "Informal Single Negotiating Text"

~~During the course of the deliberations of Sub-Committee III of the Committee on the Peaceful~~

~~Uses of the Seabed and the Ocean Floor beyond the Limits of National Jurisdiction (the Seabed Committee which was acting as preparatory committee for the Conference) numerous proposals had been put forward concerning future international legislative action for the control of marine pollution.~~

A great number of proposals concerning future international legislative action for the control of marine pollution have been put forward during the course of the deliberations of the Committee on the Peaceful Uses of the Seabed and the Ocean Floor beyond the Limits of National Jurisdiction, which was acting as preparatory committee for the Third UN Conference on the Law of the Sea, and during the first sessions of the Conference itself. Most of the proposals took the form of a framework convention calling on all states to cooperate in the formulation and elaboration of further conventions and the establishment of criteria, standards and procedures under the convention. In this respect, the great majority of the proposals recognized the need for further cooperative action at the regional level as well as the global and national levels, particularly where enclosed and semi-enclosed seas or other such vulnerable areas were concerned. Some drafts also pointed out the possible need for regional variations of global standards as well as purely regional measures. Most of the drafts included a provision calling for the promotion of scientific cooperation and for the promotion of technical assistance to developing countries, including training and facilities and, in some cases, financial assistance. Many of the proposals also included a general provision recognizing the responsibility of states for pollution damage caused in the territory of other states and, in some cases, to the marine environment beyond national jurisdiction.

Faced with the large number of proposals on all aspects of the law of the sea, and the need to focus debates on certain disputed issues, the Conference decided at its 55th Plenary meeting in April 1975 to request the chairmen of the three main committees each to prepare an informal single negotiating text covering the subjects entrusted to his committee as a procedural device to provide an informal basis for negotiation. The text does not in any way affect the status of proposals already made by delegations or the right of delegations to submit amendments or new proposals.

The informal single negotiating text presented by the Chairman of the Third Committee posits the general obligations of states to protect and preserve the marine environment and to prevent, reduce and control marine pollution from any source, and recognizes, on the other hand, the sovereign right of states to exploit their natural resources pursuant to their environment policies. The informal text proposes, generally speaking, framework provisions, and provides that states should cooperate on a global and, as appropriate, on a regional basis to formulate further rules, standards and recommended practices and procedures consistent with the convention. In taking measures under the convention, states are to guard against merely transferring pollution damage or hazards from one area or medium to another.

Under the informal text states would be required to establish national controls over land-based sources of marine pollution, over pollution arising from the exploration and exploitation of the seabed, and from installations under their jurisdiction, and over the dumping of wastes and other matter. In each case, the possibility of further action at the regional level through harmonization of national policies or the establishment of regional rules, standards and recommended practices and procedures is envisaged. Measures for the prevention of pollution from activities relating to the international seabed are provided for under a general provision in Part I of the Informal Single Negotiating Text.

So far as pollution from shipping is concerned, states are to establish international rules and standards and, at the national level, laws and regulations covering vessels flying their own flag that are no less effective than those international rules and standards. More effective laws and regulations may be established by the coastal state for vessels in its territorial sea, although in the interests of international navigation, the coastal state is to conform to international rules and standards. Within the economic zone, where internationally agreed rules are inadequate and where a particular area calls for special mandatory measures, the coastal state may apply to the competent international organization for the area to be recognized as a special area. However, nothing is to affect the establishment of appropriate non-discriminatory protection laws within the economic zone



where severe climatic conditions create exceptional hazards to navigation and the area is ecologically very vulnerable.

The informal text contains a number of draft articles on enforcement with particular reference to coastal states' rights. Enforcement of controls over land-based sources of marine pollution, over pollution from activities on the continental shelf and from atmospheric sources, is reserved to states, and over pollution from activities on the international seabed to the International Seabed Authority, in cooperation with the flag states. Dumping controls are to be enforced by a state in its territory, the flag state, the coastal state for dumping in its economic zone or on its continental shelf, and the port state where dumping vessels are loaded. So far as discharges from shipping are concerned, responsibility for ensuring compliance with international rules and standards is vested with the flag state and with the coastal state for vessels in its territorial waters, and vessels voluntarily in its ports which it has reasonable grounds for believing have discharged contrary to international rules and standards within a certain distance from its coast. The coastal state may also investigate and sanction alleged violations at the request of another state where vessels have discharged illegally within a certain distance from the coast of the requesting state. Only monetary penalties may be imposed by coastal states under the informal text.

The text also contains provisions dealing with the right of coastal states to require information from offending ships within a certain distance from its coast and to stop, board and inspect such ships. Where the offending ship is voluntarily within one of its ports or at one of its offshore terminals, a state acting on reasonable grounds of belief must investigate violations of international rules and standards wherever they take place, and notify the flag state and any state affected by the violation of the outcome. Provisions are also included in the informal text on responsibility and liability and on warships and other government non-commercial vessels. The provisions of the Convention are to be without prejudice to specific obligations assumed under special conventions and agreements concluded in furtherance of the general principles of the framework convention.

#### 4 EXISTING CONVENTIONS AT THE REGIONAL LEVEL 1/

Apart from broad statements of intent in bilateral, frontier or fisheries treaties, the establishment of arrangements for the control of marine pollution at the regional level has been a relatively recent development. Just as a trend towards a comprehensive action plan approach can be discerned in proposals for new conventions presently under consideration at the global level, so a similar movement can be seen at the regional level, from earlier agreements dealing with isolated aspects of the problem to framework regional agreements dealing comprehensively with the protection of the marine environment.

##### 4.1 Pollution from radioactive substances

###### (a) General controls

The Treaty establishing the European Atomic Energy Community (Euratom Treaty), signed in Rome in 1957, deals, inter alia, with the general problem of environment and health protection from radioactive contamination. The Treaty established a commission whose task it is to establish basic standards, including maximum permissible levels of contamination, for the protection of workers and the general public which the Member States must ensure are not overstepped. The Treaty provides for reports by Member States on measures taken and grants certain powers of investigation and, in special circumstances, more direct powers to the commission. In cases of emergency, for example, the commission may direct a Member State to take measures within a specified time to ensure that the basic standards are not exceeded and may enforce the direction in the Community Court of Justice. The commission must also be consulted in advance on any proposals for the disposal of radioactive wastes and must examine such proposals to determine whether any contamination of the

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1/ Further details regarding the status of participation in the conventions and agreements cited in this section are given in the table at Annex IV.



water, soil or atmosphere of another state is likely to be involved.

The Treaty came into force in January 1958 and applies to the European territories of the Member States, i.e., now Belgium, Denmark, France, Federal Republic of Germany, Ireland, Italy, Luxembourg, Netherlands and the U.K., and non-European countries subject to their jurisdiction. The Euratom Treaty is of relevance to the Mediterranean area, both in terms of its geographical scope and as a possible model for controls.

(b) Establishment of nuclear-free zones

The Antarctic Treaty, signed in 1959, seeks to protect the Antarctic, a particularly vulnerable region, from excessive contamination by prohibiting nuclear explosions and the disposal of radioactive waste there, as well as the testing of any other type of weapon. The Treaty entered into force in June 1961 and as of 1 September 1975 had a membership of 18 states including one Mediterranean coastal state. The treaty would appear to have limited relevance for the Mediterranean area apart from the example of prohibiting the disposal of radioactive wastes in a region that is particularly vulnerable as a result of its peculiar physical characteristics.

