



UNITED NATIONS ENVIRONMENT PROGRAMME

**Convention for the Protection of the
Marine Environment and Coastal Area
of the South-East Pacific
and its Supplementary Agreements**



UNITED NATIONS



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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 eleven 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 Region (adopted in 1982); the South Pacific Region (adopted in 1982); the East African Region (under development, adoption expected in 1984); the South-West Atlantic Region (to be developed, adoption expected in 1985); and the South Asian Seas Region (to be developed, adoption expected in 1985).

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

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, para. 397, approved by GC decision 6/2 of 24 May 1978.

assigned to the various activities outlined in the action plan. UNEP coordinates directly, or in some regions indirectly through existing regional organizations, the preparations leading to the adoption of the action plan.

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; ecosystem 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 environmental 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 an English translation of the texts of the four legal agreements that have been adopted for the protection of the marine environment and coastal areas of the South-East Pacific Region.² In considering the agreements, the comprehensive scope of environmental assessment and management activities that are to be carried out to support and make effective the Parties' legal commitments should be borne in mind.

8. The Conference of Plenipotentiaries on the Action Plan for the Protection of the Marine Environment and Coastal Area of the South-East Pacific was convened jointly by the Permanent Commission of the South Pacific (CPPS) and UNEP in Lima, Peru, from 9 to 12 November 1981. The Conference adopted the Action Plan for the Protection of the Marine Environment and Coastal Area of the South-East Pacific together with the following two legal agreements:

- 8.1 Convention for the Protection of the Marine Environment and Coastal Area of the South-East Pacific; and
- 8.2 Agreement on Regional Co-operation in Combating Pollution of the South-East Pacific by Hydrocarbons or Other Harmful Substances in Cases of Emergency.

9. Subsequently, the first meeting of the General Authority of the Action Plan for the Protection of the Marine Environment and Coastal Area of the South-East Pacific was convened jointly by CPPS and UNEP in Quito, Ecuador, from 20 to 22 July 1983. The meeting adopted the following two protocols:

² The authentic language of the four legal agreements is Spanish.

- 9.1 Supplementary Protocol to the Agreement on Regional Co-operation in Combating Pollution of the South-East Pacific by Hydrocarbons or other Harmful Substances; and
- 9.2 Protocol for the Protection of the South-East Pacific against Pollution from Land-Based Sources.

10. All four legal agreements have been signed by the five coastal States of the South-East Pacific. A list of Contracting Parties and Signatories is presented in the appendix to this document. The CPPS has been designated as responsible for the depositary and secretariat functions of the agreements.

11. The Convention is a comprehensive, umbrella agreement for the conservation of the marine and coastal environment. It lists the sources of pollution which require control: pollution from land-based sources, from or through the atmosphere, by dumping, from vessels, and from installations and devices operating in the marine environment. It also identifies environmental management issues for which co-operative efforts are to be made: erosion of the coastal area, co-operation in dealing with pollution resulting from emergency situations, monitoring of pollution, environmental impact assessment and scientific and technological co-operation. There are also articles on exchange of information and liability and compensation.

12. By ratifying the agreement on regional co-operation in combating pollution by hydrocarbons or other harmful substances in cases of emergency or one of the protocols mentioned in paragraph 9 above, a State accepts more specific obligations to control pollution from a discrete source, or to co-operate in a specific aspect of environmental management. It is foreseen that additional protocols will be developed in the future.³

³ Convention for the Protection of the Marine Environment and Coastal Area of the South-East Pacific, article 19.

