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Conference of Plenipotentiaries of the
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Note by the Executive Director

A document prepared by the Food and Agriculture Organization of the United Nations (FAO) "Comparative Table of texts relating to the Draft Convention for the protection of the marine environment against pollution in the Mediterranean, Background paper No.9" is submitted separately to participants in the Conference for their information (English and French only).



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COMPARATIVE TABLE OF TEXTS
RELATING TO THE
DRAFT CONVENTION FOR THE
PROTECTION OF THE MARINE ENVIRONMENT
AGAINST POLLUTION IN THE MEDITERRANEAN

compiled by
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Introductory Note

This background paper has been prepared on the occasion of the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region on the Protection of the Mediterranean Sea (Barcelona, 2-13 February 1976) convened by the United Nations Environment Programme (UNEP) in cooperation with FAO and other United Nations agencies concerned. An earlier version was submitted as Background Paper No. 1 to the UNEP Working Group on Draft Legal Instruments for the Protection of the Mediterranean (Geneva, 7-11 April 1975); it has now been revised in connexion with the "Draft Convention for the Protection of the Marine Environment against Pollution in the Mediterranean" prepared by FAO (Conference Document UNEP/CONF. 1/3, 30 September 1975).

The purpose of the background paper is to facilitate comparison and cross-reference to other international instruments, which are cited as follows:

- Guidelines - Guidelines for the formulation of a framework convention and protocols, approved by the (FAO) intergovernmental Consultation on the Protection of Living Resources and Fisheries from Pollution in the Mediterranean (Rome, 19-23 February and 27-31 May 1974)
- Helsinki - Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki, 22 March 1974)
- IMCO 1973 - International (IMCO) Convention for the Prevention of Pollution from Ships (London, 2 November 1973)
- London - Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London, 29 December 1972)
- Oslo - Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft (Oslo, 15 February 1972)
- Paris - Convention for the Prevention of Marine Pollution from Land-Based Sources (Paris, 4 June 1974)
- SE Atlantic - Convention on the Conservation of the Living Resources of the Southeast Atlantic (Rome, 23 October 1969)
- LOS Negotiating Text - Informal Single Negotiating Text, by the chairmen of committees I-III, prepared at the request of the Third United Nations Conference on the Law of the Sea (UN/LOS A/CONF. 62/WP.8, Geneva, May 1975).

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Preamble

Helsinki:

THE STATES PARTIES TO THIS CONVENTION

CONSCIOUS of the indispensable economic, social and cultural values of the marine environment of the Baltic Sea Area and its living resources for the peoples of the Contracting Parties;

BEARING in mind the exceptional hydrographic and ecological characteristics of the Baltic Sea Area and the sensitivity of its living resources to changes in the environment;

NOTING the rapid development of human activities at the Baltic Sea Area, the considerable population living within its catchment area and the highly urbanized and industrialized state of the Contracting Parties as well as their intensive agriculture and forestry;

NOTING with deep concern the increased pollution of the Baltic Sea area originating from many sources such as discharges through rivers, estuaries, outfalls and pipelines, dumping and normal operations of vessels as well as through airborne pollutants;

CONSCIOUS of the responsibility of the Contracting Parties to protect and enhance the values of the marine environment of the Baltic Sea Area for the benefit of their peoples;

RECOGNIZING that the protection and enhancement of the marine environment of the Baltic Sea Area are tasks that cannot effectively be accomplished by national efforts only but that also close regional cooperation and other appropriate international measures aiming at fulfilling these tasks are urgently needed;

NOTING that the relevant recent international conventions even after having entered into force for the respective Contracting Parties do not cover all special requirements to protect and enhance the marine environment of the Baltic Sea Area;

NOTING the importance of scientific and technological cooperation in the protection and enhancement of the marine environment of the Baltic Sea Area, particularly between the Contracting Parties;

DESIRING to develop further regional cooperation in the Baltic Sea Area, the possibilities and requirements of which were confirmed by the signing of the Convention on Fishing and Conservation of the Living Resources in the Baltic Sea and the Belts, Gdansk 1973;

CONSCIOUS of the importance of regional intergovernmental cooperation in the protection of the marine environment of the Baltic Sea Area as an integral part of the peaceful cooperation and mutual understanding between all European States;

IMCO 1973:

THE PARTIES TO THE CONVENTION,

BEING CONSCIOUS of the need to preserve the human environment in general and the marine environment in particular,

RECOGNIZING that deliberate, negligent or accidental release of oil and other harmful substances from ships constitutes a serious source of pollution,

RECOGNIZING ALSO the importance of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as being the first multi-lateral instrument to be concluded with the prime objective of protecting the environment, and appreciating the significant contribution which that Convention has made in preserving the seas and coastal environment from pollution,

DESIRING to achieve the complete elimination of intentional pollution of the marine environment by oil and other harmful substances and the minimization of accidental discharge of such substances,

CONSIDERING that this object may best be achieved by establishing rules not limited to oil pollution having a universal purport,

London:

THE CONTRACTING PARTIES TO THIS CONVENTION

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

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

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

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

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

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

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

Oslo:

THE CONTRACTING PARTIES

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

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

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

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

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

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

Paris:

THE CONTRACTING PARTIES:

RECOGNIZING that the marine environment and the fauna and flora which it supports are of vital importance to all nations;

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

CONSIDERING the recommendations of the United Nations Conference on the Human Environment, held in Stockholm in June 1972;

RECOGNIZING that concerted action at national, regional and global levels is essential to prevent and combat marine pollution;

CONVINCED that international action to control the pollution of the sea from land-based sources can and should be taken without delay, as part of progressive and coherent measures to protect the marine environment from pollution, whatever its origin, including current efforts to combat the pollution of international waterways;

CONSIDERING that the common interests of States concerned with the same marine area should induce them to cooperate at regional or sub-regional levels;

RECALLING the Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft concluded in Oslo on 15 February 1972;

SE Atlantic:

The Governments of the States parties to this Convention, considering their mutual interest in the living resources of the Southeast Atlantic and desiring to cooperate in the conservation and rational exploitation of these resources.

1. Geographical coverage

Guidelines: GUIDELINE 1a

The area of application of the framework convention should be the Mediterranean Sea, a geographical definition of which should be given. The protocols should contain a precise definition of their respective areas of application.

GUIDELINE 1b

The framework convention and/or the protocols should cover both the high seas and territorial seas within the area defined in Guideline 1a.

Helsinki: ARTICLE 1

For the purposes of the present Convention "the Baltic Sea Area" shall be the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57° 44' 8" N. It does not include internal waters of the Contracting Parties.

ARTICLE 4

1. The present Convention shall apply to the protection of the marine environment of the Baltic Sea Area which comprises the water-body and the sea-bed including their living resources and other forms of marine life.

2. Without prejudice to the sovereign rights in regard to their territorial sea, each Contracting Party shall implement the provisions of the present Convention within its territorial sea through its national authorities.

3. While the provisions of the present Convention do not apply to internal waters, which are under the sovereignty of each Contracting Party, the Contracting Parties undertake, without prejudice to their sovereign rights, to ensure that the purposes of the present Convention will be obtained in these waters.

4. The present Convention shall not apply to any warship, naval auxiliary, military aircraft or other ship and aircraft owned or operated by a State and used, for the time being, only on government non-commercial service.

However, each Contracting Party shall ensure, by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships and aircraft owned or operated by it, that such ships and aircraft act in a manner consistent, so far as is reasonable and practicable, with the present Convention.

ARTICLE 19

Nothing in the present Convention shall be construed as infringing upon the freedom of navigation, fishing, marine scientific research and other legitimate uses of the high seas, as well as upon the right of innocent passage through the territorial sea.

ARTICLE 21

The provisions of the present Convention shall be without prejudice to the rights and obligations of the Contracting Parties under treaties concluded previously as well as under treaties which may be concluded in the future, furthering and developing the general principles of the Law of the Sea that the present Convention is based upon and in particular provisions concerning the prevention of pollution of the marine environment.

IMCO 1973: ANNEX I, REGULATION 10(1)(a)
(see also Annex V, Regulation 5 (1)(a))

For the purposes of this Annex the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area and the Gulfs area which are defined as follows:

The Mediterranean Sea area means the Mediterranean Sea proper including the gulfs and seas therein with the boundary between the Mediterranean and the Black Sea constituted by the 41°N parallel and bounded to the west by the Straits of Gibraltar at the meridian of 5°36' W.

ARTICLE 3

1. The present Convention shall apply to:
 - (a) ships entitled to fly the flag of a Party to the Convention; and
 - (b) ships not entitled to fly the flag of a Party but which operate under the authority of a Party.
2. Nothing in the present Article shall be construed as derogating from or extending to sovereign rights of the Parties under international law over the sea-bed and subsoil thereof adjacent to their coasts for the purposes of exploration and exploitation of their natural resources.
3. The present Convention shall not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service. However, each Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with the present convention.

ARTICLE 9

2. Nothing in the present Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to Resolution 2750 (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.
3. The term "jurisdiction" in the present Convention shall be construed in the light of international law in force at the time of application or interpretation of the present Convention.

London:

ARTICLE VIII

In order to further the objectives of this Convention, the Contracting Parties with common interests to protect in the marine environment in a given geographical area shall endeavour, taking into account characteristic regional features, to enter into regional agreements consistent with this Convention for the prevention of pollution, especially by dumping. The Contracting Parties to the present convention shall endeavour to act consistently with the objectives and provisions of such regional agreements, which shall be notified to them by the Organization. Contracting Parties shall seek to co-operate with the Parties to regional agreements in order to develop harmonized procedures to be followed by Contracting Parties to the different conventions concerned. Special attention shall be given to co-operation in the field of monitoring and scientific research.

ARTICLE XIII

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

Oslo: ARTICLE 2

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

- (a) within those parts of the Atlantic and Arctic Oceans and their dependent seas which lie north of 36° north latitude and between 42° west longitude and 51° east longitude, but excluding
 - (i) the Baltic Sea and Belts lying to the south and east of lines drawn from Hasenore Head to Griben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to the Kullen, and
 - (ii) the Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° north latitude and the meridian of $5^{\circ}36'$ west longitude.
- (b) within that part of the Atlantic Ocean north of 59° north latitude and between 44° west longitude and 42° west longitude.

Paris: ARTICLE 2

The present Convention shall apply to the maritime area within the following limits:

- (a) those parts of the Atlantic and Arctic Oceans and the dependent seas which lie north of 36° north latitude and between 42° west longitude and 51° east longitude, but excluding
 - (i) the Baltic Sea and Belts lying to the south and east of lines drawn from Hasenore Head to Griben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to Kullen, and
 - (ii) the Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° north latitude and the meridian of $5^{\circ}36'$ west longitude;
- (b) that part of the Atlantic Ocean north of 59° north latitude and between 44° west longitude and 42° west longitude.

ARTICLE 3

For the purpose of the present Convention:

- (a) "Maritime area" means the high seas, the territorial seas of Contracting Parties and waters on the landward side of the base lines from which the breadth of the territorial sea is measured, extending, in the case of watercourses up to the freshwater limit unless otherwise decided under Article 16 (c) of the present Convention.
- (b) "Freshwater limit" means the place in the watercourse where, at low tide and in a period of low freshwater flow, there is an appreciable increase in salinity due to the presence of sea-water.

SE Atlantic: ARTICLE I

1. The area to which this Convention shall apply, hereinafter referred to as the "Convention Area", shall be all waters bounded by a line drawn as follows: Beginning at a point at $6^{\circ}04'36''$ South latitude and $12^{\circ}19'48''$ East longitude, thence in a north-westerly direction along a rhumb line to the point at the intersection of the meridian 12° East with the parallel 6° South, thence due west along this parallel to the meridian 20° West, thence due south along this meridian to the parallel 50° South, thence due east along this parallel to the meridian 40° East, thence due north along this meridian to the coast of the African continent, thence in a westerly direction along this coast to the original point of departure.

2. The eastern boundary at the meridian 40° East shall be reviewed if a convention for the conservation of the living resources of the sea is established applying to an area immediately adjacent to that boundary.

ARTICLE II

Nothing in this Convention shall be considered as affecting the rights, claims or views of any Contracting Party in regard to the limits of the territorial sea or to the extent of jurisdiction over fisheries under international law.

