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Item 10 (h) on the provisional agenda

POLLUTION OF SEA WATER BY OIL

Note by the Secretary-General

The problem of pollution of the sea by oil has been under study for many years and has been considered in the past by national and international bodies and by governments.

The main effects of this type of pollution are damages caused to birds, to fish and the fishing industry, to the sea vegetation, to the amenities of beaches and, in particular, the hazard to ports through the possibility of floating oil taking fire.

There are various causes of pollution; ships which carry oil either for cargo or fuel are generally responsible, but certain shore establishments are sometimes offenders in this respect.

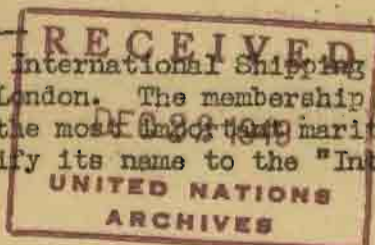
Among the remedies proposed which seem to be especially adequate and practicable are the establishment of zones wherein the discharge of oil and oily water is prohibited and the installation of oil separators in ports and on board ships.

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In 1924 the Chamber of Shipping of the United Kingdom made some proposals with a view to preventing the dangers of such pollution as far as practicable. It recommended, inter alia, the establishment of a "prohibited zone" extending seaward for 150 miles from the coast and the installation of oil separators in ports.

The International Shipping Conference^{1/}, meeting in London during April 1946,

^{1/} The International Shipping Conference was formed in 1921 with its headquarters in London. The membership is composed of shipowners' organizations established in the most important maritime countries. This organization decided in 1948 to modify its name to the "International Chamber of Shipping".



/made a special

made a special study of this problem but was unable to present definite recommendations. British and some foreign shipowners, however, taking into account the proposal of the Chamber of Shipping of the United Kingdom, agreed voluntarily at that time to refrain from discharging oil or oily water within a certain distance from the coast.

At the invitation of the Government of the United States, an international conference of experts, the Preliminary Conference on Oil Pollution of Navigable Waters, met at Washington in June 1926. The object of this conference was "to facilitate an exchange of views on technical matters and to consider the formulating of proposals for dealing with the problem of oil pollution of navigable waters through international agreement". The conference had before it the Report on oil pollution of navigable waters made by an American Interdepartmental Committee to the Secretary of State of the United States, dated 13 March 1926 and the view taken by those present at the conference corresponded on the whole to the estimate of the facts as to oil pollution and of the causes of oil pollution which were presented in that report. Although the text of a draft convention was adopted at the conference, no agreement was signed.

The United Kingdom Government, having considered that the pollution of the sea owing to the discharge of oil or oily water was increasing, decided to submit this matter to the League of Nations. A letter, dated 19 July 1934, was sent by the United Kingdom Government to the League of Nations, drawing attention to the pollution of its sea coast, damage to in-shore fisheries and destruction of sea birds caused by discharge of oil from vessels at sea.

At the 15th Ordinary Assembly of the League (1934) it was agreed that the Communications and Transit Organization of the League would undertake an initial inquiry on the understanding that it would convene a committee of experts from various countries to study the problem more closely.

This Committee, composed of experts from Denmark, France, Italy, Japan, the United Kingdom and the United States, met in Geneva in November 1934. On the basis of information describing the conditions in the ports and waters of various countries, the experts agreed that considerable damage was done by pollution of the sea water by oil.

The Communications and Transit Organization, in pursuance of the work and findings of the Committee, submitted a resolution to the Council of the League concerning the conclusion of an international convention on this subject. The
/object of such a

object of such a convention was to find, by international agreement, some methods whereby oil-burning and oil-carrying ships might be prevented from discharging oil or oily mixtures in coastal areas since these substances might drift and travel sometimes for considerable distances, depending on the wind and tide conditions then prevailing, and cause the pollution of the surrounding sea waters. It was admitted, however, that no remedy could prevent pollution caused by discharge of oil resulting from collisions and shipwreck or from vessels in order to calm the seas during storms and to facilitate rescues.