**CONVENTION FOR THE PROTECTION OF
THE MARINE ENVIRONMENT AND COASTAL AREA
OF THE SOUTH-EAST PACIFIC**

The High Contracting Parties,

Conscious of the need to protect and preserve the marine environment and coastal area of the South-East Pacific against all types and sources of pollution,

Convinced of the economic, social and cultural values of the South-East Pacific as a means of linking the countries of the region,

Considering that the various international agreements concerning marine pollution which are in force, despite all the progress achieved, do not cover all types and sources of pollution and do not completely satisfy the needs and requirements of the countries of the region,

Recognizing the desirability of co-operating at the regional level, either directly or with the assistance of the Permanent Commission of the South Pacific or other competent international organizations, in protecting and preserving the aforesaid marine environment and coastal area,

Have agreed on the following:

Article 1

GEOGRAPHICAL COVERAGE

The sphere of application of this Convention shall be the sea area and the coastal zone of the South-East Pacific within the 200-mile maritime area of sovereignty and jurisdiction of the High Contracting Parties and, beyond that area, the high seas up to a distance within which pollution of the high seas may affect that area.

Article 2

DEFINITIONS

For the purpose of this Convention:

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

(b) "National authority" means the authority designated by each Party in accordance with article 9.

(c) "Executive Secretariat" means the body specified in article 13 of this Convention.

Article 3

GENERAL OBLIGATIONS

1. The High Contracting Parties shall endeavour, either individually or through bilateral or multilateral co-operation, to adopt appropriate measures in accordance with the provisions of this Convention and any supplementary instruments in force to which they are party in order to prevent, reduce and control pollution of the marine environment and coastal area of the South-East Pacific and to ensure appropriate environmental management of natural resources.

2. In addition to the "Agreement on Regional Co-operation in Combating Pollution of the South-East Pacific by Hydrocarbons or Other Harmful Substances in Cases of Emergency", the High Contracting Parties shall co-operate in formulating, adopting and implementing any other protocols that may establish rules, standards, practices and procedures for the implementation of this Convention.

3. The High Contracting Parties shall endeavour to ensure that such laws and regulations as they may promulgate to prevent, reduce and control pollution of their respective marine environment and coastal area from any source and to promote the appropriate environmental management of such environment and area are as effective as the existing international standards.

4. The High Contracting Parties shall co-operate, on a regional basis, directly or in collaboration with the competent international organizations, in formulating, adopting and implementing effective rules, standards, practices and procedures for the protection and preservation of the marine environment and coastal area of the South-East Pacific against all types and sources of pollution, and in promoting appropriate environmental management of such environment and area, taking into account characteristic regional features.

Such rules, standards, practices and procedures shall be communicated to the Executive Secretariat.

5. The High Contracting Parties shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted that they do not cause damage by pollution to others or to their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not, as far as possible, spread beyond the areas where the High Contracting Parties exercise sovereignty and jurisdiction.

Article 4

MEASURES TO PREVENT, REDUCE AND CONTROL POLLUTION OF THE MARINE ENVIRONMENT

The measures adopted by the High Contracting Parties to prevent and control pollution of the marine environment shall include, *inter alia*, measures designed to minimize to the fullest possible extent:

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

- (i) From land-based sources;
- (ii) From or through the atmosphere; and
- (iii) By dumping;

(b) Pollution from vessels, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, preventing intentional discharges and regulating the design, construction, equipment, operation and manning of vessels pursuant to the generally accepted international standards and rules; and

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

Article 5

EROSION OF THE COASTAL AREA

The High Contracting Parties shall adopt all appropriate measures to prevent, reduce and control erosion of the coastal area of the South-East Pacific resulting from the activities of man.

Article 6

CO-OPERATION IN CASES OF POLLUTION RESULTING FROM EMERGENCY SITUATIONS

1. High Contracting Parties which become aware of cases in which the marine environment is in danger of being damaged or has been damaged by pollution shall immediately notify the other High Contracting Parties which they deem likely to be affected by such damage and the Executive Secretariat.

The High Contracting Parties, individually or by means of bilateral or multilateral co-operation, shall endeavour, to the extent possible, to eliminate the effects of pollution and to prevent or minimize damage.

Accordingly, the High Contracting Parties shall jointly endeavour to promote and develop contingency plans for responding to pollution incidents in the marine environment.

