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to Review the Draft Action Plan for the  
Wider Caribbean Region

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**Review of International Conventions relevant to the  
Environmental Protection of the  
Wider Caribbean Area**

**UNEP / CEPAL  
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This document has been prepared as a contribution to the joint UNEP/ECLA Caribbean Environment Project (FP-1000-77-01). The views expressed in it are not necessarily those of UNEP and ECLA.

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## P R E F A C E

In accordance with resolution 2997 (XXVII) of the 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 defined this environmental action as encompassing a comprehensive, transectoral approach to environmental problems which should deal not only with the consequences but also with the causes of environmental degradation.

The UNEP Governing Council has designated "Oceans" as a priority area in which it will focus effort to fulfil its catalytic role. In order to deal with the complexity of the environmental problems of the oceans in an integrated way, it has adopted a regional approach as exemplified by its Regional Seas Programme.

Although the environmental problems of the ocean are global in scope, a regional approach to solving them seemed more realistic. By adopting a regional approach, UNEP felt it could focus on specific problems of high priority to the States of a given region thereby more readily responding to the needs of the Governments and helping to mobilize more fully their own national resources. It was thought that undertaking activities of common interest to coastal States on a regional basis should, in due time, provide the basis for dealing effectively with the environmental problems of the oceans as a whole.

Two elements are fundamental to the Regional Seas Programme:

- (a) Co-operation with the Governments of the regions. Since any specific regional programme is aimed at benefiting the States of that region, Governments are encouraged to participate from the very beginning in the formulation and acceptance of the programme. After acceptance, the implementation of the adopted programme is carried out by national institutions which have been nominated by their Governments.
- (b) Co-ordination of the technical work through the United Nations system. Although the regional programmes are implemented predominantly by Government-nominated institutions, a large number of the United Nations specialized organizations are called upon to provide assistance to these national institutions. UNEP acts as an overall co-ordinator although in some cases this role is limited to the initial phase of the activities. Thus the support and experience of the whole United Nations system contributes to the programme.

The components of a regional programme are outlined in an "action plan" which is formally adopted by the Governments before the programme enters an operational phase.

Each action plan consists of three standard components as adopted by the United Nations Conference on Human Environment (Stockholm, 5 - 18 June 1972) and endorsed by subsequent meetings of UNEP's Governing Council. They are:

- (i) Environmental assessment. The assessment and evaluation of the causes, magnitude and consequences of environmental problems is an essential activity providing the basis for assistance to national policy-makers to manage their natural resources in an effective and sustainable manner.
- (ii) Environmental management. A wider range of activities requiring regional co-operation falls under this component: rational exploitation of living resources, utilization of renewable sources of energy, management of freshwater resources, disaster preparedness and co-operation in cases of emergency, etc. Regional conventions, elaborated by specific technical protocols, provide usually the legal framework for the action plan and have, in many regions, proved to be an excellent tool in the hands of environmental managers.
- (iii) Supporting measures. The national institutions are the institutional basis for the implementation of the action plan. Large-scale technical assistance and training are provided to them where necessary to allow their full participation in the programme. Existing global or regional co-ordinating mechanisms are used when appropriate. However, specific regional mechanisms may be created if Governments feel they are necessary. Public awareness for environmental problems is stimulated as essential supporting measure for the action plan. Financial support is initially provided by UNEP and other international and regional organizations, but, as the programme develops, it is expected that the Governments of the region assume increasing financial responsibility.

At present there are eight regional seas areas where action plans are operative or are under development: The Mediterranean (adopted in 1975), the Red Sea (adopted in 1976), the Kuwait Action Plan Region (adopted in 1978), the West African Region (under development, adoption expected in 1981), the East Asian Seas (under development, adoption expected in 1980), the South-East Pacific (under development, adoption expected in 1980), the South-West Pacific (under development, adoption expected in 1981) and the Wider Caribbean Region (under development, adoption expected in 1980).

The following document has been prepared by UNEP's Regional Seas Programme Activity Centre as one of the contributions to the development of the action plan for the Wider Caribbean Region.

## INTRODUCTION

1. As governmental and public awareness of environmental considerations has grown, the number of international agreements aimed at the protection and rational management of the environment has noticeably increased. In particular, the issues of controlling marine pollution and rationally managing coastal and marine resources have been the subject of a number of global and regional conventions.
2. The objective of this document is to briefly review the provisions of existing international conventions which are concerned either wholly or in part with the environmental protection and management of the marine and coastal environment. For each agreement reviewed, the participation of the States concerned with the Caribbean Environment Programme as contracting parties to the agreement has been noted.
3. The material used for this report was obtained from primary sources and secondary published sources available to the UNEP Regional Seas Programme Activity Centre. In particular, special mention deserves to be made of the FAO/UNEP publication, "Legal Aspects of Marine Environment Protection in the Gulf of Guinea and Adjacent Coastal Areas", the IMCO publication "Status of Multilateral Conventions and Instruments in respect of which the Inter-Governmental Maritime Consultative Organization or its Secretary-General perform depositary or other functions", and the UNEP publication, "Register of International Conventions and Protocols in the Field of the Environment".
4. Valuable contributions and comments have also been received from the Food and Agriculture Organization of the United Nations (FAO), the Intergovernmental Oceanographic Commission (IOC), and the International Union for the Conservation of Nature and Natural Resources (IUCN).

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## POLLUTION FROM SHIPS

5. International law concerning pollution from ships deals principally with the following aspects of the problem:
  - (a) pollution resulting from normal shipping operations;
  - (b) pollution from maritime accidents; and
  - (c) liability and compensation for pollution damage.

6. Global agreements dealing with these issues will be reviewed below. It should be noted that all of the agreements cited under this section have been developed under the auspices of the Inter-Governmental Maritime Consultative Organization (IMCO), the UN specialized agency responsible for the promotion of safety at sea and the elimination of marine pollution from ships.