The Treaty for the Prohibition of Nuclear Weapons in Latin America, which was signed in Mexico City in 1967 and which entered into force in April 1968, provides for the designation of Latin America as a militarily denuclearized zone. The production, possessing and testing of nuclear weapons in the area are prohibited. Nuclear explosions for peaceful purposes are allowed but the Member States are to notify the regional control agency in advance and provide full information on possible radioactive fallout effects. The treaty is again of relevance to the Mediterranean area only as one example of controls over radioactive contamination.

(c) Liability for nuclear damage

Reference has already been made above to the Convention on Third Party Liability in the Field of Nuclear Energy, which was signed in Paris in 1960, modified in 1964 and supplemented by a further convention in 1963, in the context of liability for damage resulting from maritime accidents. The convention applies to all forms of damage from nuclear energy and is not restricted to maritime transport. Although the convention is of regional scope only, being limited in application to the European area, the substantive concepts have been accepted voluntarily in other countries beyond that area.

4.2. Cooperation in dealing with pollution emergencies

While the prevention of pollution emergencies caused by incidents involving shipping may properly be a subject matter for global controls, cooperation in dealing with the emergency and cleaning up the spillage is essentially a matter for regional concern. So far regional arrangements for this purpose have been restricted to the handling of oil pollution emergencies.

The Agreement for Cooperation in dealing with Pollution of the North Sea by Oil, for example, which was signed in Bonn in 1969, provides for the exchange of information on the existence of oil pollution threats and mutual assistance among the Contracting Parties in dealing with such threats. The area of the Agreement covers the North Sea, its western approaches and the Channel, and for the purposes of the Agreement is divided into administrative zones in which one or more Parties has primary responsibility for initial assessments and action where oil pollution is threatened. Each Contracting

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~~1/ See Annex IV for further details regarding status of participation in this Treaty.~~

Party is required to call on the captains of their national ships and aircraft to report potential or actual pollution threats. To enable the cooperation machinery to work smoothly in times of emergency, the Parties are required to exchange information on the structure of their national organizations for dealing with oil pollution emergencies, including the competent authorities to be contacted in an emergency. The Agreement, which entered into force in August 1969, has been ratified by all signatory states including one Mediterranean coastal state (France).

A similar Agreement concerning Cooperation in Measures to deal with Pollution of the Sea by Oil, signed in Copenhagen in 1971, deals with regional cooperation in the waters off the coasts of the Scandinavian countries. The Scandinavian Agreement differs from the Bonn Agreement in that no zones of primary responsibility are established. The Scandinavian Agreement also goes somewhat further than the Bonn Agreement by requiring each Contracting Party to set up an emergency service to deal with pollution threats and to consult with other Contracting Parties on the siting of stocks of oil clean-up materials and equipment. The Agreement, unlike the Bonn Agreement, also provides for mutual cooperation in the enforcement of both international and national oil pollution control regulations. The Parties to the Scandinavian Agreement, which entered into force in October 1971, are Denmark, Finland, Norway and Sweden. The 1971 Agreement replaces a similar but more limited agreement among the same parties, signed in 1967.

Both the Bonn and the Scandinavian Agreements are of relevance for the Mediterranean area as possible models for regional cooperation in dealing with pollution emergencies.

#### 4.3. Pollution from waste dumping

The Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft, signed in Oslo in 1972, provides for the control of ocean dumping in the North-Eastern Atlantic area. Under the Convention waste substances are divided into three categories. Substances included in the first category, such as mercury and persistent plastics, may never be dumped at all except when the safety of ships or lives is threatened. Wastes included in the second category may only be dumped under the authority of a special permit issued by the competent national authority, and in the case of substances liable to obstruct fishing or navigation, must be dumped in deep water. Other substances may be dumped under the authority of a general permit. A checklist of information to be required and points to be considered in the process of granting authorizations is included in a further schedule to the Convention. The authorities are, in particular, required to take into account the effect of the proposed dumping on navigation, fishing and recreation, etc., as well as the practical availability of alternative means of disposal. National authorities are required to keep records of each dumping operation authorized and to report periodically to the International Commission that is to be set up under the Convention. The function of the Commission, which is to be composed of representatives from each Contracting Party, is to keep watch over the implementation of the convention and the general state of pollution in the convention area, and to recommend amendments to the technical annexes as and when necessary. Although the detailed provisions of the Convention are restricted to the control of dumping operations, the Preamble and general obligation envisage its eventual extension to cover other sources of marine pollution including land-based sources. Enforcement of the Convention provisions is left to the respective national authorities which are to apply the controls to their own ships and to all ships dumping in their territorial seas or loading wastes in their ports for dumping at sea.

The Convention, which was signed by 13 states, entered into force in April 1974. As of 1 September 1975, the Convention had been ratified by 8 states including two Mediterranean coastal states. The area of application of the Convention is defined in terms of geographical coordinates and includes the North-Eastern Atlantic up to the Straits of Gibraltar. The Convention is of relevance to the Mediterranean area as an example of regional controls over ocean dumping.

The Convention on the Conduct of Fishing Operations in the North Atlantic, signed in London in 1967, also includes one provision dealing with one type of dumping. Under the Convention, vessels (primarily but not exclusively fishing boats, mother ships and supply vessels) are forbidden to dump in the sea any article or substance which may interfere with fishing or obstruct or cause damage to fish, fishing gear or fishing vessels. The Convention, which applies to the waters of the Atlantic and Arctic Oceans and dependent seas as further defined by geographical coordinates in an Annex to the Convention, has been ratified or approved by 8 states as of 1 September 1975, including two Mediterranean coastal states, and will enter into force 90 days after ratification or approval by 10 states. The provisions are of relevance to the Mediterranean area only as a possible model for similar clauses referring directly to the Mediterranean. The subject matter, however, will be partly covered by provisions in the IMCO Convention for the Prevention of Pollution from Ships referring to the Mediterranean as a Special Area when that Convention comes into force.

#### 4.4. Pollution from land-based sources

The Convention for the Prevention of Marine Pollution from Land-Based Sources was adopted in Paris in February 1974 and opened for signature in June 1974. The Convention seeks to control pollution in the North East Atlantic from land-based sources, defined as being pollution of the maritime area through watercourses, from the coast (including through pipelines) and from man-made structures placed under the jurisdiction of a Contracting Party. Contracting Parties undertake to eliminate, if necessary by stages, pollution by substances in Part I of Annex A, to limit strictly pollution by substances listed in Part II, and to implement programmes and measures jointly or individually to that effect. Such programmes and measures are to include regulations and standards governing environment quality standards, discharge standards, both for direct discharges and discharges through watercourses, and product controls. Contracting Parties are also to adopt measures to forestall and, as appropriate, to eliminate pollution by radioactive substances listed in Part III of Annex A.