2. High Contracting Parties which are faced with pollution resulting from emergency situations shall:

- (a) Make an assessment of the nature and extent of the emergency;
- (b) Adopt appropriate measures to avoid or reduce the effects of the pollution;
- (c) Immediately report the measures adopted and any action which they are undertaking or intend to undertake in order to combat the pollution;
- (d) Observe the emergency situation for as long as it lasts, any changes that may occur and, in general, the development of the pollution.

The information obtained shall be communicated to the other High Contracting Parties and to the Executive Secretariat.

3. High Contracting Parties requiring assistance in combating pollution resulting from emergency situations may request, either directly or through the Executive Secretariat, the co-operation of other Parties, especially those which may be affected by the pollution.

Such co-operation may include expert advice and the provision of equipment and materials necessary to combat the pollution.

The High Contracting Parties to which a request has been addressed shall, as soon as possible, consider the request in the light of their capabilities and shall immediately inform the requesting Party of the form and conditions of the co-operation they are able to provide.

Article 7

MONITORING OF POLLUTION

The High Contracting Parties, directly or in collaboration with the competent international organizations, shall establish complementary or joint programmes for monitoring pollution in the South-East Pacific area, including, when appropriate, bilateral or multilateral programmes, and shall endeavour to implement a pollution monitoring system for that area.

To this end, the High Contracting Parties shall designate the authorities responsible for monitoring pollution within their respective maritime areas of sovereignty and jurisdiction and shall participate, to the extent feasible, in international arrangements for that purpose in areas situated outside the limits of their sovereignty and jurisdiction.

Article 8

ENVIRONMENTAL IMPACT ASSESSMENT

1. As part of their environmental management policies, the High Contracting Parties shall develop technical and other guidelines to assist the

planning of their development projects in such a way as to minimize their harmful impact in the sphere of application of the Convention.

2. Each High Contracting Party 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, that may cause substantial pollution of, or significant and harmful changes to, the area of application of the Convention.

3. The High Contracting Parties shall, in co-operation with the Executive Secretariat, develop procedures for the dissemination of information concerning the assessment of the activities referred to in paragraph 2 of this article.

Article 9

EXCHANGE OF INFORMATION

The High Contracting Parties undertake to exchange among themselves, and to transmit to the Executive Secretary, information on the following:

(a) The competent national organization or authorities responsible for combating marine pollution;

(b) The competent national authorities and bodies responsible for receiving information on marine pollution and for carrying out assistance programmes of measures for the benefit of the Parties; and

(c) The programmes and research which they are conducting in order to develop new methods and techniques for preventing marine pollution as well as the results of such programmes and research.

The High Contracting Parties shall co-ordinate the use of the available communication media in order to ensure the timely reception, transmission and dissemination of the information to be exchanged.

Article 10

SCIENTIFIC AND TECHNOLOGICAL CO-OPERATION

1. The High Contracting Parties shall, to the extent possible, cooperate directly, or through the Executive Secretariat or other competent international organization, when appropriate, in the fields of science and technology, and shall exchange data and any other specific information for the purposes of this Convention.

To this end, the High Contracting Parties shall, directly or through the Executive Secretariat or another competent international organization:

(a) Promote programmes of scientific, educational, technical and other assistance for the protection and preservation of the marine environment and the coastal area, and for the prevention, reduction and control of marine pollution. Such assistance shall include, *inter alia*:

- (i) Training of scientific and technical personnel;
- (ii) Participation in relevant international programmes;
- (iii) Provision of necessary equipment and facilities;
- (iv) Strengthening the capacity of the High Contracting Parties to manufacture such equipment; and
- (v) Provision of facilities for, and advice on, research, monitoring, educational and other programmes;

(b) Provide appropriate assistance to minimize the effects of major incidents or accidents which may cause serious pollution of the marine environment;

(c) Provide appropriate assistance in the preparation of environmental assessments; and

(d) Co-operate in developing programmes for appropriate assistance in the environmental management of the marine environment and the coastal area.

2. The High Contracting Parties undertake, to the extent possible, to promote and co-ordinate their national research programmes on all the types of pollution which exist within the geographical sphere of application of this Convention, and to co-operate in the establishment of regional research programmes.