2. Definition of pollution

Guidelines: PREAMBLE

The preambular paragraph could use as its reference text the definition of marine pollution formulated by the Joint Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP), i.e. "The introduction by man, directly or indirectly, of substances or energy into the marine environment (including estuaries) resulting in such deleterious effects as harm to living resources, hazards to human health, hindrance to marine activities, including fishing, impairment of quality for use of sea water and reduction of amenities".

GUIDELINE 12

The specific scope of application with respect to each type of pollution shall be defined in the respective protocol or protocols.

Helsinki: ARTICLE 2

For the purposes of the present Convention:

1. "Pollution" means introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, resulting in such deleterious effects as hazard to human health, harm to living resources and marine life, hindrance to legitimate uses of the sea including fishing, impairment of the quality for use of sea water, and reduction of amenities;
2. "Land-based pollution" means pollution of the sea caused by discharges from land reaching the sea waterborne, airborne or directly from the coast, including outfalls from pipelines;

Paris: ARTICLE 1

1. The Contracting Parties pledge themselves to take all possible steps to prevent pollution of the sea, by which is meant the introduction by man, directly or indirectly, of substances or energy into the marine environment (including estuaries) resulting in such deleterious effects as hazards to human health, harm to living resources and to marine eco-systems, damage to amenities or interference with other legitimate uses of the sea.
2. The Contracting Parties shall adopt individually and jointly measures to combat marine pollution from land-based sources in accordance with the provisions of the present convention and shall harmonize their policies in this regard.

ARTICLE 3 (c)

For the purposes of the present Convention:

- "Pollution from land-based sources" means the pollution of the maritime area:
- (i) through watercourses,
 - (ii) from the coast, including introduction through underwater or other pipelines,
 - (iii) from man-made structures placed under the jurisdiction of a Contracting Party within the limits of the area to which the present Convention applies.

LOS
Negotiating
Text

PART III, ARTICLE I

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

3. General obligations

Guidelines: GUIDELINE 3a

The Contracting Parties either individually or jointly should take all necessary measures in accordance with the provisions of the framework convention and/or the protocols to prevent and abate pollution in the area of application of the framework convention and/or protocols, that threatens human health, harms living resources and fisheries, reduces amenities or impairs other legitimate uses of the sea.

GUIDELINE 3b

The Contracting Parties should cooperate so far as possible to promote the adoption and implementation of measures relevant to the protection of the marine environment.

GUIDELINE 3c

The Contracting Parties should apply the measures they adopt under the framework convention and/or protocols in such a way as to avoid the deliberate diversion of pollution into sea areas outside the area of the framework convention and/or protocols.

GUIDELINE 3d

The Contracting Parties should pledge themselves to promote, within the competent specialized agencies and other international bodies, measures concerning the protection of the marine environment against all types of pollution. This provision should not prejudice the measures to be taken under the framework convention and/or the protocols.

Helsinki: ARTICLE 3

1. The Contracting Parties shall individually or jointly take all appropriate legislative, administrative or other relevant measures in order to prevent and abate pollution and to protect and enhance the marine environment of the Baltic Sea Area.

2. The Contracting Parties shall use their best endeavours to ensure that the implementation of the present Convention shall not cause an increase in the pollution of sea areas outside the Baltic Sea Area.

ARTICLE 5

The Contracting Parties undertake to counteract the introduction, whether airborne, waterborne or otherwise, into the Baltic Sea Area of hazardous substances as specified in Annex I of the present Convention.

ARTICLE 21 (see page 3 above)

IMCO 1973: ARTICLE 1

1. The Parties to the Convention undertake to give effect to the provisions of the present Convention and those Annexes thereto by which they are bound, in order to prevent the pollution of the marine environment by the discharge of harmful substances or effluents containing such substances in contravention of the present Convention.

2. Unless expressly provided otherwise, a reference to the present Convention constitutes at the same time a reference to its Protocols and to the Annexes.

London: ARTICLE I

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

ARTICLE II

Contracting Parties shall, as provided for in the following Articles, take effective measures individually, according to their scientific, technical and economic capabilities, and collectively, to prevent marine pollution caused by dumping and shall harmonize their policies in this regard.

ARTICLE VIII (see page 4 above)

Oslo: ARTICLE 1

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

ARTICLE 3

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

ARTICLE 4

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

ARTICLE 14

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

Paris: ARTICLE 1 (see page 6 above)

ARTICLE 7

The Contracting Parties agree to apply the measures they adopt in such a way as to avoid increasing pollution:

- in the seas outside the area to which the present Convention applies;
- in the maritime area covered by the present Convention, originating otherwise than from land-based sources.

ARTICLE 8

No provision of the present Convention shall be interpreted as preventing the Contracting Parties from taking more stringent measures to combat marine pollution from land-based sources.

ARTICLE 9

1. When pollution from land-based sources originating from the territory of a Contracting Party by substances not listed in Part 1 of Annex A of the present Convention is likely to prejudice the interests of one or more of the other Parties to the present Convention, the Contracting Parties concerned undertake to enter into consultation, at the request of any one of them, with a view to negotiating a co-operation agreement.
2. At the request of any Contracting Party concerned, the Commission referred to in Article 15 of the present Convention shall consider the question and may make recommendations with a view to reaching a satisfactory solution.
3. The special agreements specified in paragraph 1 of this Article may, among other things, define the areas to which they shall apply, the quality objectives to be achieved, and the methods for achieving these objectives including methods for the application of appropriate standards and the scientific and technical information to be collected.
4. The Contracting Parties signatory to these special agreements shall, through the medium of the Commission, inform the other Contracting Parties of their purport and of the progress made in putting them into effect.

LOS
Negotiating
Text:

PART I
ARTICLE 12

With respect to activities in the Area, appropriate measures shall be taken for the adoption and implementation of international rules, standards and procedures for, inter alia:

- (a) The prevention of pollution and contamination, and other hazards to the marine environment, including the coastline, and of interference with the ecological balance of the marine environment, particular attention being paid to the need for protection from the consequences of such activities as drilling, dredging, excavation, disposal of waste, construction and operation or maintenance of installations, pipelines and other devices related to such activities;
- (b) The protection and conservation of the natural resources of the Area and the prevention of damage to the flora and fauna of the marine environment.

PART III
ARTICLE 2

States have the obligation to protect and preserve all the marine environment.

ARTICLE 3

States have the sovereign right to exploit their natural resources pursuant to their environmental policies and they shall, in accordance with their duty to protect and preserve the marine environment, take into account their economic needs and their programmes for economic development.

ARTICLE 4

1. States shall take all necessary measures consistent with this Convention to prevent, reduce and control pollution of the marine environment from any source using for this purpose the best practicable means at their disposal and in accordance with their capabilities, individually or jointly, as appropriate, and they shall endeavour to harmonize their policies in this connexion.

2. States shall take all necessary measures to ensure that marine pollution does not spread outside their national jurisdiction and that activities under their jurisdiction or control are so conducted that they do not cause damage by pollution to other States and their environment, nor cause pollution beyond the areas where States exercise sovereign rights in accordance with this Convention.

3. The measures taken pursuant to these articles shall deal with all sources whatsoever of pollution of the marine environment. These measures shall include, inter alia, those designed to minimize to the fullest possible extent:

(a) Release of toxic, harmful and noxious substances, especially those which are persistent:

- (i) from land-based sources;
- (ii) from or through the atmosphere;
- (iii) by dumping.

(b) Pollution from vessels, in particular for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, preventing intentional and unintentional discharges, and regulating the design, construction, equipment, operation and manning of vessels.

(c) Pollution from installations and devices used in the exploration or exploitation of the natural resources of the sea-bed and subsoil, in particular for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, and regulating the design, construction, equipment, operation and manning of such installations or devices.

(d) Pollution from all other installations and devices operating in the marine environment, in particular for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, and regulating the design, construction, equipment, operation and manning of such installations or devices.

4. In taking measures to prevent pollution of the marine environment States shall have due regard to the legitimate uses of the marine environment, which are not incompatible with the provisions of this Convention and shall refrain from unjustifiable interference with such uses.

ARTICLE 5

In taking measures to prevent or control marine pollution, States shall guard against the effect of merely transferring, directly or indirectly, damage or hazards from one area to another or from one type of pollution to another.

ARTICLE 6

States shall co-operate on a global basis and as appropriate on a regional basis, directly or through competent international organizations, global or regional, to formulate and elaborate international rules, standards and recommended practices and procedures consistent with this Convention, for the prevention of marine pollution, taking into account characteristic regional features.

ARTICLE 43 (1)

The provisions of this Convention shall be without prejudice to the specific obligations assumed by States under special conventions and agreements concluded previously which relate to the prevention of pollution of the marine environment nor to agreements which may be concluded in furtherance of the general principles set forth in this Convention.

See also ARTICLE 16 (2, 3) (page 17 below)
ARTICLE 17 (2, 3) (page 15 below)
ARTICLE 19 (2) (page 12 below)
ARTICLE 20 (1) (page 13 below)
ARTICLE 21 (2) (page 17 below)

4. Pollution caused by dumping from ships and aircraft

Guidelines:

GUIDELINE 4a

The framework convention and/or the protocols should provide that dumping from ships and aircraft in the waters of the area of application should be regulated in accordance with the following provisions:

- (i) the dumping of certain particularly hazardous substances which would be listed in an annex to the framework convention and/or the protocols should be prohibited, because of their unacceptable impact on the marine environment or its utilization;
- (ii) the dumping of certain other substances which seem less noxious or are more readily rendered harmless by natural processes, and which would be listed in a further annex to the framework convention and/or the protocols, should be subject to a special permit issued in each case by the appropriate national authority, since such substances, if released uncontrolled, might have serious adverse effects on the marine environment;
- (iii) the dumping of all other substances which would entail limited risk to the marine environment, should be subject to a general permit issued by the appropriate national authority.

The framework convention and/or the protocols should also specify in an annex the general procedures and conditions for the issuance of permits by the appropriate national authorities.

GUIDELINE 4b

The framework convention and/or the protocols should provide for procedures for dealing with situations where particularly hazardous substances cannot be disposed of on land without unacceptable damage or danger of damage.

GUIDELINE 4c

The framework convention and/or the protocols should provide that each Contracting Party should keep records of any dumping operations it authorizes and should communicate such records to any body designated or established under Guideline 14a below, in accordance with standard procedures to be established under the framework convention and/or the protocols.

Helsinki:

ARTICLE 9

1. The Contracting Parties shall, subject to Paragraphs 2 and 4 of this Article, prohibit dumping in the Baltic Sea Area.
2. Dumping of dredged spoils shall be subject to a prior special permit by the appropriate national authority in accordance with the provisions of Annex V of the present Convention.
3. Each Contracting Party undertakes to ensure compliance with the provisions of this Article by vessels and aircraft:
 - (a) registered in its territory or flying its flag;
 - (b) loading, within its territory or territorial sea, matter which is to be dumped, or
 - (c) believed to be engaged in dumping within its territorial sea.
4. The provisions of this Article shall not apply when the safety of human life or of a vessel or aircraft at sea is threatened by the complete destruction or total loss of the vessel or aircraft, or in any case which constitutes a danger to human life, if dumping appears to be the only way of averting the threat and if there is every probability that the damage consequent upon such dumping will be less than would otherwise occur. Such dumping shall be so conducted as to minimize the likelihood of damage to human or marine life.

5. Dumping made under the provisions of Paragraph 4 of this Article shall be reported and dealt with in accordance with Annex VI of the present Convention and shall also be reported forthwith to the Commission referred to in Article 12 of the present Convention in accordance with the provisions of Regulation 4 of Annex V of the present Convention.

6. In case of dumping suspected to be in contravention of the provisions of this Article the Contracting Parties shall cooperate in investigating the matter in accordance with Regulation 2 of Annex IV of the present Convention.

London: (all)

Oslo: (all)

LOS PART III, ARTICLE 19

Negotiating
Text:

1. States shall establish national laws and regulations to prevent, reduce and control pollution of the marine environment from dumping of wastes and other matter.

States shall also take such other measures as may be necessary to prevent, reduce and control such pollution.