The Convention also contains general provisions on reducing existing and forestalling new pollution from land-based sources, avoiding the diversion of pollution outside the area of through other media, undertaking joint programmes of research and setting up a permanent monitoring system for the area. Where pollution is liable to affect other Contracting Parties, any of the Parties concerned may call for consultations to set up special subregional arrangements (cooperation agreements).

A Commission is set up under the Convention to supervise its implementation and to draw up and adopt the programmes and measures required. It may also adopt recommendations for amendments to the technical annex to the Convention, subject to approval by states under a tacit acceptance clause. Arbitration at the request of any Party to dispute is provided for under rules set forth in Annex B. The Convention is open for signature by the European Economic Community as well as by individual coastal states, and after entry into force for accession by states located upstream on rivers flowing into the Convention area. The area of application of the Convention is defined by the same geographical coordinates as the Oslo Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft 1972. As of 1 September 1975, the Paris Convention had been signed by 13 states, including 2 Mediterranean coastal states, and the European Communities and had not received any ratifications.

#### 4.5 Product controls

The European Agreement on the Restriction of the Use of Certain Detergents in Washing and Cleaning Products, opened for signature under the aegis of the Council of Europe in Strasbourg in 1968, provides that the Contracting Parties should adopt measures to ensure that washing and cleaning products containing synthetic detergents that are considered as a whole to be less than 80 percent biologically degradable are not marketed in their territories. The Agreement came into force in February 1971 and includes ~~one~~ two Mediterranean coastal state among its Contracting Parties.

The concept of exercising environmental protection through product and process controls has been taken up in other regional institutions such as the European Economic Community which is initiating action in areas such as fuel additives, detergent biodegradability and environmental production process standards for the steel, pulp and paper, chemical, petro-chemical and power-generating industries (see S.4.6 (b)). Similar programmes are being developed in the Council of Mutual Economic Assistance (CMEA). Emphasis is also placed in the Preamble to the Oslo Dumping Convention on the development of products and processes that minimize the amount of waste requiring disposal.

#### 4.6 General Regional Arrangements

##### (a) The Baltic Sea Area

In March 1974 representatives from 7 countries bordering the Baltic Sea area meeting in Helsinki adopted a Convention on the Protection of the Marine Environment of the Baltic Sea Area. The Convention seeks to control all sources of marine pollution affecting the Baltic Sea area, including land-based sources, whether the pollutants are discharged directly into the sea or reach the sea through the media of inland waterways or the atmosphere. The Convention also applies not only to high seas areas but also within the territorial seas of each Contracting Party. Although the Convention would not apply directly to warships or other naval, military and Government non-commercial ships and aircraft, the Parties agree to apply the provisions of the Convention to such vessels and aircraft so far as may be consistent with their operational capabilities. In addition to the fundamental obligation to take appropriate measures, both individually and jointly, to protect from pollution and enhance the marine environment of the Baltic Sea area, the Convention contains provisions dealing with specific sources of pollution. As for land-based sources, Parties are to counteract the introduction of certain hazardous substances listed in Annex I, such as DDT and PCBs, into the Baltic, whether directly or through the media of the atmosphere or inland rivers. They should also take measures, including the requirement of prior special permits, to limit pollution of the marine environment by certain noxious substances listed in Annex II to the Convention. To this end they are to cooperate in the development, and adoption of specific programmes, guidelines, standards or regulations, including product controls, and are to endeavour to use best practicable means to minimize airborne pollution of the area by such noxious substances. For harmful substances generally, the Contracting Parties are to aim at attaining goals and criteria set out in Annex III to the Convention. Where discharges from an international waterway are involved, the Parties concerned are to take appropriate measures in common.

With respect to pollution emanating from ships, including pollution caused by oil, noxious liquid substances in bulk, sewage and garbage, the Baltic Convention incorporates in Annex IV the provisions and standards of the IMCO Convention on the Prevention of Pollution from Ships, 1973, as they refer to special areas and deadlines are set for the application of these provisions and standards. Apart from standards for sewage discharge connections, no general construction standards are included in the Annex: For harmful substances in packaged forms provisions are included only on the application of suitable uniform rules as soon as possible, and notification of accidents and intent to load or unload certain substances. More generally, so far as pollution from shipping is concerned, the Contracting Parties agree to cooperate in initiating action by IMCO concerning international navigation rules in the area to avoid collisions, and radio reporting for ships liable to pose potential pollution hazards in the area. The Contracting Parties also agree to assist each other in investigating violations of existing anti-pollution measures. The Convention provides for special measures to be taken to prevent pollution from pleasure craft. As for dumping as a source of marine pollution, the Convention would prohibit all operations, except for the dumping of dredged spoils which would be subject to a prior special permit issued by the national authority, in accordance with the guidelines laid down in an Annex to the Convention, and cases where the safety of ships or human lives is threatened. Contracting Parties are also to take all appropriate measures to prevent pollution of the area resulting from exploration and exploitation of the seabed, and should ensure that adequate clean-up equipment is at hand in case of pollution emergencies.

Finally, the Convention sets up a system for cooperation in dealing with pollution emergencies, the details of which are set out in an Annex to the Convention where they can be more easily revised and brought up to date.

As for institutional arrangements, the Convention establishes a Baltic Marine Environment Protection Commission composed of representatives of the Contracting Parties, whose task is, inter alia, to supervise the implementation of the Convention, to review and recommend amendments to the Convention and its Annexes; to define pollution control criteria and objectives; to receive and process relevant scientific and statistical data; to promote research and to promote the adoption of additional measures as appropriate to protect the marine environment of the area. The Convention also includes a provision on financial provisions for the Commission, the budget to be contributed by the Contracting Parties in equal parts, and articles dealing with scientific and technological cooperation and state responsibility for damage resulting from contraventions of the Convention. The Convention makes great use of the device of technical annexes which, though an integral part of the Convention, can be more readily and easily amended and brought up to date with technological advances or changing circumstances without affecting the body of the Convention. In this case, changes to the Annexes may be proposed by any Contracting Party. Such proposals are to be considered by the Commission and, if accepted unanimously, are to be communicated to the various Contracting Parties and would enter into force at the end of a pre-designated period of time, unless an objection is received from any Contracting Party during that period of time.

The Convention applies to the Baltic Sea area as defined in terms of geographical coordinates. As of 1 September 1975, the Convention had been signed by 7 states including the U.S.S.R., and had been ratified by one state only (Finland). The Convention will enter into force only after its ratification by all 7 Baltic Sea states.

Although the situation and circumstances of the Baltic Sea area may, in some respects, call for stricter measures than would be necessary in the Mediterranean area, and though the economic situation of the Baltic coastal states may also perhaps render feasible more stringent measures than may be acceptable in some other areas, the Convention on the Protection of the Marine Environment of the Baltic Sea area does, nevertheless, constitute a useful model for regional action in the Mediterranean Sea area.