After having studied the Communications and Transit Organization's recommendation, the Council of the League adopted, in January 1935, the following resolution:

"The Council

Authorizes the Communications and Transit Organization to make all the necessary preparatory studies with a view to facilitating the future conclusion of an international convention in regard to the pollution of the sea by oil."

In order to give effect to the resolution adopted by the Council, the Secretary-General, on 23 January 1935, addressed a circular letter together with a questionnaire to all States members of the League and to non-member States as well, a total of 69 Governments.

* * *

A brief survey of the general trend of opinion expressed by Governments in their replies on some of the main points of the above-mentioned questionnaire is given below:

1. Damages caused by oil pollution of the seas are:

- (a) birds: slight to more definite bad effect according to regions and circumstances;
- (b) fish and fishing: same as above; on some occasions acute bad effects have been noticed;
- (c) seaside resorts: in some cases the beaches were so polluted that bathing was prohibited, and on one occasion the effect lasted for a very long period (several years);
- (d) ports: (especially in respect to danger of fire) tendency to increase danger of fire.

2. Damages caused to fish and fishing industry:

- (a) fish (high seas): doubtful effect, except in the opinion of one government which believed that fish eggs are very harmfully affected by oils;

/(b) fishing (coastal)

- (b) fishing (coastal): affects fish and shell fish (and sea weeds); serious damages have been noticed; in some instances fish were no longer edible, or died;
- (c) fishing (trade): on some occasions fishing districts had to be abandoned oil can affect condition of fishing nets.

3. Possible accession to an international undertaking designed to impose within certain limits of time, with or without specific exceptions, the installation of separators on board ships carrying cargoes of oil or using liquid fuels:

The maritime countries owning an important merchant fleet were on the whole against the adoption of this remedy so far as it concerned existing ships, whereas the countries which possessed a comparatively small merchant marine were in favour of the compulsory provision of separators on board ship.

The countries which were not in favour of this provision pointed out that the expense would be very great and some of them expressed the opinion that the beneficial results which could be expected were doubtful for the following principal reasons:

- At the time, no available separator was of sufficient capacity to meet the requirements of an average size tanker.
- Where ships carry fuel oil in bunkers only or in bunkers and double-bottom oil tanks, but not using either bunkers or tanks for water ballast, the separators are unnecessary.
- Separators are not an infallible guarantee against pollution; mud and sand can greatly affect their efficiency.
- When the specific gravity of oil (bunker type) is high its separation from water becomes very difficult or even impossible.

4. Possible accession to an international undertaking to impose separators on board new ships carrying cargoes of oil or using liquid fuel:

Seven countries answered this question, of which 5 were in favour of such an undertaking; one considered that it ought to be optional owing to the economic situation which prevailed at the time and one declared it unacceptable because of lack of space on existing vessels which are of small tonnage.

5. List of separators available on the market and particulars concerning the nature, the output and the price of such apparatus:

- Separators for use on vessels are available in a few countries only.
- The hourly capacity of the separators available varied from 5 tons to 150 tons, and in one case a capacity of 200 tons. These separators are guaranteed to ensure a discharge containing not more than 0.5 of 1 per cent of oil.

6. List of separators already in use in ports and naval bases:

Among the answers received on this matter (5), it appeared that only three countries have separators in operation.

7. Complaints concerning the lack of installations of that kind in use in ports:

One country among four who answered this question mentioned the necessity of the installation of separators in three different ports.

8. Scientific or other findings concerning the extent of sea pollution by oil:

The replies to this question showed that not many countries had collected evidence on this particular point.

Some countries, which had made a special study of the question, reached the conclusion that oil can remain on the surface for a very long time, almost indefinitely. Even if the volatile elements of oils disappear by evaporation, the quantity which evaporates represents only a very small proportion of the total volume, and only a small amount of the oil founders.

Regarding the drifting of oil, many experiences have proved that a drift of more than fifty miles is not uncommon. In one instance, oil had been detected five hundred miles away from its point of discharge.