Such laws, regulations and measures shall ensure that dumping is not carried out without the permission of the competent authorities of States.

2. States, acting in particular through the competent intergovernmental organizations or by diplomatic conference, shall endeavour to establish as soon as possible and to the extent that they are not already in existence, global and regional rules, standards and recommended practices and procedures to prevent, reduce and control pollution of the marine environment by dumping of wastes and other matter.

3. Dumping of wastes and other matter, within shall not be carried out without the express approval of the coastal State, which has the exclusive right to permit, regulate and control such dumping.

4. National laws, regulations and measures shall be no less effective in preventing, reducing and controlling pollution from dumping than global rules and standards.

5. Pollution from ships

Guidelines: GUIDELINE 5

The framework convention and/or the protocols should provide that the Contracting Parties should take the necessary measures to prevent and abate pollution of the Mediterranean by ships.

Helsinki: ARTICLE 7

1. In order to protect the Baltic Sea Area from pollution by deliberate, negligent or accidental release of oil, harmful substances other than oil, and by the discharge of sewage and garbage from ships, the Contracting Parties shall take measures as set out in Annex IV of the present Convention.
2. The Contracting Parties shall develop and apply uniform requirements for the capacity and location of facilities for the reception of residues of oil, harmful substances other than oil, including sewage and garbage, taking into account inter alia the special needs of passenger ships and combination carriers.

ARTICLE 8

The Contracting Parties shall, in addition to implementing those provisions of the present Convention which can appropriately be applied to pleasure craft, take special measures in order to abate harmful effects on the marine environment of the Baltic Sea Area of pleasure craft activities. The measures shall inter alia deal with adequate reception facilities for wastes from pleasure craft.

IMCO 1973 (all)

LOS PART III, ARTICLE 20

Negotiating
Text:

1. States, acting through the competent international organization or by general diplomatic conference, shall establish as soon as possible and to the extent that they are not already in existence, international rules and standards for the prevention, reduction and control of pollution of the marine environment from vessels.
2. States shall establish effective laws and regulations for the prevention reduction and control of pollution of the marine environment from vessels flying their flag. The requirements of such laws and regulations shall be no less effective than generally accepted international rules and standards referred to in paragraph 1.
3. The coastal State may establish, in respect of the territorial sea, more effective laws and regulations for the prevention, reduction and control of marine pollution from vessels. In establishing such laws and regulations the coastal State shall, consistent with the aim of achieving maximum possible uniformity of rules and standards governing international navigation, conform to the international rules and standards referred to in paragraph 1 of this Article. Such laws and regulations must not have the practical effect of hampering innocent passage through the territorial sea.
4. Where internationally agreed rules and standards are not in existence or are inadequate to meet special circumstances and where the coastal State has reasonable grounds for believing that a particular area of the economic zone is an area where, for recognized technical reasons in relation to its oceanographical and ecological conditions its utilization, and the particular character of its traffic, the adoption of special mandatory measures for the prevention of pollution from vessels is required, the coastal State may apply to the competent international organization for the area to be recognized as a "special area". Any such application shall be supported by scientific and technical evidence and shall, where appropriate, include plans for establishing sufficient and suitable land-based reception facilities.

5. Nothing in this Article shall be deemed to affect the establishment by the coastal State of appropriate non-discriminatory laws and regulations for the protection of the marine environment in areas within the economic zone, where particularly severe climatic conditions create obstructions or exceptional hazards to navigation, and where pollution of the marine environment, according to accepted scientific criteria, could cause major harm to or irreversible disturbance of the ecological balance.

6. Laws and regulations established pursuant to the internationally agreed rules and standards referred to in paragraph 4 of this Article, shall not become applicable in relation to foreign vessels until six months after they have been notified to the competent international organization.

6. Pollution resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil

Guidelines: GUIDELINE 6

The framework convention and/or the protocols, taking into account present or future international agreements on the subject, should deal with pollution resulting from the exploration and exploitation of the sea-bed and its subsoil, which might have particularly serious consequences in the Mediterranean. The need should be stressed for cooperation in the formulation and implementation of such measures as may be necessary, taking into account the technical and financial resources of the States concerned.

Helsinki: ARTICLE 10

Each Contracting Party shall take all appropriate measures in order to prevent pollution of the marine environment of the Baltic Sea Area resulting from exploration or exploitation of its part of the sea-bed and its subsoil or from any associated activities thereon. It shall also ensure that adequate equipment is at hand to start an immediate abatement of pollution in that area.

London: ARTICLE III (1)(c)

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

LOS
Negotiating
Text

PART III
ARTICLE 17

1. Coastal States shall establish national laws and regulations to prevent, reduce and control pollution of the marine environment arising from activities concerning exploration and exploitation of the sea-bed and from installations under their jurisdiction, pursuant to Chapter Four of this Convention.

States shall also take any other measures as may be necessary to prevent, reduce and control such pollution.

Such laws, regulations and measures shall be no less effective than generally accepted international rules, standards and recommended practices and procedures.

2. States shall endeavour to harmonize their national policies at the appropriate regional level.

3. States, acting in particular through the appropriate intergovernmental organizations or by diplomatic conference, shall establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control pollution of the marine environment arising in connexion with sea-bed activities and installations mentioned in paragraph 1 above.

ARTICLE 18

The provisions referring to measures to prevent, reduce and control pollution of the marine environment from activities concerning exploration and exploitation of the international sea-bed area are contained in Chapter of this Convention.

7. Pollution from land-based sources

Guidelines: GUIDELINE 7

The framework convention and/or the protocols should provide that the Contracting Parties should take the necessary measures to prevent and abate marine pollution caused by discharges from rivers, coastal establishments or outfalls, or emanating from any other sources within their territories.

The framework convention and/or the protocols should also provide for the eventual adoption of agreed environmental quality standards, established in light of local conditions, uses of the marine environment and the type of pollution, and/or other suitable methods of implementation, such as, in particular, programmes to prevent or abate pollution by specified substances.

Helsinki: ARTICLE 6

1. The Contracting Parties shall take all appropriate measures to control and minimize land-based pollution of the marine environment of the Baltic Sea Area.
2. In particular, the Contracting Parties shall take all appropriate measures to control and strictly limit pollution by noxious substances and materials in accordance with Annex II of the present Convention. To this end they shall, inter alia, as appropriate co-operate in the development and adoption of specific programmes, guidelines, standards or regulations concerning discharges, environmental quality, and products containing such substances and materials and their use.
3. The substances and materials listed in Annex II of the present Convention shall not be introduced into the marine environment of the Baltic Sea Area in significant quantities without a prior special permit, which may be periodically reviewed, by the appropriate national authority.
4. The appropriate national authority will inform the Commission referred to in Article 12 of the present Convention of the quantity, quality and way of discharge if it considers that significant quantities of substances and materials listed in Annex II of the present Convention were discharged.
5. The Contracting Parties shall endeavour to establish and adopt common criteria for issuing permits for discharges.
6. To control and minimize pollution of the Baltic Sea Area by harmful substances the Contracting Parties shall, in addition to the provisions of Article 5 of the present Convention, aim at attaining the goals and applying the criteria enumerated in Annex III of the present Convention.
7. If the discharge from a watercourse, flowing through the territories of two or more Contracting Parties or forming a boundary between them, is liable to cause pollution of the marine environment of the Baltic Sea Area, the Contracting Parties concerned shall in common take appropriate measures in order to prevent and abate such pollution.
8. The Contracting Parties shall endeavour to use best practicable means in order to minimize the airborne pollution of the Baltic Sea Area by noxious substances.

Paris: (all)

LOS PART III
Negotiating ARTICLE 16
Text

1. States shall establish national laws and regulations to prevent, reduce and control pollution of the marine environment from land-based sources including rivers, estuaries, pipelines and outfall structures, taking into account internationally agreed rules, standards and recommended practices and procedures.

States shall also take such other measures as may be necessary to prevent, reduce and control pollution of the marine environment from land-based sources.

2. States shall endeavour to harmonize their national policies at the appropriate regional level.

3. States, acting in particular through the appropriate intergovernmental organizations or by diplomatic conference, shall endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control pollution of the marine environment from land-based sources, taking into account characteristic regional features, the economic capacity of developing countries and their need for economic development.

4. Laws, regulations, measures, rules, standards and recommended practices and procedures referred to in paragraphs 1 and 3 respectively shall include those designed to minimize to the fullest possible extent the release of toxic, harmful and noxious substances, especially persistent substances, into the marine environment.

ARTICLE 21

1. States shall establish national laws and regulations and shall take measures to prevent, reduce and control pollution of the marine environment from the atmosphere, taking into account internationally agreed rules, standards and recommended practices and procedures.

2. States shall endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control marine pollution from atmospheric sources.

8. Co-operation in dealing with marine pollution

Guidelines: GUIDELINE 9

The framework convention and/or the protocols should provide that any Contracting Party which becomes aware of any marine pollution emergency in the area of application should, without delay and in accordance with the prescribed procedures, notify the body designated or established under Guideline 14a below and any Contracting Party likely to be affected by such damage. The framework convention and/or the protocols should also provide that Contracting Parties should cooperate in taking measures to prevent or reduce damage resulting from pollution emergencies.

Helsinki: ARTICLE 11

The Contracting Parties shall take measures and co-operate as set out in Annex VI of the present Convention in order to eliminate or minimize pollution of the Baltic Sea Area by oil or other harmful substances.

Oslo: ARTICLE 15(4)

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

Paris: ARTICLE 13

The Contracting Parties undertake to assist one another as appropriate to prevent incidents which may result in pollution from land-based sources, to minimize and eliminate the consequences of such incidents, and to exchange information to that end.

LOS PART III

Negotiating
Text: ARTICLE 7

A State which becomes aware of cases in which the marine environment is in imminent danger of being damaged or has been damaged by pollution shall immediately notify other States it deems likely to be affected by such damage, as well as the competent international organizations.

ARTICLE 8

In the cases referred to in Article 7, States in the area affected, in accordance with their capabilities, and the competent international organizations, shall co-operate, to the extent possible, in eliminating the effects of pollution and preventing or minimizing the damage. Towards that end, States shall jointly promote and develop contingency plans for responding to pollution incidents in the marine environment.

9. Monitoring

Guidelines: GUIDELINE 8

The framework convention and/or the protocols should provide for the establishment by the Contracting Parties, in close cooperation with the competent international agencies and institutions, of a coherent monitoring system for the Mediterranean within the framework of the United Nations Global Environment Monitoring System.

Helsinki: ARTICLE 16

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

2. Without prejudice to Paragraphs 1, 2 and 3 of Article 4 of the present Convention the Contracting Parties undertake directly, or when appropriate through competent regional or other international organizations, to promote studies, undertake, support or contribute to programmes aimed at developing ways and means for the assessment of the nature and extent of pollution, pathways, exposures, risks and remedies in the Baltic Sea Area, and particularly to develop alternative methods of treatment, disposal and elimination of such matter and substances that are likely to cause pollution of the marine environment of the Baltic Sea Area.

3. The Contracting Parties undertake directly, or when appropriate through competent regional or other international organizations and, on the basis of the information and data acquired pursuant to Paragraphs 1 and 2 of this Article, to co-operate in developing inter-comparable observation methods, in performing baseline studies and in establishing complementary or joint programmes for monitoring.

4. The organization and scope of work connected with the implementation of tasks referred to in the preceding Paragraphs should primarily be outlined by the Commission.

Oslo: ARTICLE 13

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

Paris ARTICLE 5

1. The Contracting Parties undertake to adopt measures to forestall and, as appropriate, eliminate pollution of the maritime area from land-based sources by radio-active substances referred to in Part III of Annex A of the present Convention.

2. Without prejudice to their obligations under other Treaties and Conventions, in implementing this undertaking the Contracting Parties shall:

(a) take full account of the recommendations of the appropriate international Organizations and Agencies;

(b) take account of the monitoring procedures recommended by these international Organizations and Agencies;

(c) coordinate their monitoring and study of radio-active substances in accordance with Articles 10 and 11 of the present Convention.

ARTICLE 11

The Contracting Parties agree to set up progressively, and to operate within the area covered by the present Convention, a permanent monitoring system allowing of:

- the earliest possible assessment of the existing level of marine pollution;
- the assessment of the effectiveness of measures for the reduction of marine pollution from land-based sources taken under the terms of the present Convention.