#### (b) Europe

Mention has already been made of action by the European Communities in the area of product and process controls. This action forms part of the implementation of the First Programme of Environment Action approved by the Council in November 1973. The Action Programme posits a number of objectives and a set of principles, including the principle of polluter-pays. The Programme itself is based on three types of project: namely, those aimed at reducing and preventing pollution and nuisances; those intended to improve the environment and quality of life and community action, or, where appropriate, joint action by Member States in the international organizations dealing with environmental questions. Implementation of the Action Programme so far as legal controls are concerned has included the Agreement of the Representatives of the Governments of the Member States meeting in Council of March 1973 on information for the Commission and for Member States with a view to possible harmonisation throughout the Communities of urgent measures concerning the environment, which allows the Commission an opportunity to comment on draft legislative regulatory or administrative measures concerning the protection of the environment prepared by Member States, and where such measures may directly affect the functioning of the Common Market, to delay adoption of the measures pending introduction of Community measures on the subject. Member States must also notify the Commission of any international initiative they launch on the environment and will coordinate their views on such initiatives.

Other measures adopted so far include a Council Regulation of March 1975 on energy and the environment; a Council Directive of June 1975 on the disposal of waste oils; a Council Decision of June 1975 establishing a common procedure for the exchange of information between the surveillance and monitoring networks based on data relating to atmospheric

*Directive*

pollution caused by certain compounds and suspended particulates; a Council Decision of July 1975 on the re-utilization and/or disposal of wastes generally; and a Council Recommendation of March 1975 regarding cost allocation and action by public authorities on environmental matters, and proposals for Council Directives on the reduction of water pollution caused by wood pulp mills, and on titanium dioxide pollution.

#### 4.7. Regional controls over river pollution liable to affect the Mediterranean Sea area

This section will examine the state of regional controls over river pollution liable to affect the Mediterranean Sea area. The main regions in question are Africa and Europe. Agreements covering individual rivers draining into the Mediterranean Sea area will be considered under the heading, "sub-regional arrangements".

##### (a) Africa

The African Convention on the Conservation of Nature and Natural Resources, 1968, requires Contracting States to establish policies for the conservation, utilization and development of underground and surface waters, taking appropriate measures, inter alia, with regard to the prevention and control of water pollution. Where water resources are shared by two or more Contracting States, they are to act in consultation and, if the need arises, set up water state commissions to deal with problems arising from the joint use of these resources and for their joint development and conservation. The Convention entered into force in October 1969 on ratification by four African countries.

##### (b) Europe

There are no general regional agreements on the control of inland water pollution in Europe (see below S. 5.3).

#### 5. PROPOSED CONVENTIONS AT THE REGIONAL LEVEL

##### 5.1. The Mediterranean Sea area

Several proposals have been put forward concerning the Mediterranean Sea area and the protection of its marine environment over the last few years. Some of these proposals envisaged action for a convention covering the whole of the Mediterranean. Others, such as the Neuilly draft Agreement on cooperation in dealing with oil pollution emergencies, the Rome proposals on dumping in the Western Mediterranean and the Ramoges project and proposals envisaged action at the subregional level and will be considered accordingly below under subregional agreements and proposals.

At the First Session of the Inter-governmental Working Group on Marine Pollution held in London in June 1971, representatives of 10 Mediterranean coastal states - Algeria, Cyprus, Egypt, France, Italy, Malta, Morocco, Spain, Turkey and Yugoslavia - called for the formulation of a regional agreement on the control of marine pollution in the Mediterranean, arguing that regional action would be "more likely to achieve positive results than worldwide action, at least in the present state of affairs". According to the 10 states, the proposed agreement should cover the prevention of marine pollution in all its forms including the planning of purification infrastructures in new towns and industries, mutual scientific and technical cooperation and assistance, control governing the definition of norms and standards, and the creation of joint monitoring networks where necessary.

Other proposals advanced at that time for regional systems for the control of marine pollution in the Mediterranean, ~~apart from the present CECM initiative~~, include the so-called Mediterranean Model put forward by Mrs. Elizabeth Mann Borgese in 1971, which called for a detailed system of controls covering all sources of pollution, and the establishment of a Mediterranean Council to supervise the controls, consisting of a Mediterranean Committee, a Mediterranean Bureau and a Mediterranean Institute, and the so-called Beirut Charter for the Protection of the Mediterranean adopted in June 1973 at a conference convened by the United Towns Organization.

On the initiative of its General Fisheries Council for the Mediterranean (GFCM), FAO convened a Government Consultation on the Protection of Living Resources and Fisheries from Pollution in the Mediterranean in 1974. The Consultation adopted a set of "Guidelines which could serve as a Basis for the Drafting of a Framework Convention and Protocols for the Protection of the Marine Environment against Pollution in the Mediterranean". The guidelines covered all sources and types of pollution and proposed the approach of a framework convention covering the whole Mediterranean, supplemented by a series of protocols laying down specific obligations concerning certain sources of pollution or aspects of cooperation. The FAO/GFCM initiative merged with a new initiative launched by UNEP in autumn 1974 and an Intergovernmental Meeting on the Protection of the Mediterranean was convened by UNEP, in cooperation with FAO and other international agencies concerned, in January-February 1975 to consider and adopt an Action Plan for the Mediterranean. As part of this Action Plan, a draft Framework Convention for the Protection of the Marine Environment against Pollution in the Mediterranean and Protocols dealing with ocean dumping and cooperation in dealing with pollution emergencies have been prepared and have been submitted to the present Diplomatic Conference for its consideration. In addition, a series of principles suggested for inclusion in a draft Protocol for the Protection of the Mediterranean against Pollution from Land-Based Sources are being prepared by WHO, in consultation with FAO and under the general aegis of UNEP. The Commission of the European Communities is also working on the preparation of a draft Protocol on the Protection of the Mediterranean from Pollution Resulting from the Exploration and Exploitation of the Seabed, and apparently a separate Protocol on Land-Based Sources of Pollution.

The Inter-Parliamentary Conference of Coastal States on the Control of Pollution in the Mediterranean Sea convened in Rome by the Inter-Parliamentary Union, and the Italian Chamber of Deputies, sponsored by UNEP in March 1974, recommended that Mediterranean states participate in the FAO/GFCM initiative and, in particular, conclude a comprehensive regional agreement or specific regional agreements which provide for a common mechanism for action, coordination and control, and zonal or subregional agreements within that framework. The Conference also called for greater participation in existing conventions.

## 5.2. Other regions

For the North-east Atlantic/North Sea area proposals are being considered for the preparation of draft legal instruments on the prevention of pollution from seabed exploration and exploitation operations and on liability for oil pollution damage resulting from such operations.

In other areas of the world initiatives for the establishment of comprehensive regional marine pollution control arrangements are springing up, including, for example, movements to establish regional arrangements for the Gulf's area, the Red Sea area, and the Malacca Straits.

## 5.3. River pollution liable to affect the Mediterranean - Europe

Several international organizations are active in this area, including the Economic Commission for Europe of the United Nations (UNECE), EEC, CMEA and the Council of Europe, which adopted a European Water Charter in 1967 and is presently engaged in formulating a draft framework convention on the protection of international watercourses against pollution in Europe. The European Inland Fisheries Advisory Commission (EIFAC) has been particularly involved in the formulation of freshwater quality criteria from the technical point of view.