One government reached the conclusion that, depending on certain conditions, such as the nature and amount of oil discharged, the prevailing wind and currents, the average surface conditions of the beaches, oil could be diffused in the form of a film of invisible thinness within a hundred hours from the time of discharge.

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The replies received showed that, on the whole, the problem was of a serious nature and would justify an international convention. The Assembly, therefore, at its sixteenth session, adopted a resolution (24 September 1935) by which, inter alia, the Council was requested "to instruct the Communications and Transit Organization to take as rapidly as possible, and with the assistance of expert advice, if required, the necessary steps to complete the preparation of a draft convention and to submit that draft to governments for consideration". The Council was also invited "in the light of the observations received from governments to convene an international conference on oil pollution at an appropriate time". The Council subsequently adopted a resolution on 27 September 1935, by which it instructed "the Communications and Transit Organization to complete the preparation of a draft convention on this subject for the consideration of governments and to report to the Council when the observations from the governments have been received".

In order to give effect to the above-mentioned resolutions, the Committee of Experts was reconvened and it held its second session in October 1935, in Geneva. The Committee, at that session, prepared a new draft convention (see Annex I) and a draft Final Act (see Annex II) on the basis both of the draft Washington Convention of 1926 and of the answers received from governments to the questionnaire mentioned above.

The Advisory and Technical Committee for Communications and Transit at its
/nineteenth

nineteenth session (November 1935) adopted a resolution by which it decided to transmit these drafts (Annexes I and II) to the governments with the request that they should send to the Secretary-General of the League of Nations any observations they might see fit to make, at the same time informing him whether they were prepared to attend, on the basis of these drafts, an international conference convened for the purpose of concluding such a convention. Nearly all the replies received from States with sea coasts were in favour of concluding such a convention, and all the important maritime countries which replied were prepared to participate in the proposed conference.

The Council at its ninety-fourth session (10 October 1936) adopted a resolution by which it decided to convene an international conference to adopt the draft convention (see Annex III).

This conference never took place because three important maritime countries -- Japan, Germany and Italy -- whose participation was considered necessary from a technical point of view, were not in a position to be invited to attend a conference convened under the auspices of the League of Nations. Finally, on account of the war, the matter was not further pursued.

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Ten years have elapsed since the problem was last raised at the inter-governmental level. It would now seem useful to examine the present situation, since the harmful effects of pollution of the sea by oil and the need for proper remedies have been duly recognized.

As the number and kinds of ships in use have, in principle, a more or less direct effect on the degree of pollution of the sea, it is interesting to compare the size and composition of today's world merchant fleet with that of ten years ago. In June 1939, the world merchant fleet represented 69,439,659 tons gr. of vessels of 100 tons and over, and in June 1948 the figure was 81,074,188 tons gr., or an increase of 11,634,529 tons gr.^{1/}

In 1914 nearly 89 per cent, representing then 43,750,000 tons gr., were coal burning vessels. At present, only 22 per cent of the world merchant fleet, representing nearly 18,000,000 tons gr., depends upon coal for fuel.

The trend toward the adoption of oil as fuel during the years 1914-1948 is

^{1/} Lloyds' List - 23 March 1949

/shown herebelow.

shown herebelow. The figures are percentages of the total world shipping tonnage:¹

	<u>1914</u>	<u>1935</u>	<u>1939</u>	<u>1948</u>
	%	%	%	%
Coal	88.84	50.15	44.67	22.30
Oil fuel for boilers	2.63	30.65	29.63	55.53
Oil in internal combustion engines	0.43	17.42	24.34	21.20
Sailing ships, non-propelled, barges, etc.	<u>8.06</u>	<u>1.78</u>	<u>1.36</u>	<u>0.97</u>
	100.00	100.00	100.00	100.00

As at 1 July 1939, the world tanker tonnage represented, in vessels of 500 tons and over, 16,078,000 d.w. tons and as at 1 June 1949, 24,909,299 d.w. tons; i.e., an increase of 8,831,299 d.w. tons.^{2/}

Unless large-scale scrapping of old and uneconomical tonnage is undertaken, the world tanker fleet, by the end of 1952, will total nearly 30,000,000 tons d.w.