For this purpose the Contracting Parties shall lay down the ways and means of pursuing individually or jointly systematic and ad hoc monitoring programmes. These programmes shall take into account the deployment of research vessels and other facilities in the monitoring area.

The programmes will take into account similar programmes pursued in accordance with Conventions already in force and by the appropriate international organizations and Agencies.

LOS
Negotiating
Texts:

PART III

ARTICLE 13

1. States shall, consistent with the rights of other States, endeavour, as much as is practicable individually or collectively through the competent international organizations to observe, measure, evaluate and analyse, by recognized methods, the risks or effects of pollution of the marine environment.
2. In particular, States shall keep under surveillance the effect of any activities which they permit or in which they engage to determine whether these activities are likely to pollute the marine environment.

ARTICLE 15

When States have reasonable grounds for expecting that planned activities under their jurisdiction or control may cause substantial pollution of the marine environment, they shall, as far as practicable, assess the potential effects of such activities on the marine environment and shall communicate reports of the results of such assessments in the manner provided in paragraph 2 of article 13.

10. Scientific and technological co-operation

Guidelines:

GUIDELINE 10a

The framework convention and/or the protocols should provide for the exchange of data and scientific information among Contracting Parties.

GUIDELINE 10b

The framework convention and/or the protocols should provide that Contracting Parties should develop and coordinate their national research programmes relating to all types of marine pollution and should cooperate in the establishment and implementation of regional and international research programmes.

GUIDELINE 10c

The framework convention and/or the protocols should provide that the Contracting Parties should cooperate in the provision of technical and other assistance in fields relating to marine pollution to those Contracting Parties which would request such assistance, with particular regard to the special needs of developing countries.

Helsinki

ARTICLE 16 (see page 19 above)

IMCO 1973

ARTICLE 17

The Parties to the Convention shall promote, in consultation with the Organization and other international bodies, with assistance and co-ordination by the Executive Director of the United Nations Environment Programme, support for those Parties which request technical assistance for:

- (a) the training of scientific and technical personnel;
- (b) the supply of necessary equipment and facilities for reception and monitoring;
- (c) the facilitation of other measures and arrangements to prevent or mitigate pollution of the marine environment by ships; and
- (d) the encouragement of research;

preferably within the countries concerned, so furthering the aims and purposes of the present Convention.

London:

ARTICLE IX

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

- (a) the training of scientific and technical personnel;
- (b) the supply of necessary equipment and facilities for research and monitoring;
- (c) the disposal and treatment of waste and other measures to prevent or mitigate pollution caused by dumping;

preferably within the countries concerned, so furthering the aims and purposes of this Convention.

Oslo:

ARTICLE 12

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

Paris: ARTICLE 10

The Contracting Parties agree to establish complementary or joint programmes of scientific and technical research, including research into the best methods of eliminating or replacing noxious substances so as to reduce marine pollution from land-based sources, and to transmit to each other the information so obtained. In doing so they will have regard to the work carried out, in these fields, by the appropriate international Organizations and Agencies.

LOS
Negotiating
Text

PART III

ARTICLE 9

States shall co-operate directly or through competent international organizations for the purpose of promoting studies, undertaking programmes of scientific research and encouraging the exchange of information and data acquired about pollution of the marine environment. They shall endeavour to participate actively in regional and international programmes to acquire knowledge for the assessment of the nature and extent of pollution and the pathways and risks of, exposures to and the remedies for pollution.

ARTICLE 10

In the light of the information and data acquired pursuant to Article 9, States shall co-operate directly or through competent international organizations in working out appropriate scientific criteria for the formulation and elaboration of rules, standards and recommended practices and procedures for the prevention of marine pollution.

ARTICLE 11

1. States shall directly or through competent international or regional organizations:
 - (a) promote programmes of scientific, educational, technical and other assistance to developing countries for the preservation of the marine environment and the prevention of marine pollution. Such assistance shall include, inter alia,
 - (i) training of scientific and technical personnel;
 - (ii) facilitation of their participation in relevant international programmes;
 - (iii) supply of necessary equipment and facilities;
 - (iv) enhancing the capacity of developing countries to manufacture such equipment;
 - (v) development of facilities for and advice on research, monitoring, educational and other programmes.
 - (b) provide appropriate assistance, in particular to developing countries, for the minimization of the effects of major incidents which may cause serious pollution in the marine environment;
 - (c) provide appropriate assistance in particular to developing countries concerning the preparation of environmental assessments.

ARTICLE 12

- Developing States shall, for purposes of the prevention of marine pollution or the minimization of its effects, be granted preference in:
- (a) the allocation of appropriate funds and technical assistance facilities of international organizations, and
 - (b) the utilization of their specialized services.

11. Liability and compensation

Guidelines:

GUIDELINE 11

The framework convention and/or the protocols could provide for appropriate procedures for the determination of liability, and for the compensation for damage resulting from marine pollution deriving from violations of the provisions of the framework convention and/or the protocols.

Helsinki:

ARTICLE 17

The Contracting Parties undertake, as soon as possible, jointly to develop and accept rules concerning responsibility for damage resulting from acts or omissions in contravention of the present Convention, including, inter alia, limits of responsibility, criteria and procedures for the determination of liability and available remedies.

London:

ARTICLE X

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

LOS
Negotiating
Text:

PART III, ARTICLE 41

1. States have the responsibility to ensure that activities under their jurisdiction or control do not cause damage to areas under the jurisdiction of other States or to the marine environment of other States and shall, in accordance with principles of international law be liable to other States for such damage.
2. States have the responsibility to ensure that activities under their jurisdiction or control do not cause damage to the marine environment beyond areas where States exercise sovereign rights in accordance with this Convention.
3. When necessary, States shall co-operate in the development of international law relating to the protection and preservation of the marine environment in establishing inter alia criteria and procedures for the determination of liability, the assessment of damage, the payment of compensation and the settlement of related disputes.

PART I, ARTICLE 17

(see page 45 below)

12. Institutional arrangements

Guidelines:

GUIDELINE 14a

The framework convention and/or the protocols should provide that the Contracting Parties designate a body which should be, as far as possible, an organization existing at the moment when the framework convention and/or the protocols is (or are) concluded, to perform the secretariat functions as specified in Guideline 14b.

GUIDELINE 14b

The framework convention and/or the protocols should specify the secretariat functions to be performed by the above body. These functions should include:

- (i) the convening and preparation of meetings of the Contracting Parties;
- (ii) considering enquiries by, and information from, the Contracting Parties, consulting with them and providing recommendations to the Contracting Parties on questions relating to the framework convention and/or the protocols;
- (iii) performing the functions required by procedures relating to the amendment of the framework convention and/or protocols and annexes;
- (iv) conveying to the Contracting Parties all notifications and reports received in accordance with Guidelines 4, 8, 9 and 18;
- (v) such other functions as may be assigned to it by the Contracting Parties.

GUIDELINE 16

The framework convention and/or the protocols should provide for the convening of meetings of ad hoc groups of experts designated by the Contracting Parties in order to consider any technical or scientific matters related to the framework convention and/or the protocols, and to provide guidance thereon. As the case may be, experts belonging to international organizations could be invited to participate in such meetings.

Helsinki:

ARTICLE 12

1. The Baltic Marine Environment Protection Commission, hereinafter referred to as "the Commission", is hereby established for the purposes of the present Convention.
2. The chairmanship of the Commission shall be given to each Contracting Party in turn in alphabetical order of the names of the States in the English language.

The Chairman shall serve for a period of two years, and cannot during the period of his chairmanship serve as representative of his country.

Should the chairmanship fall vacant, the Contracting Party chairing the Commission shall nominate a successor to remain in office until the term of chairmanship of that Contracting Party expires.

ARTICLE 14

3. The office of the Commission, hereafter referred to as the "Secretariat" shall be in Helsinki.
4. The Commission shall appoint an Executive Secretary and make provisions for the appointment of such other personnel as may be necessary, and determine the duties, terms and conditions of the Executive Secretary.
5. The Executive Secretary shall be the chief administrative official of the Commission and shall perform the functions that are necessary for the administration of the present Convention, the work of the Commission and other tasks entrusted to the Executive Secretary by the Commission and its Rules of Procedure.

IMCO 1973:

ARTICLE 2 (7)

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

London:

ARTICLE XIV

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

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

3. The Secretariat duties of the Organization shall include:-

- (a) the convening of consultative meetings of the Contracting Parties not less frequently than once every two years and of special meetings of the Parties at any time on the request of two-thirds of the Parties;
- (b) preparing and assisting, in consultation with the Contracting Parties and appropriate International Organizations, in the developing and implementation of procedures referred to in sub-paragraph 4e of this Article;
- (c) considering enquiries by, and information from the Contracting Parties, consulting with them and with the appropriate International Organizations, and providing recommendations to the Parties on questions related to, but not specifically covered by the Convention;
- (d) conveying to the Parties concerned all notifications received by the Organization in accordance with Articles IV 3, V.1 and 2, VI 4, XIII, XX and XXI.

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

Oslo:

ARTICLE 16

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

Paris:

ARTICLE 15

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

SE Atlantic:

ARTICLE IV

The Contracting Parties hereby agree to establish and to maintain a Commission to be known as the International Commission for the Southeast Atlantic Fisheries, hereinafter referred to as the "Commission", which shall carry out the functions set forth in this Convention.

ARTICLE XII

1. The Commission shall appoint an Executive Secretary on such conditions as it may determine.
2. The staff of the Commission shall be appointed by the Executive Secretary in accordance with such rules and on such conditions as may be determined by the Commission.
3. The Executive Secretary shall perform such functions as the Commission may prescribe, including the following:
 - (a) receiving and transmitting the Commission's official communications;
 - (b) preparing budget estimates for review by the Commission at its regular sessions;
 - (c) preparing for submission to the Commission at its regular sessions a report on the Commission's activities and the programme of work, and arranging for the subsequent publication of this report and the proceedings of the Commission;
 - (d) arranging for the collection and analysis of statistics and other data necessary to accomplish the purposes of this Convention;
 - (e) preparing for submission to the Commission, and for possible subsequent publication, reports on statistical, biological and other matters;
 - (f) authorizing the disbursement of funds in accordance with the Commission's budget;
 - (g) accounting for the funds of the Commission; and
 - (h) arranging for cooperation with international organizations as provided for under Article XI of this Convention.

ARTICLE XV

1. The Commission shall determine where its seat shall be situated.
2. The Commission shall have legal personality. It shall, in particular, have capacity to contract, and to acquire and dispose of movable and immovable property.

ARTICLE XI (1)

The Commission shall seek to conclude agreements and maintain working arrangements with other international organizations which have related objectives, and in particular the Food and Agriculture Organization of the United Nations, to ensure effective collaboration and coordination and to avoid duplication with respect to their work.

13. Meetings of the Contracting Parties

Guidelines:

GUIDELINE 15

The framework convention and/or the protocols should provide for the convening of meetings of Contracting Parties to keep under review the implementation of the framework convention and/or the protocols and, in particular, to:

- (i) review generally the inventories carried out by States and competent international organizations on the state of marine pollution and its effects in the area of application;
- (ii) adopt, review and amend as required the annexes of the framework convention and/or the protocols in accordance with the procedures established pursuant to Guideline 22;
- (iii) receive and consider reports submitted by the Contracting Parties under Guidelines 9 and 18;
- (iv) consider reports and recommendations submitted by the body referred to in Guideline 14 on questions relating to the framework convention and/or the protocols;
- (v) see to it that the necessary cooperation be constantly ensured with the international bodies that the Contracting Parties consider as being qualified, especially with a view to the coordination of procedures and activities;
- (vi) consider and adopt any additional action that may be required for the achievement of the purposes of the framework convention and/or the protocols.

Helsinki:

ARTICLE 12

3. Meetings of the Commission shall be held at least once a year upon convocation by the Chairman. Upon the request of a Contracting Party, provided it is endorsed by another Contracting Party, the Chairman shall, as soon as possible, summon an extraordinary meeting at such time and place as the Chairman determines; however, not later than ninety days from the date of the submission of the request.