Article 11

LIABILITY AND COMPENSATION

1. The High Contracting Parties shall endeavour to formulate and adopt appropriate procedures for determining civil liability and compensation for damage resulting from pollution of the marine environment and coastal area caused by natural or juridical persons in their maritime and coastal areas as a consequence of any infringement by such persons of the provisions of this Convention and its supplementary instruments.

2. The High Contracting Parties shall ensure that recourse is available in accordance with their legal systems for compensation or other relief in respect of damage caused by pollution of the marine environment and coastal area by natural or juridical persons under their jurisdiction.

Article 12

MEETINGS OF THE HIGH CONTRACTING PARTIES

The High Contracting Parties shall hold ordinary and extraordinary meetings.

1. Ordinary meetings shall be held every two years on the same occasion as the Ordinary Meeting of the Permanent Commission of the South Pacific. These meetings shall be convened by the Executive Secretariat.

Extraordinary meetings shall be held whenever special circumstances so warrant. They shall be convened by the Executive Secretariat at the request of any High Contracting Party. The Executive Secretariat may also convene extraordinary meetings at its request following the unanimous agreement of the High Contracting Parties.

2. At ordinary meetings, the High Contracting Parties shall examine, *inter alia*, the following points:

(a) The extent to which this Convention is being implemented, the effectiveness of the measures taken and the need to develop other kinds of activities in furtherance of objectives of this Convention and the protocols thereto including their institutional and financial aspects;

(b) The adoption of additional protocols, the advisability of amending or revising this Convention and the protocols thereto, and the modification or expansion of any resolutions adopted in pursuance of the provisions of the Convention and protocols;

(c) The environmental assessment undertaken in the geographical area covered by this Convention; and

(d) The performance of any other function which may assist in achieving the purposes of this Convention.

Article 13

EXECUTIVE SECRETARIAT OF THE CONVENTION

For the purposes of the administration and application of this Convention, the High Contracting Parties hereby designate the Permanent Commission of the South Pacific to discharge the functions of Executive Secretariat under the Convention. At their first meeting, the High Contracting Parties shall establish the procedure and financing for the performance of this function.

Article 14

REPORTS

The High Contracting Parties shall transmit to the Executive Secretariat reports on the measures adopted for the implementation of this Convention and the additional protocols which form part of it, in such form and at such intervals as determined by their meetings. The Executive Secretariat shall bring these reports to the attention of the High Contracting Parties.

Article 15

ENTRY INTO FORCE

This Convention shall enter into force sixty days after the third instrument of ratification has been deposited with the General Secretariat of the Permanent Commission of the South Pacific.

Article 16

DENUNCIATION

This Convention may be denounced by any of the High Contracting Parties after it has been in force for two years for the High Contracting Party denouncing it.

Such denunciation shall be effected by means of written notification to the Executive Secretariat, which shall communicate it forthwith to the High Contracting Parties.

The denunciation shall take effect one hundred and eighty days after the date of such notification.

Article 17

AMENDMENTS TO THE CONVENTION OR ITS PROTOCOLS

1. Any High Contracting Party may propose amendments to this Convention or to its protocols. Such amendments shall be adopted at a Conference of Plenipotentiaries convened by the Executive Secretary at the request of any Contracting Party.

2. Amendments to this Convention and the protocols shall be adopted unanimously by the High Contracting Parties.

3. The amendments shall be subject to ratification and shall enter into force after the third instrument of ratification has been deposited with the Executive Secretariat.

Article 18

ACCESSION

This Convention shall be open for accession by any State bordering the South-East Pacific. Accession shall be effected by the deposit of the relevant instrument with the Executive Secretariat, which shall communicate it to the High Contracting Parties.

This Convention shall enter into force for the State acceding to it sixty days after the deposit of the relevant instrument.

Article 19

ADOPTION OF PROTOCOLS

The High Contracting Parties may adopt unanimously, at a Conference of Plenipotentiaries, additional protocols to this Convention, which shall enter into force after the third instrument of ratification has been deposited with the Executive Secretariat.