Finally, it should also be noted that in June 1949 there were 4,446,070 tons r. of ships under construction, divided as follows:

Motor ships.....2,626,615 tons gr.

Steamers.....1,819,455 tons gr.^{3/}

These various figures prove not only that the total world merchant fleet has enlarged, but also that the number of tankers and motor vessels in it have greatly increased.

It should also be mentioned that a great proportion of steamers are now oil-burning.

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In fact, complaints of oil pollution are still often heard and on occasions have received publicity in the press. An example is the case of an American ship upon which a fine was imposed in 1948 by a Federal District Court on the grounds that oil had been discharged from it in a prohibited area, thus violating the Oil Pollution Act of 1924.^{4/}

The oil pollution problem was discussed in 1949 at meetings of the Oil Tanker and Tramp Tanker Section of the Chamber of Shipping of the United Kingdom at which some specific suggestions and recommendations were made. One of these was that a solution to the problem must be sought in the provision of shore installations;

^{1/} Lloyds' List - 23 March 1949.

^{2/} Fairplay - 7 July 1949.

^{3/} Lloyds' List - 28 July 1948.

^{4/} Dock and Harbour Authority - October 1948.

that port authorities must be pressed to improve shore facilities for disposing of oily waste; that, in the meantime, owners of tanker tonnage should periodically impress upon their ship-masters the importance of the conscientious observance of the regulations against the discharge of oil or oily water within 50 miles of any coast; that in the case of vessels outward bound to a loading port, no oily ballast or bilge water should be discharged over board until the ship is at least 100 miles clear of any land.^{1/}

The Chamber of Shipping having approved a plan of this type, proposed to take the matter up again with port authorities.

In the course of the year 1949, a few articles were published in different countries on this same subject. The gravity of the problem was stressed owing in particular to the fact that oil had superseded coal in a large number of merchant ships and that more oil tankers have turned from solid to liquid fuel. The practice which was often advocated was the use of oil separators on board ships as well as the establishment of proper facilities in ports.

It seems, therefore, that conditions may be, on the whole, as bad or possibly even worse than they were some years ago.

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According to the brief survey of past developments given above, the plan of action undertaken by the League of Nations, which brought about good progress and which for unforeseen reasons could not be continued, might be taken as a guide for possible future action along the same lines.

The purposes and functions of the Inter-governmental Maritime Consultative Organization, created at the United Nations Maritime Conference (Geneva, February-March 1948), are, inter alia, "to provide machinery for co-operation among governments in the field of governmental regulations and practices relating to technical matters ... to provide for the drafting of conventions, agreements or other suitable instruments ... and to convene such conferences as may be necessary". Therefore, it would appear that a study of the problem of pollution of the sea by oil falls within the field of competence of that organization.

In this regard, the Transport and Communications Commission might deem it useful and appropriate: (1) to draw the attention of the Inter-governmental

^{1/} Fairplay - 2 June 1949.

Maritime Consultative Organization, once the latter has started functioning, to this particular problem and (2) pending the coming into force of the Convention establishing that Organization, to recommend to the Economic and Social Council that Governments be requested by the Secretary-General of the United Nations to submit their views as to whether the problem is at present of sufficient importance to warrant the taking of further steps.

