

**Kuwait Regional Convention
for Co-operation on the Protection
of the Marine Environment from Pollution
Protocol concerning Regional Co-operation
in Combating Pollution by Oil
and other Harmful Substances
in Cases of Emergency**



UNITED NATIONS



UNITED NATIONS ENVIRONMENT PROGRAMME

NAIROBI

**Kuwait Regional Convention
for Co-operation on the Protection
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UNITED NATIONS

New York, 1983

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INTRODUCTION

1. In accordance with resolution 2997 (XXVII) of the United Nations General Assembly, UNEP was established "as a focal point for environmental action and co-ordination within the United Nations system". The Governing Council of UNEP has defined this environmental action as encompassing a comprehensive, transsectorial approach to environmental problems which should deal not only with the consequences but also with the causes of environmental degradation.

2. The UNEP Governing Council has designated "Oceans" among the priority areas in which activities are to be developed, and the early meetings of the Governing Council endorsed a regional approach to the control of marine pollution and management of marine and coastal resources. Consequently, in 1974 the Regional Seas Programme of UNEP was initiated.¹

3. At present, in accordance with the decisions of the Governing Council, the Regional Seas Programme covers ten areas where regional action plans are operative or are under development: the Mediterranean Region (adopted in 1975); the Kuwait Action Plan Region (adopted in 1978); the West and Central African Region (adopted in 1981); the Wider Caribbean Region (adopted in 1981); the East Asian Seas Region (adopted in 1981); the South East Pacific Region (adopted in 1981); the Red Sea and Gulf of Aden (adopted in 1982); the South Pacific (adopted in 1982); the East African Region (under development, adoption expected in 1984); and the South-West Atlantic (under development, adoption expected in 1984).

4. The substantive aspect of any regional programme is outlined in an "action plan" which is formally adopted by an intergovernmental meeting of the Governments of a particular region before the programme enters an operational phase. In the preparatory phase leading to the adoption of the action plan, Governments are consulted through a series of meetings and missions about the scope and substance of an action plan suitable for their region. In addition, with the co-operation of appropriate global and regional organizations, reviews on the specific environmental problems of the region are prepared in order to assist the Governments in identifying the most urgent problems in the region and the corresponding priorities to be assigned to the various activities outlined in the action plan. UNEP co-ordinates directly, or in some regions indirectly through existing regional organizations, the preparations leading to the adoption of the action plan.

¹ The objective and strategy of the Regional Seas Programme were adopted at the sixth session of the UNEP Governing Council, see UNEP/GC.6/7, paragraph 397, approved by GC decision 6/2 of 24 May 1978.

5. All action plans are structured in a similar way, although the specific activities for any region are dependent upon the needs and priorities of that region. An action plan usually includes the following components:

(a) Environmental assessment. This concerns assessing and evaluating the causes of environmental problems as well as their magnitude and impact on the region. Emphasis is given to such activities as: baseline studies; research and monitoring of the sources, levels and effects of marine pollutants; eco-system studies; studies of coastal and marine activities and social and economic factors that may influence, or may be influenced by, environmental degradation. Environmental assessment is undertaken to assist national policy makers to manage their natural resources in a more effective and sustainable manner and to provide information on the effectiveness of legal/administrative measures taken to improve the quality of the environment.

(b) Environmental management. Each regional programme includes a wide range of activities in the field of environmental management. Examples of such activities are: co-operative regional projects on training in environmental impact assessment; management of coastal lagoons, estuaries and mangrove ecosystems; control of industrial, agricultural and domestic wastes; and formulation of contingency plans for dealing with pollution emergencies. As both environmental assessment and environment management activities are to be actually carried out by designated national institutions, assistance and training are provided, where necessary, to allow national institutions to participate fully in the programme.

(c) Environmental legislation. An umbrella regional convention, elaborated by specific technical protocols, often provides a legal framework for co-operative regional and national actions. The legal commitment of Governments clearly expresses their political will to manage individually and jointly their common environmental problems.

(d) Institutional arrangements. When adopting an action plan, Governments agree upon an organization to act as the permanent or interim secretariat of the action plan. Governments are also expected to decide upon the periodicity of intergovernmental meetings which are to be responsible for reviewing the progress of the agreed work-plan and for approving new activities and the necessary budgetary support.

(e) Financial arrangements. UNEP, together with selected United Nations and other organizations, provides "seed money" or catalytic financing in the early stages of regional programmes. However, as a programme develops, it is expected that the Governments of the region will progressively assume full financial responsibility. Government financing is usually channelled through special regional trust funds to which Governments make annual contributions. These funds are administered by the organization responsible for the secretariat functions of the action plan. In addition,

Governments may contribute directly to the national institutions participating in the programme or to specific project activities.

6. It is essential to bear in mind that all components of a regional programme are interdependent. Assessment activities identify the problems that need priority attention in the region. Legal agreements are negotiated to strengthen co-operation among States in managing the identified problems. They also provide an important tool for national policy makers to implement national control activities. Management activities, aimed at controlling existing environmental problems and preventing the development of new ones, are one of the means by which States fulfil their treaty obligations. Co-ordinated assessment activities then continue to assist Governments by providing scientific information by which to judge whether the legal agreements and management policies are effective.