The International Convention for the Prevention of Pollution of the Sea by Oil (1954)

7. The first international agreement concerning prevention of pollution from normal shipping activities was the 1954 London Oil Pollution Convention. The text was subsequently amended in 1962, 1969 and 1971. The 1962 amendments came into force in May 1967, and the 1969 amendments entered into force in January 1978.
8. The 1954 Convention, including the 1962 and 1969 amendments, has been accepted by the following States concerned with the Caribbean region: Bahamas, Dominican Republic, France, Mexico, Netherlands, Panama, Suriname, Venezuela, United Kingdom, and United States of America. The Convention has been extended to the Netherlands Antilles, Puerto Rico, Canal Zone, and the Virgin Islands. The Bahamas and the United Kingdom have accepted the 1971 amendments.
9. The 1954 Convention delineates certain areas where the discharge by tankers of oil or oily mixtures is prohibited. Under the Convention, the term "oily mixtures" means all mixtures in which the proportion of oil is equal or superior to one hundred parts of oil to one million parts of mixture (100 ppm). The term "oil" includes crude oil, fuel oil, heavy diesel oil and lubricating oils. The prohibited areas include all sea areas within fifty miles of the nearest land.
10. In principle, the Convention applies to all sea-going vessels registered by a contracting State. However, exceptions are made for small vessels (tankers of less than 150 tons and other ships under 500 tons) and also for ships actually employed on whaling operations, ships navigating the Great Lakes of North America, and naval ships and ships for the time being used as naval auxiliaries.
11. Exceptions to these prohibitions are permitted in cases of necessity to secure safety of ship, save life, or prevent damage to cargo. Sanctions for the discharge of oil resulting from damage or unavoidable leakage cannot be applied if all reasonable precautions have first been taken. Lastly, the discharge of certain residues of lubricating oil or oily matter from bilges will be tolerated when carried out as far from land as practicable.



12. These prohibitions are complemented by a certain number of concrete preventive measures. Ships to which the convention applies must be equipped with machinery to avoid, where reasonably possible, the escape of fuel oil or heavy diesel oil into the bilges, while governments must take suitable measures to create adequate facilities for the reception of oily wastes and mixtures in their principal ports and at oil loading terminals. In addition, tankers and all other ships using oil as fuel must keep an oil record book detailing each occasion on which oil or oily mixtures are loaded, unloaded or discharged, as well as operations such as cleaning, ballasting, the discharge of water from ballast and fuel tanks, and accidental or emergency discharges. This record may be examined by the competent authorities of a contracting government when a ship to which the Convention applies is in port within its territory.
13. Sanctions for violations are to be determined by legislation of the flag State of the ship involved, it being clearly understood that penalties imposed by a State for prohibited discharges on the high seas shall not be less severe than those which would be exacted for the same violations in its own territorial waters. Contracting States must collaborate in tracking down violations. A government which learns of a discharge in a prohibited area must inform the competent authorities of the flag State of the ship held responsible, and these authorities, if they consider that there is sufficient evidence, must start proceedings against the ship-owner or the master of the vessel. Disputes regarding the application of the Convention must be referred to the International Court of Justice on request of either of the parties, unless the litigants agree to submit to arbitration.
14. This system was radically changed by the 1969 amendments to the 1954 Convention. A system of protective measures to be applied to all sea areas was adopted. Specifications regarding permitted discharges were completely revised and are based on the volume of oil discharged in relation to the average distance travelled. For tankers, oil discharges are prohibited unless:
  - (i) the tanker is en route;
  - (ii) the rate of discharge does not exceed sixty litres of oil per mile;
  - (iii) the total quantity of oil discharged on a ballast voyage does not exceed 1/15,000 of the total cargo-carrying capacity.
  - (iv) the tanker is more than fifty miles from the nearest land;

15. Conditions (i), (ii) and (iv) also apply to ships other than tankers. In addition, for other ships it is also stipulated that the oil content of the discharge must be less than one hundred parts per one million parts of mixture.
16. The 1969 specifications authorize the discharge of ballast water when it does not leave visible traces of oil on a calm sea. Provisions regarding punishment for violations have not been basically altered.
17. The 1971 amendments are of an essentially technical nature and directed towards setting security standards in the construction of new tankers in order to minimize the risk of oil outflow should a tank be breached in an accident.

The International Convention for the Prevention of Pollution by Ships (1973)

18. The International Convention for the Prevention of Pollution by Ships (London, 1973) incorporates the provisions of the 1954 Convention within a more comprehensive framework covering all forms of operational or accidental pollution from ships. The 1954 Convention should, therefore, be replaced by the 1973 Convention when the latter enters into force.
19. The 1973 Convention was opened for signature on 15 January 1974 and will enter into force twelve months after it is ratified by no fewer than fifteen States representing at least fifty per cent of the gross tonnage of the world's merchant shipping. As of 30 June 1979, only five States had become contracting parties to the Convention, and none of these are from the Caribbean region.
20. The main body of the Convention contains general provisions regarding its field of application, controls and the enforcement of detailed standards and regulations which are set out in five annexes covering the control of discharges of various substances. Annexes I and II are considered "obligatory" and integral parts of the Convention. The other three annexes are optional.
21. Further requirements for the design and equipment of tankers were adopted in an integral protocol to the Convention by the IMCO Conference on Tanker Safety and Pollution Prevention in February 1978.

Prevention of Pollution by Oil  
(Annex I of the 1973 Convention)

22. The provisions of annex I of the 1973 Convention will apply to all tankers of 150 GT or over and to all other ships of 400 GT or over, except warships. Fixed or floating platforms also come under these provisions.

23. In order to reduce the risk of pollution incurred through operational discharges, it is anticipated that new tankers whose weight when fully loaded reaches or exceeds 70,000 GRT should be equipped with segregated ballast tanks as distinct from cargo tanks. As on all existing tankers, they will also have to be equipped with machinery to monitor and control oil discharges. This method of recording all discharges should enable the exact time (and therefore place) of a discharge to be known, as well as the quantity of matter discharged and the proportion of oil it contains. When the total quantity of the mixture and the percentage of oil in it exceed the authorized levels, the control mechanism should automatically stop the discharge. In addition, except in certain specified cases, all ships covered by the Convention will have to be fitted with oily-water separating equipment, an oil filtering system, slop tanks, and standard piping and pumping arrangements.
24. The conditions applying to discharges into the sea of oil or oily mixtures are similar to those prescribed in the 1969 amendments to the 1954 Convention. A system of special areas, where all discharges are absolutely prohibited, has been introduced. For the purposes of annex I, the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area and the Gulfs area. While in a special area, ships are to retain on board all oil drainage and sludge, dirty ballast and tank washing waters until they may be discharged to a reception facility. A contracting party, the coastline of which borders on a special area, is required to establish reception facilities at oil loading terminals and repair ports within the special area, adequate for the reception of dirty ballast, tank washing water, and other residues and oily mixtures.
25. As under the 1954 Convention, all ships are to keep an oil record book. Each vessel must also be provided with an International Oil Pollution Prevention Certificate, which is to be issued by the administration of its flag State, after a detailed inspection to check that the structure, equipment, installations, arrangements and materials of the ship in question are in conformity with the provisions of the Convention. This inspection must be repeated at least once every five years. The competent authorities assume total responsibility for the certificate, and are fully answerable for the thoroughness and efficiency of such inspections.