ANNEX I

Draft Convention Relating to the Pollution of the Sea by Oil

Prepared at the second session of the Committee of Experts
(Geneva, 21-25 October 1935)

Convened by the Chairman of the Advisory and Technical Committee
for Communications and Transit of the League of Nations^{1/}

(Heads of States).....,
desiring to take action by common accord to prevent pollution of the sea by oil
or oily mixtures discharged from vessels, have resolved to conclude a Convention
for this purpose and have appointed as their plenipotentiaries:.....
..... who, having communicated their full powers, found in good and
due form, have agreed as follows:

Article I

(1) The High Contracting Parties agree, each in respect of vessels of the
classes specified in Article IV registered in, or under the law of, any of their
territories to which the present Convention applies, to take the necessary measures
to render illegal and punishable by adequate penalties the discharge by such
vessels of oil or oily mixtures, as defined in Article III (1), within any zone
established as provided in Article II. Each High Contracting Party undertakes
to secure that the penalties imposed by such measures for illegal discharges by
vessels registered in, or under the law of, his territories shall be, in the case
of zones established by any other High Contracting Party, under Article II, not
less than in the case of zones established by himself under that article.

(2) Vessels owned by the nationals of a High Contracting Party which are
unregistered shall, for the purposes of this Convention, be deemed to be registered
in, or under the law of, the territory of that High Contracting Party in which
the owners are resident.

(3) The measures referred to in paragraph (1) of this article may include
special provisions to meet the case of small vessels of limited bunker capacity,
these provisions to be applied by each High Contracting Party to such small vessels
registered in, or under the law of, any of his territories. Nevertheless, such
provisions shall not exclude the obligation for such vessels to take all necessary
precautions to prevent oil pollution.

^{1/} League of Nations - Communications and Transit Organisation - Pollution of the
Sea by Oil, Report on the second session of the Committee of Experts -
C.449.M.235.1935.VIII, 26 October 1935.

(4) The unavoidable discharge of oil or oily mixtures, as the result of an accident, a casualty or a collision, or to prevent an accident or a casualty, whether to the vessel in question or to any other vessel, or by reason of stress of weather, need not be rendered illegal under the measures provided for in paragraph (1) of this article. It shall be provided, however, that in those cases the master of a vessel shall make a detailed statement in the vessel's log of the circumstances and the reasons for his action, in addition to the entries in the log prescribed by Article III (2).

Article II

The High Contracting Parties may establish zones in the sea adjacent to the coasts of any of their territories to which the present Convention applies within which discharge from the vessels specified in Article IV of oil or oily mixtures as defined in Article III (1) shall be prohibited in accordance with the following principles:

(1) Such zones shall not extend more than fifty nautical miles from the coasts, except that, if such extent is in particular instances found insufficient because of peculiar configuration of the coast-line or other special conditions, such zones may be extended to a width not exceeding 150 nautical miles. In establishing zones, each High Contracting Party shall take into consideration that vessels desiring to discharge oil should not be obliged to deviate too much from their normal route before reaching their port of destination.

(2) In any case where any High Contracting Party desires to prescribe a zone any part of which may be within fifty nautical miles of the coasts of the territory of another State, such High Contracting Party shall reach an agreement with such other State before the zone is prescribed. When, however, the coasts of a territory of one High Contracting Party are less than 100 nautical miles from the coasts of a territory of another State, such High Contracting Party shall have the right, without the consent of the other State, to establish a zone to the middle of the channel -- i.e., to a line approximately equidistant between such coasts.

(3) Six months' notice of the establishment of any zone or zones, and of any change thereof, shall be given, preferably in the form of charts exhibiting the limits of such zone or zones, by the High Contracting Party establishing or changing such zone or zones to the Secretary-General of the League of Nations. The Secretary-General of the League shall forthwith transmit the information to the Governments of all the High Contracting Parties to this Convention and to the

/Governments

governments of all Members of the League of Nations and of all non-member States referred to in Article XI (1).

(4) A High Contracting Party, desiring to establish a zone more than fifty miles in width, shall, in giving such six months' notice, furnish particulars of the appliances for separating oil and water which are then available in the ports frequented by oil-carrying and oil-burning ships included in the zone.

Any other High Contracting Party may, within this period of six months, make representations, through the Secretary-General of the League of Nations or directly to the High Contracting Party proposing to establish the zone as to the advisability of providing the above-mentioned ports with such appliances, or of improving the existing appliances.