7. This publication contains the texts of the two legal agreements that have been adopted for the protection and development of the marine environment and coastal areas of the Kuwait Action Plan Region. In considering the agreements, the comprehensive scope of environmental assessment and management activities that are carried out to support and make effective the States' legal commitments should be borne in mind.

8. After two years of preparatory activities, UNEP convened the Kuwait Regional Conference of Plenipotentiaries on the Protection and Development of the Marine Environment and Coastal Areas in Kuwait from 15 to 23 April 1978. The Conference adopted the Action Plan for the protection and development of the marine environment and the coastal areas of Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates together with the following two legal agreements:

8.1 Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution; and

8.2 Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency.

9. On 30 June 1979, the legal agreements entered into force. The Government of Kuwait has been designated as the Depositary for the Convention and Protocol.² The Regional Organization for the Protection of the Marine Environment was established in accordance with article XVI of the Convention, and it has assumed responsibility for the secretariat functions of the action plan, the Convention and Protocol. A list of Contracting Parties is presented in the attachment to this publication.

10. The Kuwait Convention is a comprehensive, umbrella agreement for the protection of the marine environment. It lists the sources of pollution which require control: pollution from ships, dumping, land-based

² Article XXX, Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution.

sources, exploration and exploitation of the sea-bed, and pollution from other human activities. It also identifies environmental management issues for which co-operative efforts are to be made: combating pollution in cases of emergency, environmental impact assessment and scientific and technological co-operation. There are also articles on technical assistance and liability and compensation.

11. By ratifying a protocol, a State accepts more specific obligations to control pollution from a discrete source, or to co-operate in a specific aspect of environmental management. Under the Kuwait Convention no State may become a contracting party to the Convention without also becoming a party to the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency. It is foreseen that additional protocols will be developed in the future.³

12. It should be noted that the adoption of the Kuwait regional legal agreements was facilitated by numerous technical surveys, studies and reviews prepared by UNEP with the co-operation of UN, UNIDO, FAO, UNESCO, IOC, WHO, IMO and other organizations.

³ Article III, Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution.

**KUWAIT REGIONAL CONVENTION FOR CO-OPERATION
ON THE PROTECTION OF THE MARINE
ENVIRONMENT FROM POLLUTION**

*The Government of the State of Bahrain,
The Imperial Government of Iran,
The Government of the Republic of Iraq,
The Government of the State of Kuwait,
The Government of the Sultanate of Oman,
The Government of the State of Qatar,
The Government of the Kingdom of Saudi Arabia,
The Government of the United Arab Emirates,*

Realizing that pollution of the marine environment in the Region shared by Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates, by oil and other harmful or noxious materials arising from human activities on land or at sea, especially through indiscriminate and uncontrolled discharge of these substances, presents a growing threat to marine life, fisheries, human health, recreational uses of beaches and other amenities,

Mindful of the special hydrographic and ecological characteristics of the marine environment of the Region and its particular vulnerability to pollution,

Conscious of the need to ensure that the processes of urban and rural development and resultant land use should be carried out in such a manner as to preserve, as far as possible, marine resources and coastal amenities, and that such development should not lead to deterioration of the marine environment,

Convinced of the need to ensure that the processes of industrial development should not, in any way, cause damage to the marine environment of the Region, jeopardize its living resources or create hazards to human health,

Recognizing the need to develop an integrated management approach to the use of the marine environment and the coastal areas which will allow the achievement of environmental and development goals in a harmonious manner,

Recognizing also the need for a carefully planned research, monitoring and assessment programme in view of the scarcity of scientific information on marine pollution in the Region,

Considering that the States sharing the Region have a special responsibility to protect its marine environment,

Aware of the importance of co-operation and co-ordination of action on a regional basis with the aim of protecting the marine environment of the Region for the benefit of all concerned, including future generations,

Bearing in mind the existing international conventions relevant to the present Convention,

Have agreed as follows:

Article I

DEFINITIONS

For the purpose of the present Convention:

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

(b) "National Authority" means the authority designated by each Contracting State as responsible for the co-ordination of national efforts for implementing the Convention and its protocols;

(c) "Organization" means the organization established by the Contracting States in accordance with article XVI;

(d) "Secretariat" means the organ of the Organization established in accordance with article XVI;

(e) "Action Plan" means the Action Plan for the Development and Protection of the Marine Environment and the Coastal Areas of Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates adopted at the Kuwait Regional Conference of Plenipotentiaries on the Protection and Development of the Marine Environment and the Coastal Areas, convened from 15 to 23 April 1978.

Article II

GEOGRAPHICAL COVERAGE

(a) The present Convention shall apply to the sea area in the Region bounded in the south by the following rhumb lines: from Ras Dharbat Ali (16° 39' N, 53° 3' 30" E) to a position 16° 00' N, 53° 25' E; thence through the following positions: 17° 00' N, 56° 30' E and 20° 30' N, 60° 00' E to Ras Al-Fasteh (25° 04' N, 61° 25' E). (Hereinafter referred to as the "Sea Area".)