## 6. EXISTING AGREEMENTS AT THE SUB-REGIONAL LEVEL

### 6.1. Sub-regional arrangements in the Mediterranean Sea area

The Italo-Yugoslav Agreement on Cooperation for the Protection from Pollution of the Waters of the Adriatic Sea and Coastal Areas, signed in Belgrade in February 1974, provides



for close cooperation between the two Governments and for the establishment of a bipartite Mixed Commission for the Protection of the Waters of the Adriatic Sea and of the Coastal Areas. The Commission, which is to meet at least once a year, may examine all problems concerning pollution of the agreement area and make proposals to the Member Governments. The Agreement provides for entry into force after notification of completion of the necessary constitutional formalities by each Party.

Although a pilot project involving France, Monaco and Italy for the study of measures needed to end pollution in the sub-region of the Gulf of Genoa and the Côte d'Azur (the so-called RAMOGE project) has been in existence since December 1970, the report of the group, which was presented in April 1972, has not yet been made public, nor has any definitive agreement yet been signed (see below S.7.3).

## 6.2. Sub-regional arrangements affecting the Mediterranean Sea area - controls over the pollution of international rivers draining into the Mediterranean

### 6.2.1. The Rhone

The Convention on the Protection of the Waters of Lake Geneva against Pollution, signed in Paris on 16 November 1962, by France and Switzerland, provides for the protection from pollution of the waters of Lake Geneva and the Rhone below the lake as far as the Swiss frontier. The Convention established a bipartite commission which organizes and executes the necessary research on the nature, quantity and origin of pollution in its area of competence, and makes recommendations to the Signatory Governments on measures to be taken to abate or prevent pollution. The Convention came into force in November 1963. Although the Convention deals only with the upper waters of the Rhone, the controls are of relevance so far as the eventual quality of the waters discharged by the Rhone into the Mediterranean is concerned.

### 6.2.2. The Po

The Convention between Switzerland and Italy on the Protection of Italo-Swiss Waters from Pollution, signed in Rome in April 1972, provides for close cooperation in the protection of the waters of Lake Maggiore, Lake Lugano and the watercourses situated on or crossing the frontier. The Convention establishes a Mixed Commission which is to meet at least once a year to examine all relevant problems, organize the necessary research, and propose to the Member Governments measures and regulations to be adopted to combat pollution. The Convention entered into force on 7 August 1973. The controls are of relevance to the Mediterranean in that the River Po, which discharges into the Adriatic, is fed indirectly by waters from Lake Maggiore and Lake Lugano.

### 6.2.3. The Nile

No provisions dealing with water pollution is included in the main Agreement between the United Arab Republic (Arab Republic of Egypt) and the Republic of Sudan for the Full Utilization of the Nile Waters, signed in Cairo in November 1959, nor in the previous Agreement of 1929 between Egypt and the United Kingdom.

### 6.2.4. The Danube

The Convention on the Control of Navigation on the Danube, signed in Belgrade in 1948, established the Danube Commission which has amongst its functions the task of protecting the waters of the Danube from pollution caused by shipping on the river. In pursuance of this function, the Commission has, inter alia, recommended in 1959 the adoption of regulations forbidding the discharge of oily wastes and mixtures in the navigable waters of the Danube and calling for the establishment of adequate oil reception facilities. The Commission has since adopted other decisions on the same subject.

Other provisions relating to pollution control measures for the Danube are included in the Convention between the Governments of Romania, Bulgaria, Yugoslavia and the U.S.S.R. concerning Fishing in the Waters of the Danube, signed in Bucharest in 1958.



7 PROPOSED AGREEMENTS AT THE SUBREGIONAL LEVEL

7.1 The Draft Agreement of Neully on Cooperation in dealing with the Pollution of the Waters of the Mediterranean by Oil

In April 1972 the draft text of an agreement to provide for regional cooperation in dealing with oil pollution threats in the Western Basin of the Mediterranean Sea was approved at a meeting in Neully. The draft Agreement was based very much on the provisions of the Bonn Agreement (see above S.4) and included the Bonn provision regarding zones of initial responsibility for assessment of oil pollution threats, though in the case of the Neully draft Agreement these were always zones of joint responsibility. No further action on the Neully draft Agreement has been taken since the launching of the initiative for a broader framework Convention and Protocol.

7.2 The Rome draft Agreement on the Control of Dumping

A second proposal was also under consideration on the initiative of the Italian Government that would, in effect, transpose the provisions of the Oslo Dumping Convention into the Western Basin of the Mediterranean. The draft Convention followed closely the lines of the Oslo Convention and would have been open to all interested states, including states not having a Mediterranean coastline. A meeting to discuss the proposed Convention was held in Rome in July 1972, but no further action had been taken since the launching of the initiative for a broader framework Convention and Protocol.

7.3 The RAMOGE proposals - draft Agreement between France, Italy and Monaco 1/

The report of the RAMOGE group adopted at a meeting of RAMOGE scientists and of departmental/provincial/principality officials from France, Italy and Monaco, respectively, held in April 1972, contained proposals for the future operation of the RAMOGE project. Under the proposals a tripartite commission would be set up to tackle certain administrative and scientific tasks, including scientific investigations, a coordinated programme in the area of treatment facilities, establishment of local or regional standards for both receiving waters and effluents, the establishment of lists of substances and products liable to cause pollution, the sale and distribution of which ought to be prohibited or at least controlled, and the coordination of sanctions. Meanwhile, under the RAMOGE proposals, the participating local authorities would bind themselves to take certain practical measures, such as the suppression of unauthorized discharges, the expansion of public sewage systems and the banning of new private sewer discharges, treatment of hospital effluents, etc..

A draft Agreement between France, Italy and Monaco on the protection of coastal waters against pollution was drawn up at a meeting in Rome at the beginning of October 1975. The draft Agreement which takes up some of the RAMOGE proposals, envisages the establishment of a tripartite international commission charged with the functions of establishing and promoting close cooperation between the national services responsible for coastal water pollution control. The draft Agreement, which would apply to the coastline between Hyères and Genoa, has not yet been signed.

8 GAPS IN COVERAGE AND APPLICATION OF INTERNATIONAL CONTROLS OVER MARINE POLLUTION IN THE MEDITERRANEAN SEA AREA

8.1 Pollution from waste dumping operations

Waste dumping operations in the Mediterranean Sea area are affected by the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972. This control is incomplete in the following ways:

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1/ See above S.6.1

(a) From the point of view of application

As of 1 September 1975, the London Dumping Convention which entered into force on 30 August 1975, had been ratified by one Mediterranean coastal state only. Since the Oslo Dumping Convention does not apply to the Mediterranean, only strictly limited international controls are in force for the Mediterranean area over ocean dumping at this moment.

(b) From the point of view of substantive coverage

Stricter controls may be required over the dumping of wastes in the semi-enclosed Mediterranean than are required by the London Dumping Convention on a global scale. Moreover, global controls alone, while forming a useful framework for more specific regional controls, do not provide an adequate focal point for continuous controls over localized dumping operations, the recording of discharges in a particular region and the continuous monitoring of the effects of such discharges on the overall state of the marine environment in a particular region. Furthermore, the existence of global controls alone does not stimulate total participation in such controls by all states bordering a particular region such as the Mediterranean Sea. For these reasons, the London Convention recognizes the need for regional arrangements and calls for the prompt establishment of such controls under the umbrella of the global convention.