The Secretary-General of the League of Nations shall forthwith transmit a copy of such representations, if received by him, to the High Contracting Party in question, with a request that the latter should give such representations immediate consideration.

If that High Contracting Party decides to accede to such representations, the zone may be established as from the expiration of the period of six months' notice or of such longer period as may be necessary to enable effect to be given to the representations; but, if the High Contracting Party declines to accede to the representations, in whole or in part, the zone shall not be established until an agreement has been reached between that High Contracting Party and the High Contracting Party or Parties making the representations, or until the dispute has been settled in accordance with the procedure set out in Article IX of this Convention.

Article III

(1) The discharges which shall be prohibited in any zone prescribed pursuant to Article II are:

- (a) Crude, fuel or Diesel oil, or
- (b) Any mixture containing more than .05 of 1 per cent of such oil, or having a content of such oil sufficient to form a film on the surface of the sea visible to the naked eye in daylight in clear weather.

(2) The High Contracting Parties agree to take the necessary measures to ensure that entries shall be made in a vessel's log whenever oil or oily mixtures are discharged. Such entries shall state as nearly as possible the position where the discharge took place and be signed by the master and one of the vessel's officers.

/In the case

In the case of a vessel fitted with a separator for the purposes of separating oil from ballast water, the vessel's log shall contain a statement of the period during which such separator has been used, and this statement shall be similarly signed.

Article IV

The vessels to which the provisions of Article I apply are all sea-going vessels, other than vessels commissioned in the naval services of the High Contracting Parties, carrying crude, fuel or Diesel oil, in bulk as cargo, or as fuel for boilers or engines.

Article V

The High Contracting Parties agree to take the necessary measures to ensure that all vessels commissioned in their respective naval services shall take every possible precaution to prevent oil pollution.

Article VI

(1) Nothing in the present Convention shall be deemed to limit the rights under general international law of any High Contracting Party to prescribe measures with regard to the discharge of oil and oily mixtures in his territorial waters and to enforce such measures against all vessels.

(2) Outside his territorial waters, and in the zones prescribed by him in accordance with this Convention, a High Contracting Party shall possess the right to watch over the discharge of oil and oily mixtures by vessels not registered in, or under the law of, any of his territories and to note offences, but shall not possess the right to stop or interfere with any such vessels.

Article VII

(1) Jurisdiction in regard to the discharge of oil in the waters of the zones established as provided in Article II, outside territorial waters, shall belong to the authorities of the High Contracting Party in or under the law of whose territory the vessel is registered.

(2) The Government of the High Contracting Party in or under the law of whose territory a vessel is registered may be informed through the diplomatic channel of any offence committed outside territorial waters by such a vessel against measures prescribed in accordance with Article I by the Government of the High Contracting Party which has established the zone, or inside territorial waters if the vessel has sailed outside those territorial waters without measures having been enforced against her. On receipt of such information, the former High Contracting Party

/shall investigate

shall investigate the matter, and, where the circumstances justify it, take steps for the punishment of the offence for breach of regulations laid down by that High Contracting Party.

Article VIII

(1) The Secretary-General of the League of Nations is invited to receive, co-ordinate and circulate to the Members of the League and all non-member States referred to in Article XI (1) information relating to the system of zones established under the terms of this Convention, the working of that system, and other data pertaining to the problem of oil pollution of the sea and the means of dealing with that problem, such as (a) particulars of the nature, capacity and cost of apparatus for separating oil from water which may become available for use on existing vessels and in ports, or have been designed for and fitted on new vessels, and (b) particulars of the nature and cost of any processes for the chemical or physical treatment, before shipment on or discharge from vessels, of oil and oily mixtures, as defined in Article III (1) so as to render them less injurious as regards pollution.

(2) The High Contracting Parties undertake to forward to the Secretary-General of the League of Nations, in addition to the data specified in paragraph (3) of Article II hereof, all other information which they consider appropriate for the purposes of the preceding paragraph, including the charges which are levied, or are proposed to be levied, for the use of separating apparatus in ports.