(b) The Sea Area shall not include internal waters of the Contracting States unless it is otherwise stated in the present Convention or in any of its protocols.

Article III

GENERAL OBLIGATIONS

(a) The Contracting States shall, individually and/or jointly, take all appropriate measures in accordance with the present Convention and those protocols in force to which they are party to prevent, abate and combat pollution of the marine environment in the Sea Area.

(b) In addition to the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency opened for signature at the same time as the present Convention, the Contracting States shall co-operate in the formulation and adoption of other protocols prescribing agreed measures, procedures and standards for the implementation of the Convention.

(c) The Contracting States shall establish national standards, laws and regulations as required for the effective discharge of the obligation prescribed in paragraph (a) of this article, and shall endeavour to harmonize their national policies in this regard and for this purpose appoint the National Authority.

(d) The Contracting States shall co-operate with the competent international, regional and subregional organizations to establish and adopt regional standards, recommended practices and procedures to prevent, abate and combat pollution from all sources in conformity with the objectives of the present Convention, and to assist each other in fulfilling their obligations under the present Convention.

(e) The Contracting States shall use their best endeavour to ensure that the implementation of the present Convention shall not cause transformation of one type of pollution to another which could be more detrimental to the environment.

Article IV

POLLUTION FROM SHIPS

The Contracting States shall take all appropriate measures in conformity with the present Convention and the applicable rules of international law to prevent, abate and combat pollution in the Sea Area caused by international or accidental discharges from ships, and shall ensure effective compliance in the Sea Area with applicable international rules relating to the control of this type of pollution, including load-on-top, segregated ballast and crude oil washing procedures for tankers.

Article V

POLLUTION CAUSED BY DUMPING FROM SHIPS AND AIRCRAFT

The Contracting States shall take all appropriate measures to prevent, abate and combat pollution in the Sea Area caused by dumping of wastes and other matter from ships and aircraft, and shall ensure effective compliance in the Sea Area with applicable international rules relating to the control of this type of pollution as provided for in relevant international conventions.

Article VI

POLLUTION FROM LAND-BASED SOURCES

The Contracting States shall take all appropriate measures to prevent, abate and combat pollution caused by discharges from land reaching the Sea Area whether water-borne, air-borne, or directly from the coast including outfalls and pipelines.

Article VII

POLLUTION RESULTING FROM EXPLORATION AND EXPLOITATION OF THE BED OF THE TERRITORIAL SEA AND ITS SUBSOIL AND THE CONTINENTAL SHELF

The Contracting States shall take all appropriate measures to prevent, abate and combat pollution in the Sea Area resulting from exploration and exploitation of the bed of the territorial sea and its subsoil and the continental shelf, including the prevention of accidents and the combating of pollution emergencies resulting in damage to the marine environment.

Article VIII

POLLUTION FROM OTHER HUMAN ACTIVITIES

The Contracting States shall take all appropriate measures to prevent, abate and combat pollution of the Sea Area resulting from land reclamation and associated suction dredging and coastal dredging.

Article IX

CO-OPERATION IN DEALING WITH POLLUTION EMERGENCIES

(a) The Contracting States shall, individually and/or jointly, take all necessary measures, including those to ensure that adequate equipment and qualified personnel are readily available, to deal with pollution emergencies in the Sea Area, whatever the cause of such emergencies, and to reduce or eliminate damage resulting therefrom.

(b) Any Contracting State which becomes aware of any pollution emergency in the Sea Area shall, without delay, notify the Organization

referred to under article XVI and, through the secretariat, any Contracting State likely to be affected by such emergency.

Article X

SCIENTIFIC AND TECHNOLOGICAL CO-OPERATION

(a) The Contracting States shall co-operate directly, or, where appropriate, through competent international and regional organizations, in the field of scientific research, monitoring and assessment concerning pollution in the Sea Area, and shall exchange data as well as other scientific information for the purpose of the present Convention and any of its protocols.

(b) The Contracting States shall co-operate further to develop and coordinate national research and monitoring programmes relating to all types of pollution in the Sea Area and to establish in co-operation with competent regional or international organizations, a regional network of such programmes to ensure compatible results. For this purpose, each Contracting State shall designate the National Authority responsible for pollution research and monitoring within the areas under its national jurisdiction. The Contracting States shall participate in international arrangements for pollution research and monitoring in areas beyond their national jurisdiction.

Article XI

ENVIRONMENTAL ASSESSMENT

(a) Each Contracting State shall endeavour to include an assessment of the potential environmental effects in any planning activity entailing projects within its territory, particularly in the coastal areas, which may cause significant risks of pollution in the Sea Area.

(b) The Contracting States may, in consultation with the secretariat, develop procedures for dissemination of information on the assessment of the activities referred to in paragraph (a) above.

(c) The Contracting States undertake to develop, individually or jointly, technical and other guidelines in accordance with standard scientific practice to assist the planning of their development projects in such a way as to minimize their harmful impact on the marine environment. In this regard international standards may be used where appropriate.