Control of Pollution by Noxious Liquid Substances Carried in Bulk  
(Annex II of the 1973 Convention)

26. Annex II of the Convention regulates the transport in bulk of noxious liquid substances and applies to all ships carrying such substances, except warships and auxiliaries. Noxious liquids are divided into four categories in diminishing order of the hazard they present to

marine resources, to human health and to other legitimate uses of the sea. Tankers intended for the transport of these substances are subject to the same type of inspections as those laid down for oil tankers. Each must receive an International Pollution Prevention Certificate stating that the ship satisfies the requirements specified in the "Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk" adopted by the Assembly of IMCO.

27. The discharge of substances listed in any one of the four categories is, in principle, prohibited. However, this prohibition is not absolute. Discharge of mixtures containing residues of noxious liquid substances is permissible provided that certain conditions are respected; the object of these conditions is to ensure that the overall quantity of noxious substances discharged remains low and, above all, that the harmful character of the substances is virtually eliminated by sufficient dilution. The ship must always be in motion; it must release the discharge below the water-line; it must be at least twelve miles from the nearest land and in water at least twenty-five metres deep. The permitted volume and concentration of the noxious substances vary according to the category of the product. These conditions are stricter in the zones designated as special areas. For the purposes of annex II, the Baltic Sea and the Black Sea area have been designated as special areas.
28. Each contracting party is to provide reception facilities for residues and mixtures containing noxious liquid substances according to the needs of ships using its ports.
29. Each ship must have a cargo record book in which all operations must be reported regarding the loading, transfer and unloading of cargoes of noxious substances, as well as the operational or accidental discharge of such matter. The competent authorities of each contracting State may examine the record book of any ship in their ports. This procedure is intended to facilitate the application of the prohibitions mentioned above.

Prevention of pollution by harmful substances carried in packaged form or in freight containers, portable tanks or road and rail tank wagons

(Annex III of the 1973 Convention)

30. Annex III of the Convention contains rules of a general nature, the detailed application of which is left to the discretion of individual governments. Among others, it lays down the principle that the very hazardous substances may need to be prohibited for carriage or be transported in limited quantities aboard any one ship, and makes recommendations as to the essential features of packagings and containers and their stowage.

Prevention of pollution by sewage from ships  
(Annex IV of the 1973 Convention)

31. Annex IV of the Convention stipulates that ships of over 200 GT or ships authorized to carry more than ten persons must be equipped with machinery to treat, purify or disinfect sewage, or with a storage tank for sewage, as well as a standardized piping system for its disposal in the appropriate port installations. After a thorough inspection, these ships may be issued with an International Sewage Pollution Prevention Certificate. The object of these provisions is to prohibit, in principle, all discharge of sewage, at least in coastal waters, except in cases of necessity or force majeure. Nevertheless, discharge of sewage is permitted when certain conditions are observed. If the sewage is disinfected and comminuted, the ship may expel it at a moderate rate while travelling at a distance of over four miles from the nearest land. If it has been purified and treated according to official standards, it may be discharged freely.

Prevention of pollution by garbage from ships  
(Annex V of the 1973 Convention)

32. Annex V to the Convention seeks to reduce the discharge from ships of domestic refuse such as paper, bottles, and cans. It prohibits the release at any point of objects made of plastic or synthetic fibres. The discarding of packagings and packing and wrapping materials may not take place less than 25 nautical miles from the nearest land for dunnage, lining and packing materials and less than 12 nautical miles for food wastes and all other garbage, nor in special areas.
33. These regulations apply to all ships, whatever their tonnage, with the general exception of warships. As for oil rigs, materials which have been extracted from the seabed may be thrown back, but refuse may only be discarded after being ground up or liquidized.

Sanctions for violations of the 1973 Convention

34. As with the 1954 Convention, the principle of leaving enforcement powers with the flag State of the ship involved is retained. Nevertheless, contracting States have the right to impose sanctions for violations in waters under their jurisdiction, including those committed by ships flying the flag of another contracting party. When the violation has occurred outside these waters or in a place which cannot be determined, the powers attributed to the coastal State are more restricted. In ports or terminals generally within their jurisdiction, the competent authorities may proceed to an examination of the certificates which the ship flying the flag of the other State

is required to possess. If it appears that the ship being inspected does not have a valid certificate on board or that the vessel does not come up to the specifications stated on the document, the coastal State may prohibit the ship from sailing. The competent authorities of the port State may also inspect the ship to discover whether a violation has occurred. They may also examine all relevant documents where discharges are recorded, and, in particular, all equipment for the monitoring and control of oil discharges. They will also be permitted to ascertain whether the ship is carrying waste or other matter which it intends to discharge at sea, or whether such an operation has been performed prior to its arrival. If a port State discovers that a violation has been committed, it must collect all existing evidence and information, possibly with the co-operation of other contracting States, and forward it to the competent authorities of the flag State, so that proceedings may be taken against the guilty parties. The flag State is to investigate the matter and, if satisfied that sufficient evidence is available, must cause legal proceedings to be taken against the violator as soon as possible. At this point the Convention limits itself to stating that sanctions imposed must be sufficiently severe to discourage any other offenders, and must be equally severe irrespective of where the violations occur.

#### POLLUTION FROM SHIPPING ACCIDENTS

##### The International Regulations for Preventing Collisions at Sea (1960 and 1972)

35. This Convention lays down basic rules for avoiding situations likely to cause shipping accidents and includes a provision relating to the establishment of voluntary traffic separation schemes. The rules laid down in 1960 came into force in 1965. They were amended in 1972 by a Convention which came into force in July 1977. The Convention provides for obligatory traffic separation schemes.
36. As of 30 June 1979 the following governments of States concerned with the Caribbean region have agreed to accept and to apply the 1960 regulations: Bahamas, Barbados, Cuba, France, Jamaica, Netherlands, Suriname, Trinidad and Tobago, United Kingdom, and United States of America. The Bahamas, Dominican Republic, France, Jamaica, Mexico, Netherlands, Panama, Trinidad and Tobago, United Kingdom and United States are parties to the 1972 Convention.

##### The International Convention for the Safety of Life at Sea (1960)

37. This Convention, which entered into force in 1965 and has been amended several times, establishes certain basic construction, equipment, safety and operation standards, including standards for nuclear

reaction installations. Safety certificates and assessments by the competent national authorities are to be made available to the competent authorities of States which the ship intends to visit.

38. Bahamas, Cuba, France, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Trinidad and Tobago, United Kingdom, United States of America, and Venezuela are among the contracting parties. The Convention has been extended to the Netherlands Antilles, Virgin Islands, and the Canal Zone.