Article IX

If there should arise between any of the High Contracting Parties a dispute of any kind relating to the interpretation or application of the present Convention, and if such dispute cannot be satisfactorily settled by diplomacy, the dispute shall be referred to arbitration or judicial settlement. In the absence of agreement on the choice of another tribunal, the dispute shall, at the request of any one of the Parties, be referred to the Permanent Court of International Justice if all the Parties to the dispute are Parties to the Protocol of December 16th, 1920, relating to the Statute of that Court, and, if any of the Parties to the dispute is not a Party to the Protocol of December 16th, 1920, to an arbitral tribunal constituted in accordance with the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes. Provided always that before resorting to arbitration or judicial settlement the Parties may by common agreement submit the dispute to the Advisory and Technical Committee for Communications and

/Transit of

Transit of the League of Nations, which shall make recommendations for an amicable settlement.

Article X

Any High Contracting Party may, at the time of signature, ratification or accession, declare that, in accepting the present Convention, he does not assume any obligation in respect of all or any of his colonies, protectorates, overseas territories, or territories under his suzerainty or mandate.

Any High Contracting Party may at any time subsequently give notice to the Secretary-General of the League of Nations that he desires that the present Convention shall apply to all or any of the territories which have been made the subject of a declaration under the preceding paragraph, and the Convention shall apply to all territories named in such notice ninety days after its receipt.

Any High Contracting Party may at any moment after the expiration of the period of two years mentioned in Article XVI declare by a notification addressed to the Secretary-General of the League of Nations that he desires that the present Convention shall cease to apply to all or any of his colonies, protectorates, overseas territories or territories under his suzerainty or mandate, and the Convention shall cease to apply to the territories named in such declaration. Such notification will take effect one year after its receipt by the Secretary-General of the League of Nations.

The Secretary-General shall communicate to the Members of the League and to all non-member States referred to in Article XI (1) all declarations, notices and notifications received under the present article.

Article XI

(1) The present Convention, of which the English and French texts shall be equally authentic, shall bear this day's date. It shall remain open until the (date) for signature on behalf of any Member of the League of Nations and of any non-member State represented at the Conference at Geneva or to which the Council of the League of Nations shall communicate a copy for this purpose.

(2) The present Convention shall be ratified. The instruments of ratification shall be deposited with the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League and all non-member States referred to in paragraph (1) of this article.

Article XII

As from the day of (i.e., date when signature closes under

/Article XI

Article XI (1)), the present Convention may be acceded to on behalf of any Member of the League of Nations and of any non-member State referred to in Article XI (1).

The instruments of accession shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League of Nations and to the non-member States referred to in Article XI (1).

Article XIII

(1) Any ratification of or accession to the present Convention may be expressed to be conditional on the ratification or accession of one or more other Members of the League of Nations or non-member States.

(2) Ratifications or accessions, which are made conditional under the preceding paragraph, shall be deemed to be received on the day on which these conditions are fulfilled.

(3) The present Convention shall come into force on the ninetieth day following the receipt by the Secretary-General of the League of Nations of ratifications or accessions on behalf of eight Members of the League of Nations or non-member States.

Article XIV

Ratifications or accessions received after the entry into force of the Convention under Article XIII (3) shall take effect as from the ninetieth day after their receipt by the Secretary-General of the League of Nations.

Article XV

(1) At any time after the expiration of two years from the entry into force of this Convention under Article XIII (3), the Government of any High Contracting Party may address a request for revision to the Secretary-General of the League of Nations.

(2) As soon as three such requests have been received, the Secretary-General will notify the Council of the League of Nations to this effect.

(3) The Secretary-General will inform the Governments of all Members of the League of Nations and of all the non-member States referred to in Article XI (1) of any request for revision received under the first paragraph of this article.