4. The first meeting of the Commission shall be called by the Depositary Government and shall take place within a period of ninety days from the date following the entry into force of the present Convention.

5. Each Contracting Party shall have one vote in the Commission. Unless otherwise provided under the present Convention, the Commission shall take its decisions unanimously.

London:

ARTICLE XIV (4)

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

- (a) review and adopt amendments to this Convention and its Annexes in accordance with Article XV;
- (b) invite the appropriate scientific body or bodies to collaborate with and to advise the Parties or the Organization on any scientific or technical aspect relevant to this Convention, including particularly the content of the Annexes;
- (c) receive and consider reports made pursuant to Article VI 4;
- (d) promote co-operation with and between regional organizations concerned with the prevention of marine pollution;
- (e) develop or adopt, in consultation with appropriate International Organizations, procedures referred to in Article V 2, including basic criteria for determining exceptional and emergency situations, and procedures for consultative advice and the safe disposal of matter in such circumstances, including the designation of appropriate dumping areas, and recommend accordingly;
- (f) consider any additional action that may be required.

Oslo:

ARTICLE 17

It shall be the duty of the Commission:

- (a) to exercise overall supervision over the implementation of this Convention;
- (b) to receive and consider the records of permits and approvals issued and of dumping which has taken place, as provided for in Articles 8, 9 and 11 of this Convention, and to define the standard procedure to be adopted for this purpose;
- (c) to review generally the condition of the seas within the area to which this Convention applies, the efficacy of the control measures being adopted, and the need for any additional or different measures;
- (d) to keep under review the contents of the Annexes to this Convention, and to recommend such amendments, additions or deletions as may be agreed;
- (e) to discharge such other functions as may be appropriate under the terms of this Convention.

Paris:

ARTICLE 16

It shall be the duty of the Commission:

- (a) to exercise overall supervision over the implementation of the present Convention;
- (b) to review generally the condition of the seas within the area to which the present Convention applies, the effectiveness of the control measures being adopted and the need for any additional or different measures;
- (c) to fix, if necessary, on the proposal of the Contracting Party or Parties bordering on the same watercourse and following a standard procedure, the limit to which the maritime area shall extend in that watercourse;
- (d) to draw up, in accordance with Article 4 of the present Convention, programmes and measures for the elimination or reduction of pollution from land-based sources;
- (e) to make recommendations in accordance with the provisions of Article 9;
- (f) to receive and review information and distribute it to the Contracting Parties in accordance with the provisions of Article 11, 12 and 17 of the present Convention;
- (g) to make, in accordance with Article 18, recommendations regarding any amendment to the lists of substances included in Annex A to the present Convention;
- (h) to discharge such other functions, as may be appropriate, under the terms of the present Convention.

ARTICLE 20

The depositary Government shall convene the first meeting of the Commission as soon as possible after the coming into force of the present Convention.

SE Atlantic:

ARTICLE V

1. The Commission shall hold a regular session at least once every two years. A special session shall be called at any time at the request of one Contracting Party provided that such request is supported by at least three other Contracting Parties.
2. Each of the Contracting Parties shall be represented on the Commission by not more than three Commissioners who may be accompanied by experts and advisers.

3. Each Contracting Party shall have one vote in the Commission. Except as may be otherwise provided in this Convention, decisions of the Commission shall be taken by a majority of two thirds of the Contracting Parties present and voting.* Two thirds of the Contracting Parties shall constitute a quorum.
4. At each regular session the Commission shall elect from among the Commissioners the following officers: a Chairman, a First Vice-Chairman and a Second Vice-Chairman. These officers shall remain in office until the election of their successors at the next regular session and shall not be eligible to serve for more than two consecutive terms in the same office. A Commissioner, when acting as Chairman, shall not vote.
5. The working languages of the Commission shall be English, French and Spanish.
6. The Commission shall adopt such rules of procedure and other internal administrative regulations as are necessary to carry out its functions. The rules of procedure of subsidiary bodies established by the Commission under Article VII may be adopted by such subsidiary bodies, but shall only enter into force upon approval by the Commission.

14. Adoption of additional protocols

Helsinki:

ARTICLE 24 (3)

(see page 35 below)

IMCO 1973:

ARTICLE 16 (5)

The adoption and entry into force of a new Annex shall be subject to the same procedures as for the adoption and entry into force of an amendment to an Article of the Convention.

15. Amendment of the Convention or protocols

Helsinki:

ARTICLE 22

A conference for the purpose of a general revision of the present Convention may be convened with the consent of the Contracting Parties or at the request of the Commission.

ARTICLE 23

1. Each Contracting Party may propose amendments to the Articles of the present Convention. Any such proposed amendment shall be submitted to the Depository Government and communicated by it to all Contracting Parties, which shall inform the Depository Government of either their acceptance or rejection of the amendment as soon as possible after the receipt of the communication.

The amendment shall enter into force ninety days after the Depository Government has received notifications of acceptance of that amendment from all Contracting Parties.

2. With the consent of the Contracting Parties or at the request of the Commission a conference may be convened for the purpose of amending the present Convention.

IMCO 1973

ARTICLE 16

1. The present Convention may be amended by any of the procedures specified in the following paragraphs.

2. Amendments after consideration by the Organization:

- (a) any amendment proposed by a Party to the Convention shall be submitted to the Organization and circulated by its Secretary-General to all Members of the Organization and all Parties at least six months prior to its consideration;
- (b) any amendment proposed and circulated as above shall be submitted to an appropriate body by the Organization for consideration;
- (c) Parties to the Convention, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the appropriate body;
- (d) amendments shall be adopted by a two-thirds majority of only the Parties to the Convention present and voting;
- (e) if adopted in accordance with sub-paragraph (d) of this paragraph, amendments shall be communicated by the Secretary-General of the Organization to all the Parties to the Convention for acceptance;
- (f) an amendment shall be deemed to have been accepted in the following circumstances:
 - (i) an amendment to an Article of the Convention shall be deemed to have been accepted on the date on which it is accepted by two-thirds of the Parties, the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant fleet;
 - (ii) an amendment to an Annex to the Convention shall be deemed to have been accepted in accordance with the procedure specified in sub-paragraph (f)(iii) of this paragraph unless the appropriate body, at the time of its adoption, determines that the amendment shall be deemed to have been accepted on the date on which it is accepted by two-thirds of the Parties, the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant fleet. Nevertheless, at any time before the entry into force of an amendment to an Annex to the Convention, a Party may notify the Secretary-General of the Organization that its express approval will be necessary before the amendment enters into force for it. The latter shall bring such notification and the date of its receipt to the notice of Parties.

- (iii) an amendment to an Appendix to an Annex to the Convention shall be deemed to have been accepted at the end of a period to be determined by the appropriate body at the time of its adoption, which period shall be not less than ten months, unless within that period an objection is communicated to the Organization by not less than one-third of the Parties or by Parties the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant fleet whichever condition is fulfilled;
 - (iv) an amendment to Protocol I to the Convention shall be subject to the same procedures as for the amendments to the Annexes to the Convention, as provided for in sub-paragraphs (f)(ii) or (f)(iii) of this paragraph;
 - (v) an amendment to Protocol II to the Convention shall be subject to the same procedures as for the amendments to an Article of the Convention, as provided for in sub-paragraph (f)(i) of this paragraph;
 - (g) the amendment shall enter into force under the following conditions:
 - (i) in the case of an amendment to an Article of the Convention, to Protocol II, or to Protocol I or to an Annex to the Convention not under the procedure specified in sub-paragraph (f)(iii) of this paragraph, the amendment accepted in conformity with the foregoing provisions shall enter into force six months after the date of its acceptance with respect to the Parties which have declared that they have accepted it;
 - (ii) in the case of an amendment to Protocol I, to an Appendix to an Annex or to an Annex to the Convention under the procedure specified in sub-paragraph (f)(iii) of this paragraph, the amendment deemed to have been accepted in accordance with the foregoing conditions shall enter into force six months after its acceptance for all the Parties with the exception of those which, before that date, have made a declaration that they do not accept it, or a declaration under sub-paragraph (f)(ii) of this paragraph, that their express approval is necessary.
3. Amendment by a Conference:
- (a) Upon the request of a Party, concurred in by at least one-third of the Parties, the Organization shall convene a Conference of Parties to the Convention to consider amendments to the present Convention.
 - (b) Every amendment adopted by such a Conference by a two-thirds majority of those present and voting of the Parties shall be communicated by the Secretary-General of the Organization to all Contracting Parties for their acceptance.
 - (c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and to have entered into force in accordance with the procedures specified for that purpose in sub-paragraphs (2)(f) and (g) of the present Article.
4. (a) In the case of an amendment to an Optional Annex, a reference in the present Article to a "Party to the Convention" shall be deemed to mean a reference to a Party bound by that Annex.
- (b) Any Party which has declined to accept an amendment to an Annex shall be treated as a non-Party only for the purpose of application of that Amendment.
5. The adoption and entry into force of a new Annex shall be subject to the same procedures as for the adoption and entry into force of an amendment to an Article of the Convention.
6. Unless expressly provided otherwise, any amendment to the present Convention made under this Article, which relates to the structure of a ship, shall apply only to ships for which the building contract is placed, or in the absence of a building contract, the keel of which is laid, on or after the date on which the amendment comes into force.

7. Any amendment to a Protocol or to an Annex shall relate to the substance of that Protocol or Annex and shall be consistent with the Articles of the present Convention.

8. The Secretary-General of the Organization shall inform all Parties of any amendments which enter into force under the present Article, together with the date on which each such amendment enters into force.

9. Any declaration of acceptance or of objection to an amendment under the present Article shall be notified in writing to the Secretary-General of the Organization. The latter shall bring such notification and the date of its receipt to the notice of the Parties of the Convention.

London:

ARTICLE XV

1. (a) At meetings of the Contracting Parties called in accordance with Article XIV amendments to this Convention may be adopted by a two-thirds majority of those present. An amendment shall enter into force for the Parties which have accepted it on the sixtieth day after two-thirds of the Parties shall have deposited an instrument of acceptance of the amendment with the Organization. Thereafter the amendment shall enter into force for any other Party 30 days after that Party deposits its instrument of acceptance of the amendment.
1. (b) The Organization shall inform all Contracting Parties of any requests made for a special meeting under Article XIV and of any amendments adopted at meetings of the Parties and of the date on which such amendment enters into force for each Party.

Oslo:

ARTICLE 25

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

Paris:

ARTICLE 27

1. The depositary Government shall, at the request of the Commission on a decision taken by a two-thirds majority of its members, call a Conference for the purpose of revising or amending the present Convention.
2. Upon accession by a State as provided for in paragraphs 2, 3 and 4 of Article 24, the maritime area in Article 2 may be amended upon a proposal by the Commission adopted by a unanimous vote. These amendments shall enter into force after unanimous approval by the Contracting Parties.

SE Atlantic:

ARTICLE XIX

1. Any Contracting Party may propose amendments to this Convention which shall be referred to the Commission for approval at a regular or special session. Proposals for the amendment of the Convention shall be communicated to the Depositary who shall inform the Contracting Parties thereof. Any amendment shall take effect for each Contracting Party accepting the amendment on the ninetieth day after its acceptance by three-fourths of the Contracting Parties and thereafter for each remaining Contracting Party on the day on which the Depositary receives the notification of such acceptance.
2. Any State which becomes a Contracting Party after an amendment to this Convention has been proposed for acceptance pursuant to the provisions of this Article shall be bound by the Convention as amended when the said amendment comes into force.

LOS
Negotiating
Text:

PART I
ARTICLE 64

Amendments to this Convention may be proposed by any State Party to this Convention. Certified copies of the text of any amendment proposed shall be prepared by the Secretary-General and communicated by him to all parties, at least ninety days in advance of its consideration by the Assembly.

ARTICLE 65

Amendments shall come into force for all States Parties to this Convention when:

- (i) Approved by the Assembly by a two-thirds majority of those present and voting after consideration of observations submitted by the Council on proposed amendments; and
- (ii) accepted by two-thirds of all the States Parties in accordance with their respective constitutional processes. Acceptance by a State Party shall be effected by the deposit of an instrument of acceptance with the Secretary-General of the United Nations.