The International Convention for the Safety of Life at Sea (1974) and the 1978 Protocol

- 39.. This Convention will, when it enters into force, supersede the 1960 Safety of Life at Sea Convention. It contains more rigid technical specifications regarding the structure and equipment of ships, including nuclear-propelled ships. As of 30 June 1979, Bahamas, France, Mexico, Netherlands, Panama, Trinidad and Tobago, United Kingdom, and United States of America were among the States having ratified the Convention. A supplementary protocol to the Convention was adopted at the IMCO Conference on Tanker Safety and Pollution Prevention in February 1978. The Protocol requires special navigation equipment for tankers over 10,000 tons and has stricter inspection and certification provisions.

The International Convention relating to Intervention on the High Seas in Cases of Oil Casualties (1969)

40. Under this Convention, coastal States faced with a grave and imminent danger to their coastline or related interests from pollution or threats of pollution of the sea by oil following a maritime casualty, may take such action on the high seas as may be reasonably necessary to avert or mitigate the danger. The Convention does not apply to warships or to installations on the continental shelf. Certain procedures of notification and consultation are envisaged by the Convention, although these may be waived in cases of extreme urgency. The severity of intervention measures must be in proportion to the damage which the coastal State has sustained, or with which it is threatened. In the event of excessive measures, the coastal State may be required to pay compensation. Provision is made for the compulsory submission of any disputes between Parties to conciliation and arbitration.
41. The Convention came into force in May 1975. As of 30 June 1979, Bahamas, Cuba, Dominican Republic, France, Mexico, Netherlands, Panama, Suriname, United Kingdom and the United States of America are among the contracting parties. The Convention has been extended to Puerto Rico, Canal Zone, Virgin Islands, and Netherlands Antilles.

The Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil (1973)

42. This protocol has not yet come into force and as of 30 June 1979, no State bordering the Caribbean had become a party to it. It extends the application of the provisions of the 1969 Convention to intervention on the high seas in cases of pollution by substances other than oil which are liable to cause serious damage. These substances are listed in an Appendix to the Protocol, and comprise products which endanger human health, are harmful to marine flora and fauna, are detrimental to natural beauty and inhibit other legitimate uses of the sea.

LIABILITY AND COMPENSATION FOR POLLUTION FROM SHIPS

International Convention on Civil Liability for Oil Pollution Damage (1969)

43. This Convention, which came into force in June 1975, defines the shipowner as the person responsible for possible damage due to oil pollution. The shipowner is the person in whose name the ship has been registered. Liability is strict, in the sense that the shipowner is responsible for all pollution resulting from a leakage or a discharge of oil from his ship without it being necessary to prove fault. The Convention applies only to tankers and does not cover other commercial vessels or warships. It applies exclusively to damage by pollution occurring in the territory, including the territorial seas, of a contracting State and to protective measures intended to avert or reduce such damage. In order to guarantee the solvency of the shipowner, the latter must take out insurance or some other financial guarantee, the amount of which is fixed by the Agreement and varies according to the tonnage of the ship. Financial points were revised by a protocol adopted in London in November 1976 which has not yet come into force.
44. As of 30 June 1979, the Bahamas, Dominican Republic, France, Netherlands, Panama, and the United Kingdom were among the contracting parties. The Convention has also been extended to British Virgin Islands, Montserrat, and Turks and Caicos Islands.

International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (1971)

45. This Convention aims at guaranteeing compensation for victims of oil pollution damage in a more augmented way than that provided by the 1969 Convention. In particular, it provides compensation for the victims when the shipowner and his guarantor are incapable of meeting their financial obligations. It institutes an international fund



formed essentially by contributions paid by contracting parties which are importers of oil in proportion to the quantities of oil received. The Convention entered into force in October 1978. The Bahamas, France and the United Kingdom have ratified the Convention. Ratification by the United Kingdom has been declared to be effective in respect of British Virgin Islands, Montserrat, and Turks and Caicos Islands.

46. A supplementary protocol dealing with financial aspects was adopted in November 1976 but has not yet entered into force.

#### Liability for nuclear ships and nuclear material

47. The International Convention on the Liability of Operators of Nuclear Ships, adopted in Brussels in 1962, places a strict liability on the operators of nuclear ships, including warships and other governmental vessels. As of 1 January 1978, the Convention had not yet entered into force. The Convention Relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material, adopted in Brussels in 1971, is designed to remove certain conflicts between the liability of shipowners and general conventions on damage caused by nuclear installations. It entered into force in July 1975. France is one of the contracting parties.

#### Limitations of liability of shipowners

48. The International Convention Relating to the Limitation of the Liability of Owners of Sea-going Ships, adopted in Brussels in 1957, limits the liability of shipowners for damage caused by their vessels, in the absence of privity of fault, to a maximum of 7 million U.S. dollars. It does not refer specifically to damage caused by pollution although it is applicable in such cases. The Convention came into force in 1968. It is expected to be replaced eventually by the Convention on Limitation of Liability for Maritime Claims, adopted in London in November 1976, which raised the limits of liability and extended them from shipowners to salvors. According to Article 3, however, the limitation shall not apply to claims for nuclear damage and to claims for oil pollution damage with the meaning of the above-mentioned 1969 Liability Convention or any amendment or protocol thereto which is in force.

#### POLLUTION BY DUMPING FROM SHIPS AND AIRCRAFT

##### The Convention on the High Seas (1958)

49. The Convention, which entered into force in 1962, requires contracting parties to take measures to prevent pollution of the seas by dumping of radio-active wastes, taking into account any standards and

regulations which may have been formulated by the competent international organizations. In general terms, contracting parties are also required to co-operate with the competent international organizations in taking measures for the prevention of pollution of the seas or air space above resulting from any activities entailing the use of radioactive materials or other harmful agents.

50. As of 31 December 1978, Costa Rica, Dominican Republic, Guatemala, Haiti, Jamaica, Mexico, Netherlands, Trinidad and Tobago, United Kingdom, United States of America, and Venezuela are among the parties to the Convention.

The Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter (1972)

51. Through this Convention, which entered into force in August 1975, contracting parties pledge themselves to take all practicable steps to prevent the pollution of the sea by the dumping of wastes or other matter liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.
52. The Convention defines dumping as any deliberate disposal at sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea, as well as the deliberate disposal of vessels, aircraft, platforms or other man-made structures at sea. It does not apply to discharges resulting from the normal operations of ships, aircraft, platforms and other structures.
53. Wastes and other matter are grouped into three categories according to the gravity of the risks they present. The dumping of wastes in the first category is, in principle, totally prohibited. This category comprises organohalogen compounds, mercury and cadmium and their compounds, persistent plastics and other synthetic materials liable to interfere with fishing, navigation or other legitimate uses of the sea, high-level radioactive substances, materials produced for chemical or biological warfare, and most kinds of oil.
54. With regard to the dumping of substances listed in the second category, the Convention requires that the State wishing to dispose of them take certain precautions. Dumping of these substances is permitted only after the issue of a specific permit. This second category of wastes includes, among others, substances containing significant amounts of arsenic, lead, copper, zinc, organosilicon compounds, cyanides, fluorides, pesticides and radioactive matter the dumping of which is not totally prohibited.