Article XII

TECHNICAL AND OTHER ASSISTANCE

The Contracting States shall co-operate directly or through competent regional or international organizations in the development of programmes

of technical and other assistance in fields relating to marine pollution in co-ordination with the Organization referred to in article XVI.

Article XIII

LIABILITY AND COMPENSATION

The Contracting States undertake to co-operate in the formulation and adoption of appropriate rules and procedures for the determination of:

(a) Civil liability and compensation for damage resulting from pollution of the marine environment, bearing in mind applicable international rules and procedures relating to those matters; and

(b) Liability and compensation for damage resulting from violation of obligations under the present Convention and its protocols.

Article XIV

SOVEREIGN IMMUNITY

Warships or other ships owned or operated by a State, and used only on government non-commercial service, shall be exempted from the application of the provisions of the present convention. Each Contracting State shall, as far as possible, ensure that its warships or other ships owned or operated by that State, and used only on government non-commercial service, shall comply with the present Convention in the prevention of pollution to the marine environment.

Article XV

DISCLAIMER

Nothing in the present Convention shall prejudice or affect the rights or claims of any Contracting State in regard to the nature or extent of its maritime jurisdiction which may be established in conformity with international law.

Article XVI

REGIONAL ORGANIZATION FOR THE PROTECTION OF THE MARINE ENVIRONMENT

(a) The Contracting States hereby establish a Regional Organization for the Protection of the Marine Environment, the permanent headquarters of which shall be located in Kuwait.

(b) The Organization shall consist of the following organs:

- (i) A Council which shall be comprised of the Contracting States and shall perform the functions set forth in paragraph (d) of article XVII;
- (ii) A secretariat which shall perform the functions set forth in paragraph (a) of article XVIII; and

- (iii) A judicial Commission for the Settlement of Disputes whose composition, terms of reference and rules of procedure shall be established at the first meeting of the Council.

Article XVII

COUNCIL

(a) The meetings of the Council shall be convened in accordance with paragraph (a) of article XVIII and paragraph (b) of article XXX. The Council shall hold ordinary meetings once a year. Extraordinary meetings of the Council shall be held upon the request of at least one Contracting State endorsed by at least one other Contracting State, or upon the request of the Executive Secretary endorsed by at least two Contracting States. Meetings of the Council shall be convened at the headquarters of the Organization or at any other place agreed upon by consultation amongst the Contracting States. Three fourths of the Contracting States shall constitute a quorum.

(b) The chairmanship of the Council shall be given to each Contracting State in turn in alphabetical order of the names of the States in the English language. The Chairman shall serve for a period of one year and cannot during the period of chairmanship serve as a representative of his State. Should the chairmanship fall vacant, the Contracting State chairing the Council shall designate a successor to remain in office until the term of chairmanship of that Contracting State expires.

(c) The voting procedure in Council shall be as follows:

- (i) Each Contracting State shall have one vote;
- (ii) Decisions on substantive matters shall be taken by a unanimous vote of the Contracting States present and voting;
- (iii) Decisions on procedural matters shall be taken by a three-fourths majority vote of the Contracting States present and voting.

(d) The functions of the Council shall be:

- (i) To keep under review the implementation of the Convention and its protocols, and the Action Plan referred to in paragraph (e) of article I;
- (ii) To review and evaluate the state of marine pollution and its effects on the Sea Area on the basis of reports provided by the Contracting States and the competent international or regional organizations;
- (iii) To adopt, review and amend as required in accordance with procedures established in article XXI, the annexes to the Convention and to its protocols;
- (iv) To receive and to consider reports submitted by the Contracting States under articles IX and XXIII;

- (v) To consider reports prepared by the secretariat on questions relating to the Convention and to matters relevant to the administration of the Organization;
- (vi) To make recommendations regarding the adoption of any additional protocols or any amendments to the Convention or to its protocols in accordance with articles XIX and XX;
- (vii) To establish subsidiary bodies and *ad hoc* working groups as required to consider any matters related to the Convention and its protocols and annexes to the Convention and its protocols;
- (viii) To appoint an Executive Secretary and to make provision for the appointment by the Executive Secretary of such other personnel as may be necessary;
- (ix) To review periodically the functions of the secretariat;
- (x) To consider and to undertake any additional action that may be required for the achievement of the purposes of the Convention and its protocols.

Article XVIII

SECRETARIAT

- (a) The secretariat shall be comprised of an Executive Secretary and the personnel necessary to perform the following functions:
- (i) To convene and to prepare the meetings of the Council and its subsidiary bodies and *ad hoc* working groups as referred to in article XVII, and conferences as referred to in articles XIX and XX;
 - (ii) To transmit to the Contracting States notifications, reports and other information received in accordance with articles IX and XXIII;
 - (iii) To consider enquiries by, and information from, the Contracting States and to consult with them on questions relating to the Convention and its protocols and annexes thereto;
 - (iv) To prepare reports on matters relating to the Convention and to the administration of the Organization;
 - (v) To establish, maintain and disseminate an up-to-date collection of national laws of all States concerned relevant to the protection of the marine environment;
 - (vi) To arrange, upon request, for the provision of technical assistance and advice for the drafting of appropriate national legislation for the effective implementation of the Convention and its protocols;
 - (vii) To arrange for training programmes in areas related to the implementation of the Convention and its protocols;

- (viii) To carry out its assignments under the protocols to the Convention;
- (ix) To perform such other functions as may be assigned to it by the Council for the implementation of the Convention and its protocols.