ARTICLE 66

At the third regular session of the Assembly following the coming into force of this Convention, the question of a general review of the provisions of this Convention shall be placed on the agenda of that session. On approval by a majority of the members present and voting, the review will take place at the following Assembly. Thereafter, proposals on the question of a general review of this Convention may be submitted for decisions by the Assembly under the same procedure.

16. Annexes and amendments of Annexes

Guidelines: GUIDELINE 22

The framework convention and/or the protocols should lay down the conditions for its (or their) entry into force, and procedures for the adoption and amendment of annexes.

Helsinki: ARTICLE 24

1. Any amendment to the Annexes proposed by a Contracting Party shall be communicated to the other Contracting Parties by the Depositary Government and considered in the Commission. If adopted by the Commission, the amendment shall be communicated to the Contracting Parties and recommended for acceptance.

2. Such amendment shall be deemed to have been accepted at the end of a period determined by the Commission unless within that period any one of the Contracting Parties has objected to the amendment. The accepted amendment shall enter into force on a date determined by the Commission.

The period determined by the Commission shall be prolonged for an additional period of six months and the date of entry into force of the amendment postponed accordingly, if, in exceptional cases, any Contracting Party before the expiring of the period determined by the Commission informs the Depositary Government, that, although it intends to accept the proposal, the constitutional requirements for such an acceptance are not yet fulfilled in its State.

3. An Annex to the present Convention may be adopted in accordance with the provisions of this Article.

4. The Depositary Government shall inform all Contracting Parties of any amendments or the adoption of a new Annex which enter into force under this Article and of the date on which such amendment or new Annex enters into force.

5. Any objection under this Article shall be made by notification in writing to the Depositary Government which shall notify all Contracting Parties and the Executive Secretary of any such notification and the date of its receipt.

IMCO 1973: ARTICLE 16 (see page 31 above)

London: ARTICLE XV

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

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

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

Oslo:

ARTICLE 18 (2)

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

Paris:

ARTICLE 4

1. The Contracting Parties undertake:
 - (a) to eliminate, if necessary by stages, pollution of the maritime area from land-based sources of substances listed in Part I of Annex A to the present Convention.
 - (b) to limit strictly pollution of the maritime area from land-based sources of the substances listed in Part II of Annex A to the present Convention.
2. In order to carry out the undertakings in paragraph 1 of this Article, the Contracting Parties, jointly or individually as appropriate, shall implement programmes and measures:
 - (a) for the elimination, as a matter of urgency, of pollution of the maritime area from land-based sources by substances listed in Part I of Annex A to the present Convention;
 - (b) for the reduction or, as appropriate, elimination of pollution of the maritime area from land-based sources by substances listed in Part II of Annex A to the present Convention. These substances shall be discharged only after approval has been granted by the appropriate authorities within each contracting State. Such approval shall be periodically reviewed.

The programmes and measures adopted under paragraph 2 above shall include, as appropriate, specific regulations or standards governing the quality of the environment, discharges into the maritime area, such discharges into watercourses as affect the maritime area, and the composition and use of substances and products and shall take into account the latest technical developments.

The programme shall contain time-limits for their completion.

4. Furthermore, the Contracting Parties may, jointly or individually as appropriate, implement programmes or measures to forestall, reduce or eliminate pollution of the maritime area from land-based sources by a substance not then listed in Annex A to the present Convention, if scientific evidence has established that a serious hazard may be created in the maritime area by that substance and if urgent action is necessary.

ARTICLE 18

3. The Commission shall adopt, by unanimous vote, programmes and measures for the reduction or elimination of pollution from land-based sources as provided for in Article 4, and for scientific research and monitoring as provided for in Articles 10 and 11 and the decisions under Article 16(c). Such programmes and measures shall commence for, and be applied by, all Contracting Parties two hundred days after adoption, unless the Commission specifies another date. Should unanimity not be attainable, the Commission may nonetheless adopt a programme or measures by a three quarters majority vote of its members. Such programmes or measures shall commence for those Contracting Parties which voted for them two hundred days after their adoption, unless the Commission specifies another date, and for any other Contracting Party after it has explicitly accepted the programme or measures which it may do at any time.
4. The Commission may adopt, in accordance with Article 16(g), recommendations for amendments to Annex A to the present Convention by a three quarters majority vote of its members and shall submit them for the approval of the Governments of the Contracting Parties. Any Government

of a Contracting Party that is unable to approve an amendment shall notify the Depositary Government in writing within a period of two hundred days after the adoption of the Recommendation of amendment in the Commission. Should no such notification be received, the amendment shall enter into force for all Contracting Parties two hundred and thirty days after the vote in the Commission. The Depositary Government shall notify the Contracting Parties as soon as possible of the receipt of any notification.

17. Rules of Procedure and Financial Rules

Guidelines:

GUIDELINE 17

The framework convention and/or the protocols should provide for the financing of the expenses incurred by the body referred to in Guideline 14 in performing the Secretariat functions assigned to it under the framework convention and/or the protocols.

Helsinki:

ARTICLE 14

Administrative provisions for the Commission

1. The working language of the Commission shall be English.
2. The Commission shall adopt its Rules of Procedure.

ARTICLE 15

Financial provisions for the Commission

1. The Commission shall adopt its Financial Rules.
2. The Commission shall adopt an annual or biennial budget of proposed expenditures and budget estimates for the fiscal period following thereafter.
3. The total amount of the budget, including any supplementary budget adopted by the Commission, shall be contributed by the Contracting Parties in equal parts, unless the Commission unanimously decides otherwise.
4. Each Contracting Party shall pay the expenses related to the participation in the Commission of its representatives, experts and advisers.

London:

ARTICLE XIV (5)

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

Oslo:

ARTICLE 18 (1)

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

Paris:

ARTICLE 18

1. The Commission shall draw up its own Rules of Procedure which shall be adopted by unanimous vote.
2. The Commission shall draw up its own Financial Regulations which shall be adopted by unanimous vote.

SE Atlantic:

ARTICLE V (6)

The Commission shall adopt such rules of procedure and other internal administrative regulations as are necessary to carry out its functions. The rules of procedure of subsidiary bodies established by the Commission under Article VII may be adopted by such subsidiary bodies, but shall only enter into force upon approval by the Commission.

ARTICLE XIII

1. At each regular session the Commission shall adopt a budget for the following fiscal period and budget estimates for the fiscal period following thereafter. The fiscal period shall be two years. However, should the Commission hold more than one regular session during a fiscal period, it

may revise the current budget if required. Subject to the agreement of all Contracting Parties, the Commission may, at any session, adopt a supplementary budget.

2. The contributions to the budget and any supplementary budget to be paid by each Contracting Party shall be payable in such currency or currencies and at such time as the Commission shall decide.

3. The voting rights of any Contracting Party whose arrears of contributions equal or exceed its total contribution falling due in the preceding fiscal period shall be suspended unless the Commission decides otherwise.

4. The Commission may also accept from any private or public sources other contributions for the furtherance of its objectives. Such contributions shall be used and administered in accordance with rules to be adopted by the Commission.

5. The Commission shall arrange for an annual independent audit of its accounts to be made and submitted for review and approval by the Commission.

6. The Commission shall establish a Working Capital Fund to finance operations of the Commission prior to receiving annual contributions, and for such other purposes as the Commission may determine. The Commission shall fix the level of the Fund, assess advances necessary for its establishment, and adopt regulations governing its use.

18. Reports

Guidelines: GUIDELINE 18

The framework convention and/or the protocols should provide that each Contracting Party shall transmit to the body referred to in Guideline 14 reports on the measures adopted by it in implementation of the provisions of the framework convention and/or protocols.

IMCO 1973 ARTICLE 11

1. The Parties to the Convention undertake to communicate to the Organization:
 - (a) the text of laws, orders, decrees and regulations and other instruments which have been promulgated on the various matters within the scope of the present Convention;
 - (b) a list of non-governmental agencies which are authorized to act on their behalf in matters relating to the design, construction and equipment of ships carrying harmful substances in accordance with the provisions of the Regulations;
 - (c) a sufficient number of specimens of their certificates issued under the provisions of the Regulations;
 - (d) a list of reception facilities including their location, capacity and available facilities and other characteristics;
 - (e) official reports or summaries of official reports in so far as they show the results of the application of the present Convention; and
 - (f) an annual statistical report, in a form standardized by the Organization, of penalties actually imposed for infringement of the present Convention.

2. The Organization shall notify Parties of the receipt of any communications under the present Article and circulate to all Parties any information communicated to it under sub-paragraphs (1)(b) to (f) of the present Article.

London: ARTICLE VI (4)

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

Oslo: ARTICLE 11

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

Paris: ARTICLE 17

The Contracting Parties, in accordance with a standard procedure, shall transmit to the Commission:

- (a) the results of monitoring pursuant to Article 11,
- (b) the most detailed information available on the substances listed in the Annexes to the present Convention and liable to find their way into the maritime area.

The Contracting Parties shall endeavour to improve progressively techniques for gathering such information which can contribute to the revision of the pollution reduction programmes adopted in accordance with Article 4 of the present Convention.

SE Atlantic:

ARTICLE VI (3)

The Contracting Parties shall furnish, on the request of the Commission, any available statistical and other data and information the Commission may need for the purposes of the Convention.

LOS
Negotiating
Text

PART III, ARTICLE 14

States shall provide at appropriate intervals reports of the results obtained relating to risks or effects of pollution of the marine environment to United Nations Environment Programme or any other competent international or regional organizations, which should make them available to all States.

19. Compliance control

Guidelines: GUIDELINE 19

The framework convention and/or the protocols should provide that the Contracting Parties shall agree to cooperate in the development of procedures for the effective application of the framework convention and/or the protocols, particularly on the high seas, including procedures for reporting vessels and aircraft observed acting in contravention of the framework convention and/or the protocols.

Helsinki: ARTICLE 9

3. Each Contracting Party undertakes to ensure compliance with the provisions of this Article by vessels and aircraft:
- (a) registered in its territory or flying its flag;
 - (b) loading, within its territory or territorial sea, matter which is to be dumped; or
 - (c) believed to be engaged in dumping within its territorial sea.
6. In case of dumping suspected to be in contravention of the provisions of this Article the Contracting Parties shall co-operate in investigating the matter in accordance with Regulation 2 of Annex IV of the present Convention.

IMCO 1973 ARTICLE 4

1. Any violation of the requirements of the present Convention shall be prohibited and sanctions shall be established therefor under the law of the Administration of the ship concerned wherever the violation occurs. If the Administration is informed of such a violation and is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken as soon as possible, in accordance with its law.
2. Any violation of the requirements of the present Convention within the jurisdiction of any Party to the Convention shall be prohibited and sanctions shall be established therefor under the law of that Party. Whenever such a violation occurs, that Party shall either:
- (a) cause proceedings to be taken in accordance with its law; or
 - (b) furnish to the Administration of the ship such information and evidence as may be in its possession that a violation has occurred.
3. Where information or evidence with respect to any violation of the present Convention by a ship is furnished to the Administration of that ship, the Administration shall promptly inform the Party which has furnished the information or evidence, and the Organization, of the action taken.
4. The penalties specified under the law of a Party pursuant to the present Article shall be adequate in severity to discourage violations of the present Convention and shall be equally severe irrespective of where the violations occur.

ARTICLE 5

1. Subject to the provisions of paragraph (2) of the present Article a certificate issued under the authority of a Party to the Convention in accordance with the provisions of the Regulations shall be accepted by the other Parties and regarded for all purposes covered by the present Convention as having the same validity as a certificate issued by them.
2. A ship required to hold a certificate in accordance with the provisions of the Regulations is subject, while in the ports or off-shore terminals under the jurisdiction of a Party, to inspection by officers duly authorized

by that Party. Any such inspection shall be limited to verifying that there is on board a valid certificate, unless there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of that certificate. In that case, or if the ship does not carry a valid certificate, the Party carrying out the inspection shall take such steps as will ensure that the ship shall not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment. That Party may, however, grant such a ship permission to leave the port or off-shore terminal for the purpose of proceeding to the nearest appropriate repair yard available.