Article XVI

(1) After the expiration of two years from its entry into force under Article XIII (3), the present Convention may be denounced by notification in writing addressed to the Secretary-General of the League of Nations. The denunciation shall take effect six months after its receipt by the Secretary-General and shall operate only as regards the Members of the League or non-member

/States

States on whose behalf it has been deposited.

(2) The Secretary-General shall notify all Members of the League of Nations and all non-member States mentioned in Article XI (1) of any denunciations received.

(3) If as the result of denunciations the number of Members of the League and non-member States bound by the Convention is reduced to less than eight, the present Convention shall cease altogether to be in force.

Article XVII

The present Convention shall be registered by the Secretary-General of the League of Nations on the day of its entry into force.

IN FAITH WHEREOF the above-mentioned plenipotentiaries have signed the present Convention.

DONE at Geneva this day of in a single copy, which shall remain deposited in the archives of the Secretariat of the League of Nations and certified true copies of which shall be delivered after (day) to the Members of the League of Nations and all the non-member States referred to in Article XI (1).

ANNEX II

Draft Final Act for an International Conference
relating to the Pollution of the Sea by Oil

Prepared at the second session of the Committee of Experts
(Geneva, 21 - 25 October 1935)

Convened by the Chairman of the Advisory and Technical Committee
for Communications and Transit of the League of Nations

The Governments of
(List of Governments at Conference)

having received the invitation extended to them by the Council of the League of Nations to participate in a Conference for the examination of a draft Convention on this subject,

Have in consequence appointed the following delegations:
(List of plenipotentiaries)

who accordingly assembled at Geneva.

The Council of the League of Nations appointed as President of the Conference.....

The secretarial work was entrusted to

In the course of a series of meetings between the Convention of (date) was concluded.

The Conference also adopted the following recommendations:

(1) That:

- (a) No penalty or disability of any kind whatever in the matter of tonnage measurement or payment of dues should be incurred by any vessel by reason only of the fitting of any device or apparatus for separating oil from water;
- (b) Dues based on tonnage should not be charged in respect of any space rendered unavailable for cargo by the installation of any device or apparatus for separating oil from water;
- (c) The term "device or apparatus for separating oil from water" as used in paragraphs (a) and (b) above should include any tank or tanks of reasonable size used exclusively for receiving waste oil recovered from the device or apparatus, and also the piping and fittings necessary for its operation.

(2) That the High Contracting Parties should recommend to shipowners that separators should be designed for and fitted on new vessels wherever practicable,

particularly on large vessels to be provided with oil tanks which are also to be used for water ballast, and that the High Contracting Parties should encourage shipowners, as regards vessels to be registered in, or under the law of, their respective territories, so to act by any administrative or financial measures that the former may judge to be necessary.

(3) That in view of the inherent difficulty of enforcing the provisions relating to zones contained in the Convention and of detecting offences within them, the High Contracting Parties should seriously consider the question of imposing penalties which will be sufficient to act as a deterrent in connection with such offences.

(4) That in view of the fact that, according to the replies to the questionnaire despatched by the Secretary-General of the League of Nations on January 23rd, 1935, to States Members of the League and to non-member States, it appears that few ports are equipped with appliances for separating oil and water, Governments are recommended to take whatever measures are practicable to increase the number of such facilities in ports frequented by oil-burning and oil-carrying vessels throughout the world, and to keep as low as possible the charges for the use of such facilities.

ANNEX III

Resolution adopted by the Council of the League of Nations
at its ninety-fourth session (10 October 1936)^{1/}

"The Council decides to convene at a date to be fixed later -- if possible, during its session in January 1937 -- a Conference for the conclusion of a Convention and Final Act on the Pollution of the Sea by Oil. All the Members of the League will be invited to this Conference, as well as the following non-member States: Brazil, Costa Rica, Danzig, Egypt, Germany, Iceland, Japan, Monaco and the United States of America."

^{1/} League of Nations, Official Journal, 1936 - July-December. Minutes of the Ninety-fourth Session of the Council, Fourth Meeting, October 10, 1936, p.1196.