Article 20

GENERAL PROVISION

The provisions of this Convention shall not affect any more stringent obligations which have been assumed by the High Contracting Parties under special conventions and agreements that they have concluded or may conclude on the protection of the marine environment.

At the request of any of the High Contracting Parties, the Executive Secretariat shall convene a Conference of Plenipotentiaries on this question.

Before the entry into force of this Convention, the Executive Secretariat may, after consultation with the signatories of the Convention, convene a Conference of Plenipotentiaries for the adoption of additional protocols.

DONE in six identical copies, one of which shall be deposited with the General Secretariat of the Permanent Commission of the South Pacific, all being equally authentic for the purposes of implementation and interpretation.

IN WITNESS WHEREOF the Plenipotentiaries, being duly authorized by their respective Governments, have signed this Convention in the city of Lima, on the twelfth day of November, one thousand nine hundred and eighty-one.

**AGREEMENT ON REGIONAL CO-OPERATION
IN COMBATING POLLUTION OF THE SOUTH-EAST PACIFIC
BY HYDROCARBONS OR OTHER HARMFUL SUBSTANCES
IN CASES OF EMERGENCY**

The High Contracting Parties,

Recognizing that pollution of the sea by hydrocarbons or other harmful substances in the South-East Pacific constitutes a danger to the coastal States and the marine ecosystem,

Considering that the co-operation of all coastal States is necessary in order to combat such pollution,

Have agreed on the following:

Article I

The High Contracting Parties hereby agree to co-operate in taking the necessary measures to neutralize or control harmful effects in cases which they consider constitute a serious and imminent danger to the marine environment, the coast or related interests of one or more of them caused by the presence of massive quantities of hydrocarbons or other harmful substances resulting from emergency situations and polluting or threatening to pollute the maritime area specified in the following article.

Article II

The sphere of application of this Agreement shall be the area of the South-East Pacific within the 200-mile maritime area of sovereignty and jurisdiction of the High Contracting Parties and, beyond that area, in the high seas up to a distance within which discharged pollutants constitute a danger, as referred to in article I, to the waters of the aforesaid area.

Article III

For the purposes of this Agreement, the term "related interests" shall mean the interests of a coastal State directly affected or threatened and, in particular, the following:

- (a) The quality of life and health of coastal populations;
- (b) The conservation of living resources;
- (c) Activities in coastal waters, islands, ports and estuaries, including fishing activities; and

(d) The historical and touristic heritage of the area concerned, including sporting and recreational activities.

Article IV

The High Contracting Parties shall endeavour to promote and establish contingency plans and programmes aimed at combating marine pollution by hydrocarbons or other harmful substances, and to maintain and increase the resources necessary for those purposes, through bilateral or multilateral co-operation and the individual actions of each State. Such resources shall include, *inter alia*, equipment, ships, aircraft and trained manpower for emergency operations.

Article V

The High Contracting Parties shall carry out, either individually or through bilateral or multilateral co-operation, monitoring activities covering the South-East Pacific with the aim of obtaining accurate and timely information in emergency situations referred to in article I of this agreement.

Article VI

If harmful substances in containers, portable tanks or tank-vehicles, such as trucks or railway wagons, are thrown or lost overboard, the High Contracting Parties shall co-operate, to the extent of their capabilities, in salvaging and recovering such substances, with the aim of reducing the danger of pollution of the marine environment.

Article VII

The High Contracting Parties undertake to exchange information on the following:

(a) The competent national organization or authorities responsible for combating marine pollution;

(b) The competent national authorities and bodies responsible for receiving information on marine pollution and for carrying out assistance programmes or measures for the benefit of the parties; and

(c) Research programmes which they are conducting in order to develop new methods and techniques for preventing marine pollution as well as the results of such programmes.

Article VIII

The High Contracting Parties undertake to co-ordinate the use of the available communication media in order to ensure the timely reception, transmission and dissemination of all information on emergency situations referred to in article I.