8.2 Pollution from shipping

(a) Substantive coverage

International controls over pollution from shipping presently in force (the London Oil Pollution Convention, 1954, as amended in 1962) are limited to the problems of oil pollution. With the entry into force of the amendments of 1969 and 1971 and of the Convention for the Prevention of Pollution from Ships, 1973, these controls will be strengthened and will be extended to cover all other significant forms of pollution from ships and the special needs of the Mediterranean Sea area will be provided for, at least in part, by the designation of the Mediterranean as a Special Area for the purpose of pollution by oil and garbage, though it is not so designated for the purpose of pollution from chemical tankers. The 1973 Convention also provides for the continual revision and updating of the specific regulatory controls through a simplified procedure of amendment. Questions relating to the prevention of accidents, the minimization of pollution damage from accidents, liability and compensation are all covered or potentially covered fairly adequately by global conventions, with the exception of cooperation in dealing with pollution emergencies (see below S.8.3). In view of the worldwide nature of international shipping and its extensive mobility and the dangers of causing unwarranted obstacles to international navigation, further substantive improvements to the system of international controls over pollution from shipping are probably better handled primarily on a global basis. Any major gaps in international controls over pollution from shipping in the Mediterranean Sea area, apart from the omission with respect to discharges from chemical tankers, would appear to be problems not of substantive coverage but of application. Any regional action contemplated with respect to this aspect of pollution, should perhaps, therefore, concentrate more on regional cooperation in the application and enforcement of substantive controls developed at the global level.

(b) Application

Participation of Mediterranean coastal states in the IMCO London Oil Pollution Convention of 1954, as amended in 1962, is considerable, including 15 out of the 18 coastal states. The important 1969 amendments, however, have not entered into force yet, requiring acceptance by a further 11 states as of 1 September 1975, and have been accepted by 7 of the 18 Mediterranean coastal states only. The 1973 Convention for the Prevention of Pollution from Ships is still only in the early stages of ratification.

Of the other conventions relevant to pollution from shipping, the Convention on the Safety of Life at Sea, 1960 and the Convention on the International Regulations for Preventing Collisions at Sea, 1960 have received strong, though not total, support from countries surrounding the Mediterranean. Participation in other international conventions, such as the Brussels Intervention and Oil Liability Conventions of 1969 and the various global conventions on liability and compensation is still limited, though showing a pronounced increase over the last 2 years.

### 8.3. Cooperation in dealing with pollution emergencies

Although the 1973 Convention on the Prevention of Pollution from Ships does include a provision for Contracting Parties to notify other states likely to be affected regarding incidents liable to threaten substantial pollution damage, no adequate provision is made in any global convention for cooperation among affected states in dealing with pollution emergencies. Nor, in fact, can any adequate system be established at the global level requiring, as it does, established channels of cooperation, practicable contingency planning and accessible focal centres for research and coordination. Such systems must be established at the regional level. They have already been established in Scandinavia, in the North Sea area, and in the Baltic Sea area. That no such arrangement has yet been established for the Mediterranean Sea area is a substantive gap in the coverage of international pollution controls.

### 8.4. Pollution from operations on the seabed and continental shelf

Relevant provisions in existing global conventions, namely the Geneva Conventions on the Continental Shelf and High Seas of 1958, are quite broadly worded and lacking in enforceable detail. Participation in the two conventions by Mediterranean coastal states is limited to 5 out of 18 for the High Seas Convention and 8 out of 18 for the Continental Shelf Convention. Controls over pollution from seabed operations beyond the limits of national jurisdiction is a subject matter of the Third UN Law of the Sea Conference. But there would appear to be room in any case for strengthening present controls over pollution from continental shelf and seabed operations in the Mediterranean, subject to the outcome of the UN Conference.

### 8.5. Pollution from coastal discharges and other land-based sources

Pollution of the marine environment of the Mediterranean Sea area from coastal discharges and other land-based sources is at present subject to no international controls. The problem is covered in general terms by most of the proposals at the global level being considered by the UN Law of the Sea Conference. Proposals for the introduction of controls over such discharges at the regional level have already been adopted for at least two regions, one of them bordering on the Mediterranean Sea area. Within the Mediterranean itself coastal discharges would be subject to controls on a limited sub-regional level under the RAMOGE project and its proposed extension. Coastal discharges and other land-based sources of pollution are of high significance in the Mediterranean Sea area. That they are not yet subjected to any international controls constitutes an important gap in the coverage of international controls.

### 8.6. Pollution from military sources

There are already in existence three separate conventions at the global level dealing with problems concerning nuclear and bacteriological weapons, including the danger of pollution (see above 8.2.5).

### 8.7. Product controls

Controls aimed at regulating production processes and the manufacture, distribution, sale and use of products that are root causes of pollution are being increasingly viewed as indispensable weapons in the armoury of environmental protection at all levels of action. The only agreement in force dealing with such controls, the European Agreement

on the Restriction of the Use of Certain Detergents in Washing and Cleansing Products, 1968 counts only two Mediterranean coastal states among its Parties. The importance of such controls is recognized in the Oslo Dumping Convention, and provision for product and process controls is included in the regional Convention for the Protection of the Marine Environment of the Baltic Sea Area. No such provision applies at present to the Mediterranean Sea area. This is undoubtedly a significant gap in international controls. However, in view of the economic repercussions of such controls, the disparity between the stages of industrial development among the various states bordering the Mediterranean Sea and the existence of regional economic groupings affecting the area but based on different physical regions, it is doubted whether this gap could usefully be filled by action centred on the Mediterranean Sea area as a region.

## 9. FURTHER ACTION REQUIRED

From the above survey it would appear that there are considerable gaps in the patchwork of international controls over pollution of the marine environment in the Mediterranean area. They are gaps sometimes of substantive coverage; the particular matter is not regulated at all by international agreement or at least not for that region. Or they may be gaps in application, that is, the matter is covered by international agreement but not applied effectively to the Mediterranean area because the convention has not yet entered into force, or because of inadequate participation in the agreement by coastal states bordering the Mediterranean Sea. This final section will examine briefly the types and levels of remedial action that could be envisaged.

### 9.1. Enactment and harmonization of national legislation

Ultimately international measures for the control of marine pollution are only as effective as the national legislation which implements and enforces it. Other problems of pollution are so strictly local in nature and effects that they can be settled by national legislation and enforcement alone. The question then arises whether the various gaps and inadequacies of coverage or application noted in the preceding sections of this survey could not be adequately filled by a call for better and more effective national legislation and for the harmonization of national legislation and standards.

A great deal can, of course, be accomplished through harmonized and effective national legislation and there is a great need for such legislation. But it would not, it is submitted, on its own remove the need for further action at the international level, whether global or regional.

In the first place, there is a normal and understandable reluctance on the part of governments to adopt unilaterally national control measures that will have economic repercussions on their own economy and place their industries, particularly developing industries, at a competitive disadvantage internationally, unless they are assured, so far as practicable, that other states in the region will eventually be obliged to adopt equal measures and standards. Such an assurance calls for the adoption of a binding international agreement on measures and standards to be adopted.

Secondly, the technique of relying solely on harmonized legislation is more appropriate where relatively stable norms are to be established on a one-time basis. The technique is less applicable where complex standards are to be adopted which will require constant or periodical review and amendment in the light of new technological information or changes in physical circumstances.