3. If a Party denies a foreign ship entry to the ports or off-shore terminals under its jurisdiction or takes any action against such a ship for the reason that the ship does not comply with the provisions of the present Convention, the Party shall immediately inform the consul or diplomatic representative of the Party whose flag the ship is entitled to fly, or if this is not possible, the Administration of the ship concerned. Before denying entry or taking such action the Party may request consultation with the Administration of the ship concerned. Information shall also be given to the Administration when a ship does not carry a valid certificate in accordance with the provisions of the Regulations.

4. With respect to the ships of non-Parties to the Convention, Parties shall apply the requirements of the present Convention as may be necessary to ensure that no more favourable treatment is given to such ships.

ARTICLE 6

1. Parties to the Convention shall co-operate in the detection of violations and the enforcement of the provisions of the present Convention, using all appropriate and practicable measures of detection and environmental monitoring, adequate procedures for reporting and accumulation of evidence.

2. A ship to which the present Convention applies may, in any port or off-shore terminal of a Party, be subject to inspection by officers appointed or authorized by that Party for the purpose of verifying whether the ship has discharged any harmful substances in violation of the provisions of the Regulations. If an inspection indicates a violation of the Convention, a report shall be forwarded to the Administration for any appropriate action.

3. Any Party shall furnish to the Administration evidence, if any, that the ship has discharged harmful substances or effluents containing such substances in violation of the provisions of the Regulations. If it is practical to do so, the competent authority of the former Party shall notify the Master of the ship of the alleged violation.

4. Upon receiving such evidence, the Administration so informed shall investigate the matter, and may request the other Party to furnish further or better evidence of the alleged contravention. If the Administration is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken in accordance with its law as soon as possible. The Administration shall promptly inform the Party which has reported the alleged violation, as well as the Organization, of the action taken.

5. A Party may also inspect a ship to which the present Convention applies when it enters the ports or off-shore terminals under its jurisdiction, if a request for an investigation is received from any Party together with sufficient evidence that the ship has discharged harmful substances or effluents containing such substances in any place. The report of such investigation shall be sent to the Party requesting it and to the Administration so that the appropriate action may be taken under the present Convention.

London:

ARTICLE VII

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

- (a) vessels and aircraft registered in its territory or flying its flag;
 - (b) vessels and aircraft loading in its territory or territorial seas matter which is to be dumped;
 - (c) vessels and aircraft and fixed or floating platforms under its jurisdiction believed to be engaged in dumping.
2. Each Party shall take in its territory appropriate measures to prevent and punish conduct in contravention of the provisions of this Convention.
 3. The Parties agree to co-operate in the development of procedures for the effective application of this Convention particularly on the high seas, including procedures for the reporting of vessels and aircraft observed dumping in contravention of the Convention.
 4. This Convention shall not apply to those vessels and aircraft entitled to sovereign immunity under international law. However each Party shall ensure by the adoption of appropriate measures that such vessels and aircraft owned or operated by it act in a manner consistent with the object and purpose of this Convention, and shall inform the Organization accordingly.
 5. Nothing in this Convention shall affect the right of each Party to adopt other measures, in accordance with the principles of international law, to prevent dumping at sea.

Oslo:

ARTICLE 15

1. Each Contracting Party undertakes to ensure compliance with the provisions of this Convention:
 - (a) by ships and aircraft registered in its territory;
 - (b) by ships and aircraft loading in its territory the substances and materials which are to be dumped;
 - (c) by ships and aircraft believed to be engaged in dumping within its territorial sea.
2. Each Contracting Party undertakes to issue instructions to its maritime inspection vessels and aircraft and to other appropriate services to report to its authorities any incidents or conditions on the high seas which give rise to suspicions that dumping in contravention of the provisions of the present Convention has occurred or is about to occur. That Contracting Party shall, if it considers it appropriate, report accordingly to any other Contracting Party concerned.
3. Each Contracting Party shall take in its territory appropriate measures to prevent and punish conduct in contravention of the provisions of this Convention.
4. The Contracting Parties undertake to assist one another as appropriate in dealing with pollution incidents involving dumping at sea, and to exchange information on methods of dealing with such incidents.
5. The Contracting Parties further agree to work together in the development of co-operative procedures for the application of the Convention, particularly on the high seas.
6. Nothing in this Convention shall abridge sovereign immunity to which certain vessels are entitled under international law.

Paris:

ARTICLE 12

1. Each Contracting Party undertakes to ensure compliance with the provisions of this Convention and to take in its territory appropriate measures to prevent and punish conduct in contravention of the provisions of the present Convention.
2. The Contracting Parties shall inform the Commission of the legislative and administrative measures they have taken to implement the provisions of the preceding paragraph.

SE Atlantic: ARTICLE X

1. Without prejudice to the rights of States in the waters in which they are entitled under international law to exercise jurisdiction over fisheries, each Contracting Party shall take appropriate measures, in its territories and in these waters with respect to all persons and vessels, and beyond these waters with respect to its nationals and vessels, to ensure the implementation of the provisions of the present Convention and the recommendations of the Commission which have become binding on that Contracting Party, and to apply sanctions for the violation of such recommendations.
2. The Contracting Parties undertake to collaborate with each other with a view to the adoption of effective measures to ensure the implementation of this Convention and the achievement of its objectives.
3. In addition, the Contracting Parties undertake to collaborate with each other with a view to setting up, upon a recommendation by the Commission, a system of international enforcement of such recommendations as the Commission may select for inclusion under the said system, except in the waters in which a State is entitled under international law to exercise jurisdiction over fisheries. The adoption and implementation of such a recommendation shall be governed by Articles VIII and IX of this Convention.
4. The Contracting Parties shall transmit to the Commission, biennially, or at such times as may be required by the Commission, a statement of the action that they have taken pursuant to this Article.

LOS
Negotiating
Text:

PART I, ARTICLE 17

1. Every State shall have the responsibility to ensure that activities in the Area, whether undertaken by governmental agencies, or non-governmental entities or persons under its jurisdiction, or acting on its behalf, shall be carried out in conformity with the provisions of this Convention. The same responsibility applies to international organizations and their members for activities in the Area undertaken by such organizations or on their behalf. Damage caused by such activities shall entail liability on the part of the State or international organization concerned, in respect of activities which it undertakes itself or authorizes.
2. A group of States or a group of international organizations, acting together, shall be jointly and severally responsible under these articles.
3. Every State shall take appropriate measures to ensure that the responsibility provided for in paragraph 1 of this article shall apply mutatis mutandis to international organizations, of which it is a member.

PART III, CHAPTER 7

(detailed provisions on enforcement by international authority, flag states, coastal states and port states; not reproduced here)

20. Settlement of disputes

Guidelines: GUIDELINE 20

The framework convention and/or the protocols should contain a provision on the peaceful settlement of disputes relating to their interpretation or application.

Helsinki: ARTICLE 18

1. In case of a dispute between Contracting Parties as to the interpretation or application of the present Convention, they should seek a solution by negotiation. If the Parties concerned cannot reach agreement they should seek the good offices of or jointly request the mediation by a third Contracting Party, a qualified international organization or a qualified person.
2. If the Parties concerned have not been able to resolve their dispute through negotiation or have been unable to agree on measures as described above, such disputes shall be, upon common agreement, submitted to an ad hoc arbitration tribunal, to a permanent arbitration tribunal, or to the International Court of Justice.

IMCO 1973: ARTICLE 10

Any dispute between two or more Parties to the Convention concerning the interpretation or application of the present Convention shall, if settlement by negotiation between the Parties involved has not been possible, and if these Parties do not otherwise agree, be submitted upon request of any of them to arbitration as set out in Protocol II to the present Convention.

London: ARTICLE XI

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

Paris: ARTICLE 21

Any dispute between Contracting Parties relating to the interpretation or application of the present Convention, which cannot be settled otherwise by the parties concerned, for instance by means of inquiry or conciliation within the Commission, shall, at the request of any of those Parties, be submitted to arbitration under the conditions laid down in Annex B to the Convention.

LOS PART III, ARTICLE 44

Negotiating Text:

Any dispute with respect to the interpretation or application of the provisions of this Convention with respect to the preservation of the marine environment shall be resolved by the dispute settlement procedures contained in Chapter..... of this Convention.

21. Signature

Guidelines: GUIDELINE 21a

The framework convention and/or the protocols should provide that all riparian States of the Mediterranean may become parties to the framework convention and/or the protocols.

Helsinki: ARTICLE 26(1)

The present Convention shall be open for signature in Helsinki on 22 March 1974 by the Baltic Sea States participating in the Diplomatic Conference on the Protection of the Marine Environment of the Baltic Sea Area, held in Helsinki from 18 to 22 March 1974. The present Convention shall be open for accession to any other State interested in fulfilling the aims and purposes of the present Convention, provided that this State is invited by all the Contracting Parties.

IMCO 1973: ARTICLE 13(1)

The present Convention shall remain open for signature at the Headquarters of the Organization from 15 January 1974 until 31 December 1974 and shall thereafter remain open for accession. States may become Parties to the present Convention by:

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

London: ARTICLE XVI

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

Oslo: ARTICLE 20

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

Paris: ARTICLE 22

The present Convention shall be open at Paris, from 4th June 1974 to 30th June 1975, for signature by the States invited to the Diplomatic Conference on the Convention for the Prevention of Marine Pollution from Land-Based Sources held at Paris and by the European Economic Community.

SE Atlantic: ARTICLE XVII (1)

This Convention shall be open for signature by the Government of any State represented at the Conference which adopted the Convention, or by the Government of any other State which is a Member of the United Nations or of any specialized agency of the United Nations.

LOS

Negotiating

Text:

PART I, ARTICLE 69

The present Convention shall be open for signature by all States members of the United Nations or of any of the Specialized Agencies or of the International Atomic Energy Agency or parties to the Statute of the International Court of Justice, and by any other State invited to participate in the Third United Nations Conference on the Law of the Sea or invited by the Assembly of the Authority to become a party to the Convention, as follows: until 31 December 1976 at the Ministry of Foreign Affairs of the Republic of Venezuela, and subsequently, until 30 June 1977 at United Nations Headquarters, New York.

22. Ratification, accession and entry into force

Guidelines: GUIDELINE 21b

The framework convention and/or the protocols should provide that it (or they) could be open for accession by any State which is a member of the United Nations or of any of the specialized agencies or of the International Atomic Energy Agency or party to the Statute of the International Court of Justice, subject to prior approval by a qualified majority of the States parties to the framework convention and/or the protocols at the time.

GUIDELINE 22

The framework convention and/or protocols should lay down the conditions for its (or their) entry into force, and procedures for the adoption and amendments of annexes.

Helsinki:

ARTICLE 26

1. (see page 47 above)
2. The present Convention shall be subject to ratification or approval by the States which have signed it.
3. The instruments of ratification, approval, or accession shall be deposited with the Government of Finland, which will perform the duties of the Depository Government.

ARTICLE 27

The present Convention shall enter into force two months after the deposit of the seventh instrument of ratification or approval.

IMCO 1973:

ARTICLE 13 (2) (for paragraph 1 see page 47)

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

ARTICLE 15

1. The present Convention shall enter into force twelve months after the date on which not less than fifteen States, the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant shipping, have become parties to it in accordance with Article 13 of the present Convention.
2. An Optional Annex shall enter into force twelve months after the date on which the conditions stipulated in paragraph (1) of the present Article have been satisfied in relation to that Annex.
3. The Organization shall inform the States which have signed the present Convention or acceded to it of the date on which it enters into force and of the date on which an Optional Annex enters into force in accordance with paragraph (2) of the present Article.
4. For States which have deposited an instrument of ratification, acceptance, approval or accession in respect of the present Convention or any Optional Annex after the requirements for entry into force thereof have been met but prior to the date of entry into force, the ratification, acceptance, approval or accession shall take effect on the date of entry into force of the Convention or such Annex or three months after the date of deposit of the instrument whichever is the later date.
5. For States which have deposited an instrument of ratification, acceptance, approval or accession after the date on which the Convention or an Optional Annex entered into force, the Convention or the Optional Annex shall become effective three months after the date of deposit of the instrument.

6. After the date on which all the conditions required under Article 16 to bring an amendment to the present Convention or an Optional Annex into force have been fulfilled, any instrument of ratification, acceptance, approval or accession deposited shall apply to the Convention or Annex as amended.