Article IX

The High Contracting Parties shall issue instructions to the masters of ships flying their flag and the commanders or pilots of aircraft registered in their territory to report the following by the most expeditious means and in accordance with the guidelines contained in the annex to this Agreement:

(a) The presence, characteristics and extent of oil slicks and other harmful substances observed in the sea which may constitute an imminent threat to the marine environment or related interests of one or more of the Contracting Parties; and

(b) Any other emergency which causes or threatens to cause pollution of the marine environment.

Information collected in accordance with the first paragraph of this article shall immediately be communicated to the Contracting Parties which may be affected by the danger of pollution.

Article X

High Contracting Parties faced with an emergency situation as defined in article I of this Agreement shall take the following measures:

(a) They shall assess the nature and extent of the emergency and, as the case may be, the type and approximate quantity of hydrocarbons or other pollutants, including the direction and the speed of drift of the spillage;

(b) They shall adopt all appropriate measures to avoid or reduce the effects of the pollution;

(c) They shall immediately report upon the activities referred to in the preceding sub-paragraphs and any other action which they are undertaking or intend to undertake in order to combat the pollution; and

(d) They shall observe the emergency situation for as long as it lasts, any changes that may occur and, in general, the development of the pollution. The information obtained from such observation shall be communicated to the High Contracting Parties in the manner provided for in the preceding article.

Article XI

High Contracting Parties requiring assistance in combating pollution in cases of emergency as referred to in article I may request the co-operation of the other Parties, especially those which may be affected by the pollution.

Such co-operation may include expert advice and the provision of equipment and materials necessary to combat the pollution.

The High Contracting Parties to which a request has been addressed shall, as soon as possible, consider the request in the light of their

capabilities and shall immediately inform the requesting Party of the form, extent and conditions of the co-operation they are able to provide.

Article XII

The High Contracting Parties shall hold ordinary sessions at least every two years and extraordinary sessions at any time whenever two or more of them so request.

The ordinary sessions shall be held at the same time as those of the Coordinating Commission for Scientific Research of the Permanent Commission of the South Pacific, or its Legal Commission.

At ordinary sessions, the High Contracting Parties shall examine, *inter alia*, the following points:

(a) The extent to which this Agreement is being implemented, the effectiveness of the measures taken and the need to develop other kinds of activities;

(b) The advisability of amending or revising the annex to this Agreement, and of modifying or expanding any resolutions adopted in pursuance thereof; and

(c) The performance of any other function which may assist in achieving the purposes of this Agreement.

Article XIII

For the purposes of the administration and application of this Agreement, the High Contracting Parties hereby designate the Permanent Commission of the South Pacific as Executive Secretariat of the Agreement. At their first meeting the Parties shall establish the procedure and financing for the performance of this function.

Article XIV

This Agreement shall enter into force sixty days after the third instrument of ratification has been deposited with the General Secretariat of the Permanent Commission of the South Pacific.

Article XV

This Agreement may be denounced by any of the High Contracting Parties after it has been in force for two years for the High Contracting Party denouncing it.

Such denunciation shall be effected by means of written notification to the Executive Secretariat, which shall communicate it forthwith to the High Contracting Parties.

The denunciation shall take effect one hundred and eighty days after the date of such notification.

Article XVI

This Agreement may be amended only with the unanimous agreement of the High Contracting Parties. Amendments shall be subject to ratification and shall enter into force once the third instrument of ratification has been deposited with the Executive Secretariat.

Article XVII

This Agreement shall be open for accession by any State bordering the South-East Pacific.

Accession shall be effected by the deposit of the relevant instrument with the Executive Secretariat, which shall communicate it to the High Contracting Parties.

This Agreement shall enter into force for the State acceding to it sixty days after the deposit of the relevant instrument.

Article XVIII

No reservations concerning this Agreement may be entered.

DONE in six identical copies, one of which shall be deposited with the General Secretariat of the Permanent Commission of the South Pacific, all being equally authentic for the purposes of implementation and interpretation.