Thirdly, and relatedly, many of the issues on which further action is required, such as cooperation in dealing with pollution emergencies, the maintenance of comprehensive regional records of discharges and the establishment of monitoring systems based on the geophysical region rather than circumscribed by national boundaries, call for the establishment of ongoing and continuous, yet formalized, transnational cooperation and the

establishment of extranational focal points for the collection and analysis of data, which can only be achieved in the permanent institutional framework of an international agreement.

### 9.2. A call to ratify existing conventions

As pointed out above, some of the gaps and inadequacies of existing international controls over marine pollution in the Mediterranean Sea area are problems relating to participation in and application of existing convention provisions rather than problems relating to gaps in the substantive coverage of these provisions. Increased participation in the relevant conventions and other agreements would therefore go part way towards easing the problem of marine pollution in the Mediterranean. In this connection it is encouraging to note the substantial response of Mediterranean coastal states to calls for increased participation in global marine pollution control conventions over the last 2 years. But though it may be an important element of the future action required, a call for increased participation in existing global conventions would not in itself be sufficient. In the first place, questions of participation in certain international conventions may involve political considerations unrelated to the merit of the substantive issues involved. Secondly, as pointed out above, there are also certain definite gaps in the substantive coverage of the present international controls that would not be remedied by increased participation in existing conventions. Thirdly, as mentioned in connection with harmonization of national legislation, such an approach, even if successful, would not provide the necessary institutional framework and permanent channels for cooperative effort based upon a conception of the Mediterranean Sea area as an integrated ecological unit.

### 9.3. A regional convention for the control of pollution in the Mediterranean area

The most effective action to close the existing gaps in international controls adequately and to ensure more effective protection of the marine environment and its living resources from pollution in the Mediterranean would appear to be the adoption of a regional convention to that effect. The need for taking concerted regional action to protect the marine environment in ecologically integrated regions, and most particularly in enclosed and semi-enclosed seas, has long been stressed in many fora, including the FAO Technical Conference on Marine Pollution and its Effects on Living Resources and Fishing, held in Rome in 1970, the UN Conference on the Human Environment, held in Stockholm in 1972, and the Intergovernmental Conference on the Dumping of Wastes at Sea, held in London in 1972, and is recognized in most of the proposals currently being considered by the UN Conference on the Law of the Sea. As noted previously in this survey, many such regional arrangements are now springing up for the protection of other vulnerable regions of the marine environment.

The scope of such a regional convention for the Mediterranean Sea area, it is suggested should be broad, covering all sources of pollution, while retaining a good deal of flexibility to respond effectively and dynamically to changes in knowledge and circumstances.

The Draft Framework Convention for the Protection of the Marine Environment against Pollution in the Mediterranean and the first two draft Protocols on Cooperation in Combatting Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency and the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, submitted to the present conference, provide a start in this direction and a framework for future action.

LIST OF GLOBAL CONVENTIONS DEALING WHOLLY OR PARTLY WITH MARINE POLLUTION CONTROL

Dumping

- 1 Convention on the High Seas, 1958
- 2 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972

Shipping (a) Operational discharges

- 3 International Convention for the Prevention of Pollution of the Seas by Oil, 1954 as amended 1962
- (4) International Convention for the Prevention of Pollution of the Seas by Oil, 1954 as amended 1969
- (5) International Convention for the Prevention of Pollution of the Seas by Oil, 1954 as amended 1971 (Tanks)
- (6) Convention for the Prevention of Pollution from Ships, 1973
- 7 International Convention for the Safety of Life at Sea, 1960
- (8) International Convention for the Safety of Life at Sea, 1974

(b) Shipping accidents

- 9 International Regulations for Preventing Collisions at Sea, 1960
- (10) Convention on the International Regulations for Preventing Collisions at Sea, 1972
- 11 International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969
- (12) Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil, 1973

(c) Liability and Compensation

- 13 International Convention on Civil Liability for Oil Pollution Damage, 1969
- (14) International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971
- (15) International Convention on the Liability of Operators of Nuclear Ships, 1962
- (16) Convention on Civil Liability for Nuclear Damage, 1963
- 17 Convention on Third Party Liability in the Field of Nuclear Energy, 1960

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( ) Indicates that the Convention has not yet entered into force.

- 18 Convention Supplementary to the Paris Convention on Third Party Liability in the Field of Nuclear Energy, 1963
- 19 Convention relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material, 1971

Seabed Operations

- 20 Convention on the Continental Shelf, 1958

Military Sources

- 21 Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and Underwater, 1963
- 22 Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil thereof, 1971
- 23 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, 1972

Coastal States' Rights

- 24 Convention on the Territorial Sea and the Contiguous Zone, 1958

\* \* \* \* \*

PARTICIPATION OF MEDITERRANEAN COASTAL STATES IN GLOBAL CONVENTIONS DEALING WHOLLY OR IN PART WITH MARINE POLLUTION CONTROL (AS OF 1 SEPTEMBER 1975)

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	
	Geneva High Seas 1958	London Dumping 1972	London Oil 1954/62	Amendments 1969	Amendments 1971 (Tanks)	Pollution from Ships - 1973	SOLAS 1960	SOLAS 1974	Collision Regulations-1960	Collision Regulations-1972	Intervention 1969	Intervention Protocol - 1973	Oil Liability 1969	Compensation Fund 1971	Brussels Nuclear Liability - 1962	Vienna Nuclear Liability - 1963	Paris Nuclear Liability - 1960	Paris Supp. Conv. - 1963	Nuclear Liability 1971	Geneva Continental Shelf - 1958	Treaty - 1963	Seabed Weapons 1971	Biological Weapons - 1972	Geneva Territorial Sea - 1958	
TOTAL MEMBERSHIP	55	16	52	(24)	(13)	(1)	91	(2)	65	(18)	20+	(0)	17+	(6)	(7)	10	6	5	53	106	57	55	45		
<u>Mediterranean Coastal States:</u>																									
Albania	X																								
*Algeria			X																	X					
*Cyprus				(X)			X		X											X	X	X			
*Egypt			X	(X)			X		X											X	X				
*France		S	X	(X)		(S)	X		X	(X)	X									X	X				
*Greece		S	X	(X)			X		X	(X)	S									X	X				
*Israel	X		X				X		X											X	X				
*Italy	X	S	X	(X)		(S)	X		X	(S)	S									X	X				
*Lebanon	S	S	X	(X)			X		X		X									X	X				
*Libyan A.R.			X	(X)			X		X											X	X				
*Malta			X	(X)			X		X											X	X				
*Monaco		S	X	(X)			X		X		X									X	X				
*Morocco		S	X	(X)			X		X		X									X	X				
*Spain	X	X	X			(S)	X		X	(X)	X									X	X				
Syrian A.R.	X	X	X				X		X		X									X	X				
*Tunisia	S	S	X	(X)			X		X											S	X				
*Turkey			X				X		X											S	X				
*Yugoslavia	X		X				X		X		S									X	X				
TOTAL MEMBERSHIP MEDITERRANEAN COASTAL STATES	5	1	15	(7)	(4)	(0)	16	(1)	13	(3)	6	(0)	6	(2)	(1)	4	2	2	8	14	7	7	5		
<u>Black Sea Coastal States:</u>																									
*Bulgaria	X					(S)	X	(S)	X	(X)										X	X	X	X	X	
*Romania	X						X		X	(X)	S									X	X	X	X	X	
Ukrainian S.S.R.	X	S					X		X	(X)										X	X	X	X	X	
U.S.S.R.	X	S	X	(X)		(S)	X	(S)	X	(X)	X	(S)								X	X	X	X	X	
TOTAL MEMBERSHIP BLACK SEA COASTAL STATES	4	0	1	(1)	(0)	(0)	3	(1)	3	(3)	1	(0)	1	(0)	(0)	0	0	0	4	4	4	3	4		