55. For the dumping of all other wastes or matter the issue of a prior general permit is required.
56. The above prohibitions do not apply to warships and military aircraft. They also do not apply when dumping is necessary to secure the safety of human life or of ships, aircraft, platforms and other man-made structures at sea.
57. The Convention stipulates that where it is in the common interest of contracting parties to protect the marine environment of a given geographical area, the States concerned, taking regional characteristics into account, shall endeavour to enter into regional agreements with a view to preventing pollution from dumping.
58. As of 31 December 1978, Cuba, Dominican Republic, France, Guatemala, Haiti, Mexico, Netherlands, Panama, United Kingdom and the United States of America had become parties to this Convention.

#### POLLUTION FROM LAND-BASED SOURCES

59. At present, there is no general, global Convention controlling discharges of pollutants from land-based sources. Pollution from land-based sources has been the focus of regional and sub-regional agreements, such as for the Baltic Sea and the Northeast Atlantic.

#### POLLUTION FROM OFFSHORE EXPLORATION AND EXPLOITATION OF RESOURCES

##### The Convention on the High Seas (1958)

60. This Convention, which entered into force in 1962, stipulates that all States are required to establish regulations directed towards avoiding pollution of the sea by oil discharged from ships or pipelines, or resulting from the exploration and exploitation of the seabed and its subsoil.
61. As of 31 December 1978, the following have become parties to the Convention: Costa Rica, Dominican Republic, Guatemala, Haiti, Jamaica, Mexico, Netherlands, Trinidad and Tobago, United Kingdom, United States of America, and Venezuela.

##### The Convention on the Continental Shelf (1958)

62. This Convention, which entered into force in 1964, applies to areas of the continental shelf extending beyond the limits of territorial waters. It defines the continental shelf as being the area of seabed confined within the 200 m isobath or extending beyond this limit to

the point where the depth of the superjacent waters permits the exploitation of the natural resources of the said area. It prohibits, inter alia, any unjustifiable interference with navigation, fishing or the conservation of the living resources of the sea resulting from the exploration of the continental shelf and the exploitation of its natural resources. Under the Convention, coastal States are also required to take all appropriate measures for the protection of the living resources of the sea from harmful agents in the Safety Areas to be established around continental shelf installations. Other preventive measures are also stipulated, such as requirements for giving notice of the construction of installations, the setting up and maintenance of adequate warning systems for ships, the dismantling of abandoned or disused installations and the siting of installations sufficiently far away from recognized shipping lanes.

63. The Convention entered into force in June 1964. As of 31 December 1978, Colombia, Costa Rica, Dominican Republic, France, Guatemala, Haiti, Jamaica, Mexico, Netherlands, Trinidad and Tobago, United Kingdom, United States of America and Venezuela had ratified the Convention.

#### POLLUTION DUE TO MILITARY ACTIVITIES

##### The Treaty banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and Under Water (1963)

64. The objectives of this Treaty are to obtain an agreement on general and complete disarmament under strict international contract to put an end to the armaments race; and to eliminate the incentive to produce and test all kinds of weapons.
65. The Treaty prohibits all test explosions of nuclear weapons in the atmosphere beyond its limits, including outer space, or underwater, including territorial waters and the high seas, as well as in any other environment, if such an explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted.
66. The Treaty entered into force in October 1963. As of 31 December 1978 parties to this Treaty included: Bahamas, Costa Rica, Dominican Republic, Guatemala, Honduras, Mexico, Netherlands, Nicaragua, Panama, Trinidad and Tobago, United Kingdom, United States of America and Venezuela.

The Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil thereof (1971)

67. The Treaty prohibits the emplacement of nuclear and other weapons of mass destruction, or structures for launching, storing, testing or utilization of such weapons, on the seabed, ocean floor, or in its subsoil. It applies only to areas which are situated beyond the twelve mile limit referred to in the 1958 Convention on the Territorial Sea and the Contiguous Zone. Observers from any party may observe and verify the activities of any other party in the areas covered by the Treaty.
68. The Treaty entered into force in May 1972. As of 31 December 1978, the Dominican Republic had ratified the Convention.

The Convention on the Prohibition of Military or Any Other Hostile Use of the Environmental Modification Techniques (1976)

69. This Convention, which entered into force in October 1978, was prepared by the Conference of the United Nations Committee on Disarmament, and pursuant to UN General Assembly Resolution 31/72 opened for signature in Geneva in 1977. While supporting international co-operation in the peaceful uses of "environmental modification techniques" as defined in Article II (e.g. including artificial changes of the Earth's biota, lithosphere, hydrosphere and atmosphere or of outer space), the Convention prohibits military or other hostile uses of such techniques having widespread, long-lasting or severe effects.
70. Cuba and the United Kingdom are among the parties to the Convention.

The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (1972)

71. This Convention, which entered into force in March 1975, seeks to halt the further development, production, stockpiling and acquisition of biological weapons by the contracting parties. Parties to the Convention must also destroy any existing stockpiles and means of delivery, taking care to protect populations and environment. Parties are to continue negotiations to prohibit effectively chemical weapons.
72. As of March 1979, this Convention has been accepted by Barbados, Costa Rica, Cuba, Dominican Republic, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Panama, United Kingdom, United States of America, and Venezuela.

## MANAGEMENT OF LIVING RESOURCES

### International Convention for the Regulation of Whaling (1946)

73. The objectives of this Convention, which was adopted in Washington in 1946 are: to protect all species of whales from overfishing; to safeguard for future generations the great natural resources represented by whale stocks; and to establish a system of international regulation for the whale fisheries in order to ensure proper conservation and development of whale stocks.
74. The Convention provides for the establishment of the International Whaling Commission. The Commission is responsible for encouraging research and investigation, collecting and analysing statistical information, and appraising and disseminating information concerning whaling and whale stocks. The Commission is to meet annually in order to adopt regulations concerning the conservation and utilization of whale stocks, protected and unprotected species, open and closed seasons, open and closed areas, size limits for species, maximum catches, and types of gears and apparatus to be used.
75. A schedule containing detailed Regulations for whaling is attached to the Convention. Parties are to take appropriate measures to enforce these regulations and to report any infraction to the Commission.
76. The Convention entered into force in November 1948. The Regulations to the Convention were amended in June 1976 and came into force in October 1977. Among others, France, Mexico, Netherlands, Panama, United Kingdom, and United States of America are party to the Convention.