(b) The Executive Secretary shall be the chief administrative official of the Organization and shall perform the functions that are necessary for the administration of the present Convention, the work of the secretariat and other tasks entrusted to the Executive Secretary by the Council and as provided for in its rules of procedure and financial rules.

Article XIX

ADOPTION OF ADDITIONAL PROTOCOLS

Any Contracting State may propose additional protocols to the present Convention pursuant to paragraph (b) of article III at a diplomatic conference of the Contracting States to be convened by the secretariat at the request of at least three Contracting States. Additional protocols shall be adopted by a unanimous vote of the Contracting States present and voting.

Article XX

AMENDMENTS TO THE CONVENTION AND ITS PROTOCOLS

(a) Any Contracting State to the present Convention or to any of its protocols may propose amendments to the Convention or to the protocol concerned at a diplomatic conference to be convened by the secretariat at the request of at least three Contracting States. Amendments to the Convention and its protocols shall be adopted by a unanimous vote of the Contracting States present and voting.

(b) Amendments to the Convention or any protocol adopted by a diplomatic conference shall be submitted by the Depositary for acceptance by all Contracting States. Acceptance of amendments to the Convention or to any protocol shall be notified to the Depositary in writing. Amendments adopted in accordance with this article shall enter into force for all Contracting States, except those which have notified the Depositary of a different intention, on the thirtieth day following the receipt by the Depositary of notification of their acceptance by at least three fourths of the Contracting States to the Convention or any protocol concerned as the case may be.

(c) After the entry into force of an amendment to the Convention or to a protocol, any new Contracting State to the Convention or such protocol shall become a Contracting State to the instrument as amended.

Article XXI

ANNEXES AND AMENDMENTS TO ANNEXES

(a) Annexes to the Convention or to any protocol shall form an integral part of the Convention or such protocol.

(b) Except as may be otherwise provided in any protocol, the following procedure shall apply to the adoption and entry into force of any amendments to annexes to the Convention or to any protocol:

- (i) Any Contracting State to the Convention or to a protocol may propose amendments to the annexes to the instrument in question at the meetings of the Council referred to in article XVII;
- (ii) Such amendments shall be adopted at such meetings by a unanimous vote;
- (iii) The Depositary referred to in article XXX shall communicate amendments so adopted to all Contracting States without delay;
- (iv) Any Contracting State which has a different intention with respect to an amendment to the annexes to the Convention or to any protocol shall notify the Depositary in writing within a period determined by the Contracting States concerned when adopting the amendment;
- (v) The Depositary shall notify all Contracting States without delay of any notification received pursuant to the preceding sub-paragraph;
- (vi) On the expiry of the period referred to in sub-paragraph (iv) above, the amendment to the annex shall become effective for all Contracting States to the Convention or to the protocol concerned which have not submitted a notification in accordance with the provisions of that subparagraph.

(c) The adoption and entry into force of a new annex to the Convention or to any protocol shall be subject to the same procedure as for the adoption and entry into force of an amendment to an annex in accordance with the provisions of this article, provided that, if any amendment to the Convention or the protocol concerned is involved, the new annex shall not enter into force until such time as the amendment to the Convention or the protocol concerned enters into force.

Article XXII

RULES OF PROCEDURE AND FINANCIAL RULES

(a) The Council shall, at its first meeting, adopt its own rules.

(b) The Council shall adopt financial rules to determine, in particular, the financial participation of the Contracting States.

Article XXIII

REPORTS

Each Contracting State shall submit to the secretariat reports on measures adopted in implementation of the provisions of the Convention and its protocols in such form and at such intervals as may be determined by the Council.

Article XXIV

COMPLIANCE CONTROL

The Contracting States shall co-operate in the development of procedures for the effective application of the Convention and its protocols, including detection of violations, using all appropriate and practical measures of detection and environmental monitoring, including adequate procedures for reporting and accumulation of evidence.

Article XXV

SETTLEMENT OF DISPUTES

(a) In case of a dispute as to the interpretation or application of this Convention or its protocols, the Contracting States concerned shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

(b) If the Contracting States concerned cannot settle the dispute through the means mentioned in paragraph (a) of this article, the dispute shall be submitted to the Judicial Commission for the Settlement of Disputes referred to in paragraph (b) (iii) of article XVI.

Article XXVI

SIGNATURE

The present Convention together with the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in cases of Emergency shall be open for signature in Kuwait from 24 April to 23 July 1978 by any State invited as a participant in the Kuwait Regional Conference of Plenipotentiaries on the Protection and Development of the Marine Environment and the Coastal Areas, convened from 15 to 23 April 1978 for the purpose of adopting the Convention and the Protocol.