\* Member of the General Fisheries Council for the Mediterranean (GFCM)  
 ( ) Convention not in force  
 S State is a signatory only  
 X State is a party to the Convention  
 + As of 3 September 1975  
 ++ As of 19 November 1975



Annex III

LIST OF REGIONAL AND SUB-REGIONAL AGREEMENTS DEALING WHOLLY OR PARTLY  
WITH MARINE POLLUTION CONTROL

Radioactive Substances

- 1 Treaty Establishing the European Atomic Energy Community, 1957
- 2 Antarctic Treaty, 1959
- 3 Treaty for the Prohibition of Nuclear Weapons in Latin America, 1968

Cooperation in Dealing with Pollution Emergencies

- 4 Agreement for Cooperation in Dealing with Pollution of the North Sea by Oil, 1969
- 5 Agreement concerning Cooperation in Measures to deal with Pollution of the Sea by Oil, 1971

Dumping

- 6 Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft, 1972
- (7) Convention on the Conduct of Fishing Operations in the North Atlantic, 1967

Land-based sources

- (8) Convention for the Prevention of Marine Pollution from Land-Based Sources, 1974

Product Controls

- 9 European Agreement on the Restriction of the Use of Certain Detergents in Washing and Cleaning Products, 1968

General Agreements

- (10) Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1974
- (11) Italo-Yugoslav Agreement on Cooperation for the Protection from Pollution of the Waters of the Adriatic Sea and Coastal Areas, 1974
- 12 Treaty establishing the European Economic Community, 1957, and Measures adopted under the Programme of Environmental Action of the European Communities

River Pollution affecting the Mediterranean Sea Area

- 13 African Convention on the Conservation of Nature and Natural Resources, 1968
- 14 Convention on the Protection of the Waters of Lake Geneva against Pollution, 1962
- 15 Convention between Switzerland and Italy on the Protection of Italo-Swiss Waters from Pollution, 1972
- 16 Convention on the Control of Navigation on the Danube, 1948
- 17 Convention between the Governments of Romania, Bulgaria, Yugoslavia and the U.S.S.R. concerning Fishing in the Waters of the Danube, 1958

PARTICIPATION OF MEDITERRANEAN COASTAL STATES IN REGIONAL AND SUB-REGIONAL AGREEMENTS DEALING WHOLLY OR IN PART WITH MARINE POLLUTION CONTROL (AS OF 1 SEPTEMBER 1975)

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	9	18	21	8	4	8	(8)	(0)	7+	(1)	(0)	9	++	2	2	8	4
<b>TOTAL MEMBERSHIP</b>																	
<b>Mediterranean Coastal States:</b>																	
Albania																	
*Algeria																	
*Cyprus																	
*Egypt	X	X		X		X	(X)	(S)	X			X					
*France																	
*Greece																	
*Israel									S		(S)	X					
*Italy	X						(S)										
*Lebanon																	
*Libyan A.R.																	
*Malta																	
*Monaco																	
*Morocco																	
*Spain						X	(X)	(S)	X								
Syrian A.R.																	
*Tunisia																	
*Turkey																	
*Yugoslavia											(S)					X	X
<b>TOTAL MEMBERSHIP MEDITERRANEAN COASTAL STATES</b>	2	1	0	1	0	2	(2)	(0)	2	(0)	(0)	2	++	1	1	1	1
Applicability to Mediterranean Sea Area	X								X		(X)	X	X	X			
<b>Black Sea Coastal States:</b>																	
*Bulgaria																X	X
*Romania															X	X	X
Ukrainian S.S.R.															X	X	X
U.S.S.R.							(X)			(S)					X	X	X
<b>TOTAL MEMBERSHIP BLACK SEA COASTAL STATES</b>	0	2	0	0	0	0	(1)	(0)	0	(0)	(0)	0	0	0	0	4	3
Applicability to Black Sea Area																X	X

\* Member of the General Fisheries Council for the Mediterranean (GFCM)  
 ++ Membership figures not available at date of preparation of table  
 e European Communities are also a signatory / + as of 10 October 1975  
 ( ) Convention not in force  
 S State is a signatory only  
 X State is a party to the Convention

LIMITS AND STATUS OF THE TERRITORIAL SEA, EXCLUSIVE FISHING ZONES, CONTINENTAL SHELF AND CONTIGUOUS ZONES IN THE MEDITERRANEAN SEA AND BLACK SEA AREAS

Annex V

	Territorial Sea	Exclusive Fishing Zone	Continental Shelf	Contiguous Zone
<u>Mediterranean Coastal States:</u>				
Albania	12 mi (1970)		a	
*Algeria	12 mi (1963)			
*Cyprus	12 mi (1964)			
*Egypt	12 mi (1958)		200 m/exploitable depth	18 mi (1958) c, s, sec
*France	12 mi (1971)		a	
*Greece	6 mi (1936)		a	
*Israel	6 mi (1956)		a	
*Italy	12 mi (1974)		200 m/exploitable depth	
*Lebanon		6 mi (1921)		12 mi (20 km) c, cr, (1954/43)
*Libyan A.R.	12 mi (1959)			
*Malta	6 mi (1971)	12 mi (1971)	a	12 mi (1971) c, s, p
*Monaco	12 mi (1971)			12 mi (20 km) c (1948)
*Morocco	12 mi (1973)	70 mi (1973)	200 m/exploitable depth	20 mi c
*Spain	6 mi (1760)	12 mi (1967)	a	12 mi (1968) c
Syrian A.R.	12 mi (1964)		200 m/exploitable depth	18 mi + 6 mi c, s, sec
*Tunisia	12 mi (1973)			
*Turkey	6 mi (1964)	12 mi (1964)		
*Yugoslavia	10 mi (1965)		a	
<u>Black Sea Coastal States:</u>				
*Bulgaria	12 mi (1951)		a	
*Romania	12 mi (1951)		a	
Ukrainian S.S.R.	12 mi (1909)		a	
U.S.S.R.	12 mi (1909)		a	

\* Member of the General Fisheries Council for the Mediterranean (GFCM)

a Party to Geneva Convention on the Continental Shelf, 1958, which defines the limits of the continental shelf as being the 200 m isobath or, "beyond that limit, <sup>to</sup>where the depth of the superjacent waters admits of the exploitation of the natural resources of the said areas...."

c customs  
 cr criminal  
 p pollution  
 s sanitary  
 sec security

Purposes for which contiguous zone established