### International Plant Protection Convention (1951)

77. This Convention was adopted in Rome in December 1951. The Food and Agriculture Organization of the United Nations (FAO) has assumed the responsibilities of Depositary. The objective of the Convention is to promote international co-operation in controlling pests and diseases of plants and plant products and in preventing the introduction and spread of such diseases across national boundaries. Although by present practice the Convention does not cover marine plants, it could cover such plants in theory and this may well be the case in future practice.
78. The Convention calls upon each party to establish an official plant organization to:

- (i) inspect areas under cultivation of plants in international traffic for existence or outbreak of plant pests or diseases;
  - (ii) issue certificates relating to phytosanitary condition and origin of plants and plant products; and
  - (iii) carry on research in the field of plant protection.
79. Parties to the Convention agree to regulate strictly the import and export of plants and plant products, if necessary, by means of prohibitions, inspections, and destruction of consignments.
80. The Convention entered into force in April 1952. Barbados, Colombia, Costa Rica, Cuba, Dominican Republic, France, Guatemala, Guyana, Haiti, Jamaica, Mexico, Netherlands, Nicaragua, Panama, Suriname, Trinidad and Tobago, United Kingdom, United States of America, and Venezuela are among the parties to the Convention.

Convention on Fishing and Conservation of the Living Resources of the High Seas (1958)

81. This Convention was adopted in 1958 with the objective of solving, through international co-operation, the problems involved in the conservation of the living resources of the high seas taking into account that the development of modern techniques for exploitation had placed some of these resources in danger of being over-exploited.
82. Parties to the Convention have a duty to adopt, either individually or jointly, measures applying to their nationals for the conservation of the living resources of the high seas. Such measures are to be formulated with a view to rendering possible the optimum sustainable yield from those resources so as to secure a maximum supply of food for human consumption.
83. The Convention recognizes that a coastal State has a special interest in the maintenance of the productivity of the living resources in any area of the high seas adjacent to its territorial sea. A State whose nationals are engaged in fishing in any area of the high seas adjacent to the territorial sea of a coastal State are called upon to enter into negotiations with the coastal State with a view to agreeing upon conservation measures necessary for that area. If agreement on such measures is not reached within six months, the coastal State may adopt unilateral measures, provided that there is a need for urgent application of conservation measures in the light of existing knowledge of the fishery, and, provided that the measures do not discriminate against foreign fishermen.

84. Disputes are to be settled by a special commission of five members whose decision shall be binding on the States concerned (unless the parties agree to seek a solution by another method of peaceful settlement).
85. The Convention entered into force in March 1966. Colombia, Dominican Republic, France, Haiti, Jamaica, Mexico, Netherlands, Trinidad and Tobago, United Kingdom, United States of America, and Venezuela are among the contracting States.

International Convention for the Conservation of Atlantic Tunas (1966)

86. This Convention was adopted in May 1966 at Rio de Janeiro. The FAO has assumed the Depositary responsibilities for the Convention. The purpose of the Convention is to maintain populations of tuna and tuna-like fish in the Atlantic Ocean at levels which permit the maximum sustainable catch for food and other purposes.
87. The Convention applies to all waters of the Atlantic Ocean and adjacent seas. It provides for the establishment of the International Commission for the conservation of Atlantic Tunas which is responsible for research concerned with the abundance, ecology, and biometry of the fish, the oceanography of their environment, and the effects of human and natural factors on the fish population. The Commission is to make recommendations to the parties for the maintenance of the stock of tuna and tuna-like fish.
88. The Convention entered into force in March 1969. Among the parties are Cuba, France, and United States of America.

Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973)

89. The objective of this Convention, which was adopted in Washington 1973, is to protect endangered species from over-exploitation through international trade by establishing an international system of import/export permits.
90. The Convention's provisions are applicable to animals and plants, listed in the appendices, dead or alive and any recognizable parts or derivatives thereof.
91. The first three appendices contain lists of: endangered species, trade in which is to be tightly controlled (appendix I); species that may become endangered unless trade is regulated (appendix II); species that any party wishes to regulate and requires international co-operation to control trade (appendix III). Appendix IV sets forth a model export permit.



92. The export of any specimen of a species included in appendix I or II requires a prior grant and export permit stating that such export will not be detrimental to the survival of that species.
93. The Convention entered into force in July 1975. Among the parties are Bahamas, Costa Rica, France, Guyana, Nicaragua, Panama, United Kingdom, United States and Venezuela. The Convention calls upon the Executive Director of UNEP to provide a secretariat. The Executive Director has asked the International Union for the Conservation of Nature and Natural Resources (IUCN) to fulfil the secretariat functions.

Convention on the Conservation of Migratory Species of Wild Animals (1979)

94. This Convention was adopted in June 1979. Its objective is to provide comprehensive controls on the assumption that the conservation and effective management of migratory species require the concerted action of all States within the national jurisdictional boundaries of which such species spend any part of their life cycle.
95. Migratory species are defined as "the entire population or any geographically separate part of the population of any species .... of wild animals, a significant proportion of whose members cyclically and predictably cross national jurisdictional boundaries".
96. Under the Convention, the parties acknowledge the need to take action to avoid any migratory species becoming endangered. In particular, the parties that are Range States (States exercising jurisdiction over any part of the range of the migratory species) are to prohibit the taking of animals belonging to endangered species listed in appendix I. Appendix II lists migratory species which have an unfavourable conservation status for which Range States are to endeavour to conclude agreements for their conservation and management.
97. The Convention will enter into force after fifteen ratifications have been deposited.

The Western Central Atlantic Fishery Commission (1973)

98. By Resolution 4/61 (November 1973) the Council of the FAO established the Western Central Atlantic Fishery Commission (WECAFC). In 1978, by Resolution 3/74, the Council amended the statutes of WECAFC.
99. The terms of reference of the Commission are: to promote, and facilitate co-ordination and exchange of information, research programmes, studies of the effect of pollution on fisheries and

aquaculture development; to assist Member States in establishing national policies for management of fisheries; at the request of Member States concerned, to promote management and best utilization of living marine resources of interest to two or more States; and to promote and co-ordinate international aid to further the achievement of its objectives.

100. Among the twenty-six members of the Commission are Bahamas, Barbados, Colombia, Cuba, France, Guatemala, Guyana, Haiti, Jamaica, Mexico, Netherlands, Nicaragua, Panama, Suriname, Trinidad and Tobago, United Kingdom, United States of America, and Venezuela.