Article XXVII

RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION

(a) The present Convention together with the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful

Substances in Cases of Emergency and any other protocol thereto shall be subject to ratification, acceptance, or approval by the States referred to in article XXVI.

(b) As from 24 July 1978, this Convention together with the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency shall be open for accession by the States referred to in article XXVI.

(c) Any State which has ratified, accepted, approved or acceded to the present Convention shall be considered as having ratified, accepted, approved or acceded to the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency.

(d) Instruments of ratification, acceptance, approval or accession shall be deposited with the Government of Kuwait which will assume the functions of Depository.

Article XXVIII

ENTRY INTO FORCE

(a) The present Convention together with the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency shall enter into force on the ninetieth day following the date of deposit of at least five instruments of ratification, acceptance or approval of, or accession to, the Convention.

(b) Any other protocol to this Convention, except as otherwise provided in such protocol, shall enter into force on the ninetieth day following the date of deposit of at least five instruments of ratification, acceptance or approval of, or accession to, such protocol.

(c) After the date of deposit of five instruments of ratification, acceptance or approval of, or accession to, this Convention or any other protocol, this Convention or any such protocol shall enter into force with respect to any State on the ninetieth day following the date of deposit by that State of the instrument of ratification, acceptance, approval or accession.

Article XXIX

WITHDRAWAL

(a) At any time after five years from the date of entry into force of this Convention, any Contracting State may withdraw from this Convention by giving written notification of withdrawal to the Depository.

(b) Except as may be otherwise provided in any other protocol to the Convention, any Contracting State may, at any time after five years from

the date of entry into force of such protocol, withdraw from such protocol by giving written notification of withdrawal to the Depositary.

(c) Withdrawal shall take effect ninety days after the date on which notification of withdrawal is received by the Depositary.

(d) Any Contracting State which withdraws from the Convention shall be considered as also having withdrawn from any protocol to which it was a party.

(e) Any Contracting State which withdraws from the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Pollution Emergency shall be considered as also having withdrawn from the Convention.

Article XXX

RESPONSIBILITIES OF THE DEPOSITARY

(a) The Depositary shall inform the Contracting States and the secretariat of the following:

- (i) Signature of this Convention and of any protocol thereto, and of the deposit of the instruments of ratification, acceptance, approval or accession in accordance with article XXVII;
- (ii) Date on which the Convention and any protocol will enter into force in accordance with the provision of article XXVIII;
- (iii) Notification of a different intention made in accordance with articles XX and XXI;
- (iv) Notification of withdrawal made in accordance with article XXIX;
- (v) Amendments adopted with respect to the Convention and to any protocol, their acceptance by the Contracting State and the date of entry into force of those amendments in accordance with the provisions of article XX;
- (vi) Adoption of new annexes and of the amendment of any annex in accordance with article XXI.

(b) The Depositary shall call the first meeting of the Council within six months of the date on which the Convention enters into force.

The original of this Convention, of any protocol thereto, of any annex to the Convention or to a protocol, or of any amendment to the Convention, to a protocol or to an annex of the Convention or of a protocol shall be deposited with the Depositary, the Government of Kuwait who shall send copies thereof to all States concerned and shall register all such instruments and all subsequent actions in respect of them with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations.

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

DONE at Kuwait this twenty-fourth day of April, in the year one thousand nine hundred and seventy-eight in the Arabic, English and Persian languages, the three texts being equally authentic. In case of a dispute as to the interpretation or application of the Convention or its protocols, the English text shall be dispositively authoritative.

**PROTOCOL CONCERNING REGIONAL CO-OPERATION
IN COMBATING POLLUTION BY OIL AND OTHER HARMFUL
SUBSTANCES IN CASES OF EMERGENCY**

The Contracting States

Being Parties to the Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution (hereinafter referred to as "the Convention"),

Conscious of the particular urgency to realize the ever present potentiality of emergencies which may result in substantial pollution by oil and other harmful substances and to provide co-operative and effective measures to deal with them,

Being aware that existing measures for responding to pollution emergencies need to be enhanced on a national and regional basis to deal with this problem in a comprehensive manner for the benefit of the Region,

Have agreed as follows:

Article I

For the purposes of this Protocol:

1. "Appropriate Authority" means either the National Authority defined in article I of the Convention, or the authority or authorities within the Government of a Contracting State, designated by the National Authority and responsible for:

(a) Combating and otherwise operationally responding to marine emergencies;

(b) Receiving and co-ordinating information of particular marine emergencies;

(c) Co-ordinating available national capabilities for dealing with marine emergencies in general within its own Government and with other Contracting States.

