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Protection of the Mediterranean
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Item 4.3 of the Provisional Agenda

Note by the Executive Director

The draft Protocol on co-operation in combatting pollution of the Mediterranean by oil and other harmful substances is submitted to participants to this meeting for information only. It is envisaged that this Protocol might be adopted simultaneously with the Framework Convention by a Conference of Plenipotentiaries.^{1/}

^{1/} UNEP/WG.2/4

DRAFT PROTOCOL
on Co-operation in combatting Pollution
of the Mediterranean by Oil and other harmful Substances
in case of Emergencies

THE PARTIES TO THE PRESENT PROTOCOL,
BEING PARTIES to the (reproduce here the exact title of the framework Convention on the Mediterranean),
RECOGNIZING that grave pollution of the sea by oil and other harmful substances in the Mediterranean area involves a danger for the riparian States and the marine eco-system,
CONSIDERING that the [active] co-operation of all the riparian States of the Mediterranean is called for to combat this pollution,
CONSCIOUS of the importance of the regional inter-governmental co-operation provided for in Article of the (title of the framework Convention),
[TAKING INTO ACCOUNT the International Convention for the Prevention of Pollution from Ships, 1973, and, in particular, Article 17 thereof, as well as Resolution 22 on the Promotion of Technical Co-operation adopted by the International Conference on Marine Pollution, 1973,
FURTHER TAKING INTO ACCOUNT the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, as well as the Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil, 1973,]
HAVE AGREED as follows:

Article 1

This Protocol shall apply whenever the presence of oil or other harmful substances polluting or threatening to pollute the sea, within the area defined in Article 2, presents a grave and imminent danger to the marine environment, coast or related interests of one or more Contracting Parties.

Article 2

For the purposes of this Protocol, 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

For the purposes of this Protocol, the term "related interests" means the interests of a riparian State directly affected or threatened and which concern, inter alia,

- maritime activities in coastal waters, in ports or estuaries, including fishing activities;
- the touristic appeal of the area in question;
- the health of the riparian populations;
- the preservation of living resources.

Article 4

The Contracting Parties shall endeavour to maintain and promote, either individually or in co-operation, their ability to combat pollution of the sea by oil and other harmful substances. This ability shall include equipment, ships and manpower prepared for operations in case of emergency, within or beyond the limits of their national jurisdiction.

Article 5

The Contracting Parties will develop and apply either individually or in co-operation monitoring activities covering the Mediterranean area, in order to spot and ascertain the extent of the discharge of oil and other harmful substances into the sea.

Article 6

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

Article 7

A regional operational centre set up by (an international organization of the United Nations system), accessible to all riparian States of the region, shall disseminate information concerning:

- (a) the competent national authority responsible for combatting pollution by oil and other harmful substances;
- (b) the competent national authority responsible for receiving reports of pollution by oil and other harmful substances and for dealing with questions concerning measures of mutual assistance between Contracting Parties;
- (c) new ways in which pollution by oil and other harmful substances may be avoided and new measures of combatting pollution [and development of related programmes].

Article 8

The regional operational centre referred to in Article 7 shall develop and apply a communication system for receiving, channelling and despatching reports on discharges or spillages of oil or other harmful substances observed at sea, as well as on any incident causing or likely to cause pollution and presenting a grave and imminent danger to the marine environment, coast or related interests of one or more Contracting Parties.

Article 9

The Contracting Parties undertake to request the masters of ships flying their flags and pilots of aircraft registered in their countries to report, without delay, to their competent national authorities through the most rapid and adequate channels, in the circumstances:

- (a) all accidents causing or likely to cause pollution of the sea by oil or other harmful substances;
- (b) the presence, characteristics and extent of spillages of oil or other harmful substances observed at sea and which are likely to present a serious threat to the marine environment, coast or related interests of one or more Contracting Parties.

The reports should contain, in particular, the information provided for in Article IV of Protocol I of the International Convention for the Prevention of Pollution from Ships, 1973. This information shall be communicated to the regional operational centre.

Article 10

The Contracting Parties undertake to request masters of ships and pilots of aircraft to report without delay to the regional operational centre on significant spillages or discharges of oil and other harmful substances observed at sea. Such reports should as far as possible contain the following data: time, position, wind and sea conditions, and kind, extent and probable source of the spill observed. The regional operational centre shall disseminate this information to all Contracting Parties.

Article 11

1. For the purpose of this Protocol, the Mediterranean area as defined in Article 2 above, is divided into two basins by (a line to be defined 1/).

1/ In this respect, two delimitations seem to be feasible:

- (a) the eastern delimitation of the zones of the draft Neuilly Agreement, that is to say a line passing through the following points: (a) 40°00'N - 18°27'E; (b) 35°00'N - 18°27'E; (c) 33°30'N - 25°00'E; (d) 31°30'N - 25°09'E.
- (b) the 20° East Meridian. This delimitation is simple and permits the inclusion of the Atlantic sea in the western basin.

2. Where the riparian States of a basin, Parties to this Protocol, have reached an agreement on their [bilateral or] multilateral co-operation in case of emergency, such an agreement shall form the basis of action envisaged in this Protocol. The (depository of this Protocol) shall be notified of such an agreement by the Contracting Parties concerned.
3. Where such an agreement has not been reached by the riparian States of a basin, Parties to this Protocol, the regional operational centre, referred to in Articles 7 and 8 above, shall co-ordinate practical action against pollution as appropriate or if requested by the Contracting Parties threatened by pollution.
4. Any agreement as described above shall be made in such a way as to avoid any discrimination to any Contracting Party to this Protocol.

Article 12

1. When aware of a situation of the kind described in Article 1, the Contracting Parties shall make the necessary assessments of the nature and extent of the casualty or emergency or, as the case may be, of the type and approximate quantity of oil or other harmful substances and the direction and speed of drift of the spillage. They shall take every possible measure to avoid or reduce the effects of pollution.
2. The Contracting Parties concerned shall immediately inform all other Contracting Parties through their competent national authorities and the regional operational centre referred to in Articles 7 and 8, of their assessments and of any action which they have taken and/or which they intend to take in the future to combat pollution due to spillages of oil or other harmful substances. They will continue to observe and report, according to Articles 8 and 9, the movement of the spillages as long as these are drifting.
3. In case of action being taken to combat pollution, measures should be taken to safeguard the vessel and persons on board.

Article 13

A Contracting Party requiring assistance for combatting pollution by oil or other harmful substances polluting or threatening to pollute its coasts may call for assistance - through the regional operational centre referred to in Articles 7 and 8 as appropriate - from the other Contracting Parties starting with those which also seem likely to be affected by the pollution. This assistance could comprise, in particular, expert advice and the supply or making available of products or equipment. Contracting Parties called upon for help in accordance with this Article shall use their best endeavours to render such assistance.

Article 14

Any Contracting Party which has taken action in accordance with Article 12 of this Protocol shall inform the Inter-Governmental Maritime Consultative Organization.

Article 15

[The Contracting Parties undertake to convene, as and when necessary, ad hoc meetings of experts, to be designated by them, in order to examine any technical questions posed by the application of this Protocol and to formulate advice in this respect. Experts from the Inter-Governmental Maritime Consultative Organization and from other competent international organizations may be invited, the case arising, to participate in these meetings].

Article 16

[The riparian States of the Mediterranean may become Parties to this Protocol, which may be open, moreover, for accession by other States desirous of being associated with the aims of this Protocol, if these States have been invited so to do by at least Contracting Parties.]