The IOC Association for the Caribbean and adjacent regions (1975)

101. By Resolution IX-13, the ninth session of the Assembly of the Intergovernmental Oceanographic Commission (UNESCO, Paris, October/November 1975) established, on an experimental basis for a period of six years, an IOC Association for the Caribbean and adjacent regions (IOCARIBE) for the purpose of continuing and developing regional co-operation in the marine sciences.
102. The resolution calls upon the Director-General of UNESCO to set up a regional secretariat which at present is located in San José, Costa Rica.
103. The terms of reference of IOCARIBE include: development of a regional programme to determine the basic objectives of joint scientific investigations and to agree on the character and pathways for using the results; co-ordination of scientific projects in the region, subject to overall financial implications approved by the IOC; to develop working relationships with other bodies involved in marine scientific research in the region.
104. The members of IOCARIBE are Colombia, Costa Rica, Cuba, Dominican Republic, France, Guatemala, Guyana, Haiti, Jamaica, Mexico, Netherlands, Nicaragua, Panama, Suriname, Trinidad and Tobago, United Kingdom, United States of America, and Venezuela, Brazil and USSR are also members of IOCARIBE.
105. At its second session in San José, Costa Rica (7-11 August 1978), the IOC Association for the Caribbean and adjacent regions recommended an "Action Plan for Marine Pollution Monitoring" to implement in the region the IGOSS Marine Pollution (Petroleum) Monitoring Pilot Project

(recommendation IOCARIBE-II.2), recalling that the IOC/FAO/UNEP International Workshop on Marine Pollution in the Caribbean and adjacent regions (Trinidad, December 1976) recommended that a project on sources, effects and fates of petroleum and petroleum products be accorded overall priority.

#### PROTECTION OF NATURAL HABITATS

##### Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (1940)

106. The objective of the Convention, which was adopted in Washington in 1940, is to preserve all species and genera of native fauna and flora from extinction and to preserve areas of beauty, of aesthetic, historic or scientific value or striking geological formations.
107. Parties are to establish national parks and reserves, nature monuments and strict wilderness reserves. National parks should include recreational and educational facilities while wilderness reserves are to be maintained inviolate. Annexed to the Convention is a list of species to be specially protected. Trade in protected fauna and flora is to be controlled.
108. The Convention entered into force in April 1942. Colombia, Costa Rica, Dominican Republic, Guatemala, Haiti, Mexico, Nicaragua, Panama, Trinidad and Tobago, United States of America, and Venezuela are among the Contracting Parties. The Organization of American States acts as the depositary for the Convention.

##### Convention on Wetlands of International Importance especially as Waterfowl Habitat (1971)

109. The objective of this Convention, which was adopted under the auspices of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Ramsar in 1971, is to stem the progressive encroachment on, and loss of, wetlands, recognizing their fundamental ecological functions as regulators of water régimes and as habitats and their economic, cultural, scientific and recreational value.
110. Parties to the Convention are to designate at least one national wetland, taking into account its international significance to waterfowl and in terms of ecology, botany, zoology, limnology or hydrology, for inclusion in a List of Wetlands of International Importance. When designating entries to the List, parties are to consider their international responsibilities for the conservation,

management and wise use of migratory stocks of waterfowl, and are to formulate and implement their planning so as to promote conservation of wetlands so designated. The Convention calls upon parties to co-operate in an exchange of information, to endeavour to increase waterfowl populations, and to promote training of personnel for wetland management.

111. The Convention entered into force in December 1975. The Netherlands and United Kingdom are among the parties.

#### PROTECTION OF CULTURAL AND NATURAL HERITAGE

##### Convention concerning the Protection of the World Cultural and Natural Heritage (1972)

112. This Convention was adopted in Paris in 1972 under the auspices of UNESCO. Its objective is to establish an effective system of collective protection of cultural and natural heritage of outstanding universal value, organized on a permanent basis and in accordance with modern, scientific methods.
113. Each State Party to the Convention recognizes that the duty of identification, protection, conservation and transmission to future generations of the cultural and natural heritage situated on its territory belongs primarily to that State. Parties are: to integrate the protection of their heritage into comprehensive planning programmes; to set up services for the protection of their heritage; to develop scientific and technical studies; and to take necessary legal, scientific, administrative and financial steps to protect their heritage.
114. The Convention provides for the establishment of the World Heritage Committee to which each party is to submit an inventory of property forming part of the cultural and natural heritage situated in its territory and suitable for inclusion in the "World Heritage List". The Committee is also to publish a "List of World Heritage in Danger".
115. The Convention also provides for the establishment of the World Heritage Fund to be financed by the parties and other interested bodies. Any party may request international assistance for property forming part of the cultural or natural heritage of outstanding universal value situated within its territory. Such assistance may be granted by the Fund in the form of studies, provision of experts, training, equipment, loans or subsidies.

116. The Convention entered into force in December 1975. Costa Rica, France, Guyana and United States of America are among the parties.

Convention on the Protection of the Archaeological, Historical and Artistic Heritage of the American Nations (1976)

117. The Convention was adopted in June 1976 in Santiago. The Organization of American States has assumed the responsibilities of Depositary. The objective of the Convention is to take steps at the national and international levels for effective protection of cultural treasures, and to transmit such cultural heritage to coming generations.

118. The Convention provides for the identification, registration, protection and safeguarding of the cultural heritage to prevent its illegal exportation and importation and for the promotion of co-operation among parties for mutual awareness and appreciation of such heritage.

119. Under the Convention, cultural property includes, inter alia: monuments, objects, ruins, remains of human beings and flora of the Pre-Colombian era; monuments, buildings, objects of artistic, utilitarian or ethnological nature from the colonial era and the nineteenth century; libraries, archives and manuscripts; publications and documents published before 1850; and any other post-1850 objects that parties declare to be within the scope of the Convention.

120. Parties are to take national measures to register collections of such cultural property and transactions involving such property, and to prohibit importation of such property from other States without appropriate authorization. Unlawful exportation and importation of cultural property is to be prevented and illegally removed property is to be returned to the State to which it belongs.

121. The Convention stipulates that parties are to co-operate in the circulation, exchange and exhibition of cultural property and in the exchange of information on such property and on archaeological excavations and discoveries.