2. "Marine Emergency" means any casualty, incident, occurrence or situation, however caused, resulting in substantial pollution or imminent threat of substantial pollution to the marine environment by oil or other harmful substances and includes, *inter alia*, collisions, strandings and other incidents involving ships, including tankers, blow-outs arising from petroleum drilling and production activities, and the presence of oil or other harmful substances arising from the failure of industrial installations;

3. "Marine Emergency Contingency Plan" means a plan or plans, prepared on a national, bilateral or multilateral basis, designed to co-ordinate the deployment, allocation and use of personnel, material and equipment for the purpose of responding to marine emergencies;

4. "Marine Emergency Response" means any activity intended to prevent, mitigate or eliminate pollution by oil or other harmful substances or threat of such pollution resulting from marine emergencies;

5. "Related Interests" means the interests of a Contracting State directly or indirectly affected or threatened by a marine emergency, such as:

(a) Maritime, coastal, port or estuary activities, including fisheries activities, constituting an essential means of livelihood of the persons concerned;

(b) Historic and tourist attractions of the area concerned;

(c) The health of the coastal population and the well-being of the area concerned, including conservation of living marine resources and of wildlife;

(d) Industrial activities which rely upon intake of water, including distillation plants, and industrial plants using circulating water;

6. "Convention" means the Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution;

7. "Sea Area" means the area specified in paragraph (a) of article II of the Convention;

8. "Council" means the organ of the Regional Organization for the Protection of the Marine Environment established under article XVI of the Convention;

9. "Centre" means the Marine Emergency Mutual Aid Centre established under article III, paragraph 1 of the present Protocol.

Article II

1. The Contracting States shall co-operate in taking the necessary and effective measures to protect the coastline and related interests of one or more of the States from the threat and effects of pollution due to the presence of oil or other harmful substances in the marine environment resulting from marine emergencies.

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

Article III

1. The Contracting States hereby establish the Marine Emergency Mutual Aid Centre.

2. The objectives of the Centre shall be:

(a) To strengthen the capacities of the Contracting States and to facilitate co-operation among them in order to combat pollution by oil and other harmful substances in cases of marine emergencies;

(b) To assist Contracting States, which so request, in the development of their own national capabilities to combat pollution by oil and other harmful substances and to co-ordinate and facilitate information exchange, technological co-operation and training;

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

3. The functions of the Centre shall be:

(a) To collect and disseminate to the Contracting States information concerning matters covered by this Protocol, including:

(i) Laws, regulations and information concerning appropriate authorities of the Contracting States and marine emergency contingency plans referred to in article V of this Protocol;

(ii) Information concerning methods, techniques and research relating to marine emergency response referred to in article VI of this Protocol; and

(iii) List of experts, equipment and materials available for marine emergency responses by the Contracting States;

(b) To assist the Contracting States, as requested:

(i) In the preparation of laws and regulations concerning matters covered by this Protocol and in the establishment of appropriate authorities;

(ii) In the preparation of marine emergency contingency plans;

(iii) In the establishment of procedures under which personnel, equipment and materials involved in marine emergency responses may be expeditiously transported into, out of, and through their respective countries;

(iv) In the transmission of reports concerning marine emergencies; and

(v) In promoting and developing training programmes for combating pollution;

(c) To co-ordinate training programmes for combating pollution and prepare comprehensive anti-pollution manuals;

(d) To develop and maintain a communication/information system appropriate to the needs of the Contracting States and the Centre for the prompt exchange of information concerning marine emergencies required by this Protocol;

(e) To prepare inventories of the available personnel, material, vessels, aircraft, and other specialized equipment for marine emergency responses;

(f) To establish and maintain liaison with competent regional and international organizations, particularly the Inter-Governmental Maritime Consultative Organization, for the purposes of obtaining and exchanging scientific and technological information and data, particularly in regard of any new innovation which may assist the Centre in the performance of its functions;

(g) To prepare periodic reports on marine emergencies for submission to the Council; and

(h) To perform any other functions assigned to it either by this Protocol or by the Council.

4. The Centre may fulfil additional functions necessary for initiating operations to combat pollution by oil and other harmful substances on a regional level, when authorized by the Council, in accordance with paragraph 2 (c) above.

Article IV

1. The present Protocol shall apply to the Sea Area specified in paragraph (a) of article II of the Convention.

2. For the purposes of dealing with a marine emergency, ports, harbours, estuaries, bays and lagoons may be treated as part of the Sea Area if the concerned Contracting State so decides.

Article V

Each Contracting State shall provide the Centre and the other Contracting States with information concerning:

(a) Its appropriate authority;

(b) Its laws, regulations, and other legal instruments relating generally to matters addressed in this Protocol, including those concerning the structure and operation of the authority referred to in paragraph (a) above;

(c) Its national marine emergency contingency plans.

Article VI

Each Contracting State shall provide to other Contracting States and the Centre information concerning:

(a) Existing and new methods, techniques, materials, and procedures relating to marine emergency response;

(b) Existing and planned research and developments in the areas referred to in paragraph (a) above; and

(c) Results of research and developments referred to in paragraph (b) above.

Article VII

1. Each Contracting State shall direct its appropriate officials to require masters of ships, pilots of aircraft and persons in charge of offshore platforms and other similar structures operating in the marine environment and under its jurisdiction to report the existence of any marine emergency in the Sea Area to the appropriate national authority and to the Centre.

2. Any Contracting State receiving a report pursuant to paragraph 1 above shall promptly inform the following of the marine emergency:

(a) The Centre;

(b) All other Contracting States;

(c) The flag State of any foreign ship involved in the marine emergency concerned.