London:

ARTICLE XVII

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

ARTICLE XVIII

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

ARTICLE XIX

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

Oslo:

ARTICLE 21

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

ARTICLE 22

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

ARTICLE 23

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

Paris:

ARTICLE 23

The present Convention shall be subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Government of the French Republic.

ARTICLE 24

1. After 30th June 1975, the present Convention shall be open for accession by States referred to in Article 22 and by the European Economic Community.

2. The present Convention shall also be open for accession from the same date by any other Contracting Party to the Convention for the prevention of Marine Pollution by Dumping from Ships and Aircraft opened for signature at Oslo on 15th February 1972.
3. From the date of its entry into force, the present Convention shall be open for accession by any State not referred to in Article 22 located upstream on watercourses crossing the territory of one or more Contracting Parties to the present Convention and reaching the maritime area defined in Article 2.
4. The Contracting Parties may, by unanimous vote, invite other States to accede to the present Convention. In that case the maritime area in Article 2 may, if necessary, be amended in accordance with Article 27 of the present Convention.
5. The instruments of accession shall be deposited with the Government of the French Republic.

ARTICLE 19

Within the areas of its competence, the European Economic Community is entitled to a number of votes equal to the number of its member States which are Contracting Parties to the present Convention.

The European Economic Community shall not exercise its right to vote in cases where its member States exercise theirs and conversely.

ARTICLE 25

1. The present Convention shall come into force on the thirtieth day following the date of deposit of the seventh instrument of ratification, approval, acceptance or accession.
2. For each Party ratifying, accepting or approving the present Convention or acceding to it after the deposit of the seventh instrument of ratification, approval, acceptance or accession, the present Convention shall enter into force on the thirtieth day after the date of deposit by that Party of its instrument of ratification, acceptance, approval or accession.

SE Atlantic:

ARTICLE XVII

1. (see page 47 above)
2. Signature of this Convention shall be subject to ratification, acceptance or approval.
3. Once this Convention has entered into force, any State referred to in paragraph 1 of this Article which has not signed the Convention or any other State unanimously invited by the Commission to become a party to the Convention may adhere to it.
4. Instruments of ratification, acceptance, approval or adherence shall be deposited with the Director-General of the Food and Agriculture Organization of the United Nations, hereinafter referred to as the "Depositary."
5. Ratification, acceptance, approval or adherence may not be made subject to any reservation.

ARTICLE XVIII

1. This Convention shall enter into force on the thirtieth day following the date of deposit of at least four instruments of ratification, acceptance or approval, provided that the weight of the aggregate nominal catch in the Convention Area of the countries having deposited such instruments amounts to at least seven hundred thousand metric tons on the basis of the statistics published by the Food and Agriculture Organization of the United Nations for the year one thousand nine hundred and sixty-eight.

2. After the entry into force of this Convention in accordance with paragraph 1 of this Article, the Convention shall enter into force for each State whose Government deposits an instrument of ratification, acceptance approval or adherence on the thirtieth day following the date on which such instrument is received by the Depositary.

ARTICLE XI

The Commission may invite any appropriate international organization and the Government of any State eligible to become a party to this Convention under Article XVII, but which is not a member of the Commission, to be represented in an observer capacity at sessions of the Commission or its subsidiary bodies.

LOS
Negotiating
Text:

PART I ARTICLE 70

The present Convention is subject to ratification. The instrument of ratification shall be deposited with the Secretary-General of the United Nations.

ARTICLE 71

The present Convention shall remain open for accession by any State belonging to any of the categories mentioned in article 69. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE 72

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the thirty-sixth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the thirty-sixth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

ARTICLE 73

1. Pending the definitive entry into force of this Convention in accordance with the provisions of Article 72, a State may notify upon signing this Convention the Secretary-General of the United Nations that it will apply this Convention provisionally and that it will undertake to seek ratification or accession in accordance with constitutional procedures as rapidly as possible.
2. This Convention shall enter provisionally into force upon the thirty-sixth such notification to the Secretary-General of the United Nations.
3. Upon provisional entry into force of this Convention in accordance with paragraph 2, any State which has notified the Secretary-General of the United Nations of its intention to apply this Convention provisionally in accordance with paragraph 1, shall be regarded as being Party for the purpose of provisional application of this Convention.
4. The provisional application of this Convention with respect to a State shall be terminated if that State notifies the other Parties to provisional application of the withdrawal of its notification under paragraph 1.
5. The provisional application of this Convention in accordance with this article shall be terminated:
 - (a) Upon the definitive entry into force of this Convention in accordance with Article 72;
 - (b) If, as a result of withdrawal of notification, in accordance with paragraph 4 above, the total number of Contracting Parties becomes less than that provided for in paragraph 2;
 - (c) At the end of a period of years after the commencement of provisional application.
6. If, at the end of six months after the opening of the Convention for signature, provisional entry into force as provided for in Article 73 does not occur, an Interim Commission shall come into existence, as provided for in Annex III to this Convention.

23. Withdrawal

Helsinki: ARTICLE 28

1. At any time after the expiry of five years from the date of entry into force of the present Convention any Contracting Party may, by giving written notification to the Depositary Government, withdraw from the present Convention. The withdrawal shall take effect for such Contracting Party on the thirty-first day of December of the year which follows the year in which the Depositary Government was notified of the withdrawal.
2. In case of notification of withdrawal by a Contracting Party the Depositary Government shall convene a meeting of the Contracting Parties for the purpose of considering the effect of the withdrawal.

IMCO 1973: ARTICLE 18

1. The present Convention or any Optional Annex may be denounced by any Parties to the Convention at any time after the expiry of five years from the date on which the Convention or such Annex enters into force for that Party.
2. Denunciation shall be effected by notification in writing to the Secretary-General of the Organization who shall inform all the other Parties of any such notification received and of the date of its receipt as well as the date on which such denunciation takes effect.
3. A denunciation shall take effect twelve months after receipt of the notification of denunciation by the Secretary-General of the Organization or after the expiry of any other longer period which may be indicated in the notification.

London: ARTICLE XXI

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

Oslo: ARTICLE 24

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

Paris: ARTICLE 26

At any time after the expiry of two years from the date of coming into force of the present Convention in relation to any Contracting Party such Party may withdraw from the Convention by notice in writing to the depositary Government. Such notice shall take effect one year after the date on which it is received.

SE Atlantic: ARTICLE 20

At any time after ten years from the date of entry into force of this Convention, any Contracting Party may withdraw from the Convention by giving written notification of withdrawal. Withdrawal shall take effect on December thirty-first of the calendar year following the year in which notification of withdrawal was communicated to the Depositary.

24. Protocols

Helsinki: ARTICLE 20

The Annexes attached to the present Convention form an integral part of the Convention.

ARTICLE 25

1. The provisions of the present Convention shall not be subject to reservations.
2. The provision of Paragraph 1 of this Article does not prevent a Contracting Party from suspending for a period not exceeding one year the application of an Annex of the present Convention or part thereof or an amendment thereto after the Annex in question or the amendment thereto has entered into force.
3. If after the entry into force of the present Convention a Contracting Party invokes the provisions of Paragraph 2 of this Article it shall inform the other Contracting Parties, at the time of the adoption by the Commission of an amendment to an Annex or a new Annex of those provisions which will be suspended in accordance with Paragraph 2 of this Article.

IMCO 1973: ARTICLE 1 (2)

Unless expressly provided otherwise, a reference to the present Convention constitutes at the same time a reference to its Protocols and to the Annexes.

ARTICLE 14

1. A State may at the time of signing, ratifying, accepting, approving or acceding to the present Convention declare that it does not accept any one or all of Annexes III, IV and V (hereinafter referred to as "Optional Annexes") to the present Convention. Subject to the above, Parties to the Convention shall be bound by any Annex in its entirety.
2. A State which has declared that it is not bound by an Optional Annex may at any time accept such Annex by depositing with the Organization an instrument of the kind referred to in Article 13(2) of the present Convention.
3. A State which makes a declaration under paragraph (1) of the present Article in respect of an Optional Annex and which has not subsequently accepted that Annex in accordance with paragraph (2) of the present Article shall not be under any obligation nor entitled to claim any privileges under the present Convention in respect of matters related to such Annex and all references to Parties in the present Convention shall not include that State in so far as matters related to such Annex are concerned.
4. The Organization shall inform the States which have signed or acceded to the present Convention of any declaration under the present Article as well as the receipt of any instrument deposited in accordance with the provisions of paragraph (2) of the present Article.

25. Responsibilities of Depositary

Helsinki:

ARTICLE 29

The present Convention has been drawn up in a single copy in the English language. Official translations into the Danish, Finnish, German, Polish, Russian and Swedish languages shall be prepared and deposited with the signed original.

IMCO 1973:

ARTICLE 13 (3)

The Secretary-General of the Organization shall inform all States which have signed the present Convention or acceded to it of any signature or of the deposit of any new instrument of ratification, acceptance, approval or accession and the date of its deposit.

ARTICLE 14(4) (see page 54 above)

ARTICLE 19

(1) The present Convention shall be deposited with the Secretary-General of the Organization who shall transmit certified true copies thereof to all States which have signed the present Convention or acceded to it.

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

ARTICLE 20

The present Convention is established in a single copy in the English, French, Russian and Spanish languages, each text being equally authentic. Official translations in the Arabic, German, Italian and Japanese languages shall be prepared and deposited with the signed original.

London:

ARTICLE XX

The depositaries shall inform Contracting Parties:

- (a) of signatures to this Convention and of the deposit of instruments of ratification, accession or withdrawal, in accordance with Articles XVI, XVII, XVIII and XXI and
- (b) of the date on which this Convention will enter into force, in accordance with Article XIX.

ARTICLE XXII

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

Oslo:

ARTICLE 26

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

- (a) of signatures to this Convention, of the deposit of instruments of ratification or accession, and of the receipt of a notice of withdrawal, in accordance with Articles 20, 21, 22 and 24;
- (b) of the date on which this Convention will come into force in accordance with Article 23;

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

ARTICLE 27

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

Paris:

ARTICLE 28

The depositary Government shall inform the Contracting Parties and those referred to in Article 22:

- (a) of signatures to the present Convention, of the deposit of instruments of ratification, acceptance, approval or accession, and of notices of withdrawal in accordance with Articles 22, 23, 24 and 26,
- (b) of the date on which the present Convention comes into force in accordance with Article 25;
- (c) of the receipt of notifications of approval or objection, and of the entry into force of amendments to the present Convention and its Annexes, in accordance with Articles 18 and 27.

ARTICLE 29

The original of the present Convention of which the French and English texts shall be equally authentic, shall be deposited with the Government of the French Republic which shall send certified copies thereof to the Contracting Parties and the States referred to in Article 22 and shall deposit a certified copy with the Secretary General of the United Nations for registration and publication in accordance with Article 102 of the United Nations Charter.

SE Atlantic:

ARTICLE XXI

1. The Depositary shall inform the Governments of the States referred to in paragraphs 1 and 3 of Article XVII:

- (a) of the signature of this Convention and of the deposit of instruments of ratification, acceptance, approval or adherence in accordance with Article XVII;
- (b) of the date on which the Convention will come into force in accordance with paragraph 1 of Article XVIII.

2. The Depositary shall inform all Contracting Parties:

- (a) of proposals for the amendment of the Convention, notification of acceptance of such amendments and the entry into force of amendments, in accordance with Article XIX;
- (b) of notification of withdrawal made in accordance with Article XX.

3. The original of this Convention shall be deposited with the Depositary who shall send certified copies thereof to the Government of the States eligible to become parties to this Convention in accordance with Article XVII.

LOS Negotiating:
Text:

PART I, ARTICLE 74

The Secretary-General of the United Nations shall inform all States belonging to any of the categories mentioned in Article 69 of:

- (a) Signature to the present Convention and of the deposit of instruments of ratification or accession in accordance with Articles 69, 70 and 71 respectively;
- (b) Notification of provisional application in accordance with Article 73;
- (c) The date on which the present Convention will enter into force in accordance with Article 72;
- (d) Date on which the present Convention will provisionally enter into force in accordance with Article 73.

PART I, ARTICLE 75

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.