122. The Convention entered into force in June 1978. Guatemala and Panama are parties to the Convention.

INTERNATIONAL LAW BEING DEVELOPED

The Third United Nations Conference on the Law of the Sea (UNCLOS III)

123. Since 1970, the United Nations Organization has been working on a process of general revision of the whole Law of the Sea. Acting on Resolution 2750(XXV) the General Assembly convened the Third United Nations Conference on the Law of the Sea, with a mandate to adopt a Convention dealing with all matters relating to the Law of the Sea, including the protection of the marine environment. The Conference has held eight sessions since 1970.
124. At the Third Session of the Conference (Geneva 1975) a decision was made to request the chairmen of each of the three main committees to work out a single negotiating text covering the matters which their respective committees were charged with investigating. Before the Conference took this decision, the chairman of the Conference pointed out that any single text would have to take into account all official and unofficial discussions on the subject which had previously taken place, that the text would be of an unofficial nature, that it would not impair the position of any delegation and would constitute neither a negotiated text nor an accepted compromise.
125. In 1975, consequently, the chairman of the third committee presented a text on the protection and conservation of the marine environment. In order to take due account of the negotiations - mainly unofficial - which developed at the subsequent sessions, the chairmen of the committees were later requested to revise their text. They therefore worked out a Revised Single Negotiating Text, and in July 1977 a new version of it was published under the title "Informal Composite Negotiating Text". A revised Informal Composite Negotiating Text (A/CONF.62/WP.10/Rev.1) was published in April 1979. In spite of its unofficial character, it has been thought useful to summarize here the provisions in Part XII of this new text which refer to the protection and conservation of the marine environment.
126. It is important to stress that, as indicated above, the Revised Informal Composite Negotiating Text (hereinafter referred to as the ICNT) now being considered by the Third U.N. Conference on the Law of the Sea is a procedural device to provide an informal basis for negotiation, and does not represent an agreed draft text. The provisions dealing with the protection and preservation of the marine environment are contained in Part XII.
127. The ICNT includes the comprehensive obligation of States to protect and preserve the marine environment, while recognizing the sovereign right of States to exploit their natural resources pursuant to their

environmental policies. States are to take all necessary measures to prevent, reduce and control pollution of the marine environment from any source and to ensure that activities under their jurisdiction do not cause pollution damage to other States or to areas beyond their national jurisdiction.

128. The ICNT contains general obligations, and provides that States should co-operate on a global and, as appropriate, on a regional basis to formulate further rules, standards and recommended practices and procedures consistent with the convention. In taking measures under the convention, States are to guard against merely transferring pollution damage or hazards from one area or medium to another.
129. Under the ICNT, States are to notify other States likely to be affected by any imminent danger of damage to the marine environment by pollution and are to co-operate with other States in the area to combat the pollution and to draw up contingency plans for this purpose. They are to co-operate in the promotion of studies, research and exchange of information and in establishing scientific criteria. Provision is also made for co-operation in monitoring and environmental assessment. Developing States are to receive scientific and technical assistance concerned with the protection and preservation of the marine environment and the prevention, reduction and control of marine pollution.
130. States are to establish national laws and regulations for land-based sources of marine pollution, for pollution arising from the exploration and exploitation of the seabed, and from installations under their jurisdiction, for the dumping of waste and other matter and for pollution from or through the atmosphere. In each case, the possibility of further action at the regional level through harmonization of national policies or the establishment of regional rules, standards and recommended practices and procedures is envisaged. Measures for the prevention of pollution from activities relating to the international seabed are provided for under a general provision and in Part XI of the ICNT.
131. So far as pollution from shipping is concerned, States are to establish international rules and standards and, at the national level, laws and regulations covering vessels flying their own flag that have at least the same effect as those international rules and standards. Each State may establish its own laws and regulations for vessels in its territorial sea, but these are not to hamper innocent passage of foreign ships. In their economic zones States may

establish legislation for the enforcement of generally accepted international pollution rules and standards. Where such rules and standards are inadequate to meet the special circumstances of a particularly vulnerable area in its economic zone, a coastal State may apply to the competent international organization to have the area declared a special area.

132. The ICNT contains a number of draft provisions on enforcement with particular reference to coastal States' rights. Enforcement of controls for land-based sources of marine pollution, for pollution from activities on the seabed under their jurisdiction and from atmospheric sources, is reserved to States, and for pollution from activities on the international seabed to the International Seabed Authority, in co-operation with the States Parties. Dumping controls are to be enforced by the flag State, the coastal State for dumping within its territorial sea or its economic zone or on its continental shelf, and the port State where dumping vessels are loaded within its territory or at its off-shore terminals. So far as discharges from ships are concerned, responsibility for ensuring compliance with international rules and standards is vested with the flag State and with the port State for vessels voluntarily in its ports where the evidence indicates it has discharged contrary to international rules and standards on the high seas or within its territorial sea or exclusive economic zone. The port State may also investigate and sanction alleged violations at the request of another State where vessels have discharged illegally within the territorial sea or exclusive economic zone of the requesting State.
133. Coastal State enforcement powers, where the offending vessel is not voluntarily within one of its ports, depend on where the violation took place. If the alleged offence took place within its territorial sea, the coastal State may undertake physical inspection and, if warranted, arrest and prosecution. If the offence took place in the exclusive economic zone against international rules and standards or national legislation implementing them, the coastal State may require the offending vessel to provide certain information regarding itself and the violation. Where the violation has resulted in substantial discharge causing or threatening significant pollution, and if the information has been refused or is at variance with the evident facts, the coastal State may undertake physical inspection of the vessel. Where, on the other hand, there is clear, objective evidence that a violation has occurred in the exclusive economic zone resulting in major damage or the threat thereof, the coastal State may cause proceedings, including detention of the vessel, to be taken in accordance with its laws. Where investigations of foreign vessels are undertaken, the vessels must not be delayed longer than essential, and bonding arrangements are to be allowed. In any proceedings for violations outside internal waters only monetary penalties are to be imposed.



134. The provisions of the ICNT are to be without prejudice to specific obligations assumed under the special conventions and agreements concluded in furtherance of the general principles of the framework convention.

#### Other Global Developments

135. The United Nations Conference on the Law of the Sea, while providing a focus for world-wide discussion (and possibly progressive consensus) on future international law, is not the only forum for global law-making in the field of marine and coastal environment protection. Concurrent drafting work has continued in other competent inter-governmental and non-governmental bodies.

136. For example, IMCO Committees continue their work on elaborating, up-dating and encouraging ratification of existing Conventions, such as the 1973 Convention for the Prevention of Pollution from Ships, or in negotiating new conventions, such as the work begun on a convention on liability and compensation in connexion with the carriage of noxious and hazardous substances by sea. The UNEP Working Group of Experts on Environmental Law is undertaking a study on the legal aspects of off-shore mining and drilling carried out within the limits of national jurisdiction with a view to preparing guidelines for consideration by Governments.

137. In addition, it should be noted that contracting parties to any Convention meet regularly to review and, if necessary, to amend the provisions of the Convention as experience is gained in implementing the obligations contained therein.