3. The content of the reports, including supplementary reports where appropriate, referred to in paragraph 1 above should conform to appendix A to this Protocol.

4. Any Contracting State which submits a report pursuant to paragraphs 2 (a) and (b) above, shall be exempted from the obligations specified in paragraph (b) of article IX of the Convention.

Article VIII

The Centre shall promptly transmit information and reports which it receives from a Contracting State pursuant to articles V, VI and paragraph 2 of article VII of this Protocol to all other Contracting States.

Article IX

Any Contracting State which transmits information pursuant to this Protocol may specifically restrict its dissemination. In such a case, any Contracting State or the Centre to whom this information has been transmitted shall not divulge it to any other person, Government, or to any public or private organization without the specific authorization of the former Contracting State.

Article X

Any Contracting State faced with a marine emergency situation as defined in paragraph 2 of article I of this Protocol shall:

(a) Take every appropriate measure to combat pollution and/or to rectify the situation;

(b) Immediately inform all other Contracting States, either directly or through the Centre, of any action which it has taken or intends to take to combat the pollution. The Centre shall promptly transmit any such information to all other Contracting States;

(c) Make assessment of the nature and extent of the marine emergency, either directly or with the assistance of the Centre;

(d) Determine the necessary and appropriate action to be taken with respect to the marine emergency, in consultation, where appropriate, with other Contracting States, affected States and the Centre.

Article XI

1. Any Contracting State requiring assistance in a marine emergency response may call for assistance directly from any other Contracting State or through the Centre. Where the services of the Centre are utilized, the Centre shall promptly transmit requests received to all other Contracting States. The Contracting States to whom a request is made pursuant to this paragraph shall use their best endeavours within their capabilities to render the assistance requested.

2. The assistance referred to in paragraph 1 above may include:

(a) Personnel, material, and equipment, including facilities or methods for the disposal of recovered pollutant;

(b) Surveillance and monitoring capacity;

(c) Facilitation of the transfer of personnel, material, and equipment into, out of, and through the territories of the Contracting States.

3. The services of the Centre may be utilized by the Contracting States to co-ordinate any marine emergency response in which assistance is called for pursuant to paragraph 1 above.

4. Any Contracting State calling for assistance pursuant to paragraph 1 above shall report the activities undertaken with this assistance and its results to the Centre. The Centre shall promptly transmit any such report to all other Contracting States.

5. In cases of special emergencies, the Centre may call for the mobilization of resources made available by the Contracting States to combat pollution by oil and other harmful substances.

Article XII

1. Having due regard to the functions assigned to the Centre under this Protocol, each Contracting State shall establish and maintain an appropriate authority to carry out fully its obligations under this Protocol.

With the assistance of the Centre, where appropriate, the appropriate authority of each Contracting State shall co-operate and co-ordinate its activities with counterparts in the other Contracting States.

2. Among other matters with respect to which co-operation and co-ordination efforts shall be directed under paragraph 1 above are the following:

- (a) Distribution and allocation of stocks of material and equipment;
- (b) Training of personnel for marine emergency response;
- (c) Marine pollution surveillance and monitoring activities;
- (d) Methods of communication in respect of marine emergencies;
- (e) Facilitation of the transfer of personnel equipment and materials involved in marine emergency responses into, out of, and through the territories of the Contracting States;
- (f) Other matters to which this Protocol applies.

Article XIII

The Council shall:

- (a) Review periodically the activities of the Centre performed under this Protocol;
- (b) Decide on the degree to which, and stages by which, the functions of the Centre set out in article III will be implemented; and
- (c) Determine the financial, administrative and other support to be provided by the Contracting States to the Centre for the performance of its functions.

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

DONE at Kuwait this twenty-fourth day of April, in the year one thousand nine hundred and seventy-eight in the Arabic, English and Persian languages, the three texts being equally authentic. In case of a dispute as to the interpretation or application of this Protocol, the English text shall be dispositively authoritative.

APPENDIX A

Guide-lines for the report to be made pursuant to article VII of the Protocol

- 1. Each report shall, as far as possible, contain, in general:
 - (a) The identification of the source of pollution (e.g. identity of the ship), where appropriate;
 - (b) The geographic position, time and date of the occurrence of the incident or of the observation;
 - (c) The marine meteorological conditions prevailing in the area;

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

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

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

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

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

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

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

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

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

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

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

ANNEX

Status as at 1 March 1983 of the Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution and its Protocol^a

<i>State</i>	<i>Convention</i>	
	<i>Signature</i>	<i>Ratification</i>
Bahrain	24 April 1978	1 April 1979
Iran	24 April 1978	3 March 1980
Iraq	24 April 1978	4 February 1979
Kuwait	24 April 1978	7 November 1978
Oman.....	24 April 1978	20 March 1979
Qatar	24 April 1978	4 January 1979
Saudi Arabia.....	24 April 1978	26 December 1981
United Arab Emirates	24 April 1978	1 December 1979

^a In accordance with article XXVII (c) of the Convention "any State which has ratified, accepted, approved or acceded to the present Convention shall be considered as having ratified, accepted, approved or acceded to the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency".