IN WITNESS WHEREOF the Plenipotentiaries, being duly authorized by their respective Governments, have signed this Agreement in the city of Lima, on the twelfth day of November, one thousand nine hundred and eighty-one.

ANNEX

Content of the report to be drafted pursuant to article IX of the Agreement

Article I

Each report shall, if possible, contain the following:

- (a) Identification of the source of pollution, identity of the ship, where appropriate;
- (b) The geographical position, time and date of the incident or sighting;
- (c) The wind and sea conditions prevailing in the area;

(d) If the pollution has been caused by a ship, relevant details concerning the state of that ship;

(e) A clear indication or description of the harmful substances involved, including their correct technical names. Trade names shall not be used in place of such technical names;

(f) An accurate or estimated indication of the quantities, concentration and likely condition of the harmful substances discharged or likely to be discharged into the sea;

(g) A description of the packaging and identification marks;

(h) The name of the consignor, consignee or manufacturer; and

(i) Such other information as the reporting officer may consider relevant.

Article II

Each report shall, as far as possible, indicate clearly whether the harmful substance discharged or likely to be discharged is a hydrocarbon or a harmful liquid, solid or gaseous substance, and whether the substance was or is carried in bulk or contained in packaging, portable tanks, tank-vehicles or tank-wagons.

Article III

Any person referred to in article IX of this Agreement shall, as far as possible:

(a) Include in the initial report data concerning the development of the situation; and

(b) Comply with such requests for additional information as may be made by the States affected.

**SUPPLEMENTARY PROTOCOL TO THE AGREEMENT
ON REGIONAL CO-OPERATION IN COMBATING POLLUTION
OF THE SOUTH-EAST PACIFIC BY HYDROCARBONS
OR OTHER HARMFUL SUBSTANCES**

The High Contracting Parties,

Recognizing that the Agreement on Regional Co-operation in Combating Pollution of the South-East Pacific by Hydrocarbons or Other Harmful Substances in Cases of Emergency establishes general principles on the subject,

Considering that it is necessary to supplement those rules by specifying the co-operation mechanisms that would function in the event of a massive oil spill with which an individual country is unable to cope single-handedly, together with the contingency plan that each country should establish,

Bearing in mind that the high cost of the measures that should be adopted calls for a rational employment of equipment, material and experts so as to enhance the possibilities of making good use of external assistance,

Hereby agree as follows:

Article I

CO-OPERATION MECHANISMS IN THE EVENT OF OIL SPILLS

(a) Each High Contracting Party shall designate the authority responsible for requesting or providing assistance in cases of emergency and shall keep the other High Contracting Parties informed of any change or designation for this purpose.

It shall also keep the other High Contracting Parties informed of the experts and equipment, material and other items which it is able to provide in cases of emergency.

(b) Requests for assistance shall be made by the most expeditious means, if possible by telex. Such requests should indicate the nature and scale of the assistance requested, stating the amount and type of such assistance and the approximate period for which it would be required.

The Executive Secretariat, in consultation with the High Contracting Parties, shall endeavour to establish a procedure for the fulfilment of such requests and for the exchange of information required in order to provide assistance in cases of emergency.

The requesting High Contracting Party should state exactly the number of experts it requires and the type, make and quantity of equipment and

material required. It should also state how many trained personnel it has available to make use of such equipment and material and the supplementary equipment and installations needed in order to operate them.

The High Contracting Party or Parties to which a request has been addressed shall consider the assistance requested and shall take a decision as soon as possible, immediately stating the form, extent and conditions of the co-operation that they will provide.

(c) Without prejudice to the provisions of the second section of paragraph (a), the High Contracting Parties shall conduct a study of the existing stock of items that may be provided and their estimated cost, so that the Agreement may be implemented in cases of emergency, and in particular on:

- (i) The rental cost of each item of spill control equipment, including the payment of insurance coverage against possible damage and partial or total loss during the period for which assistance is extended;
- (ii) The value of the material which they are able to provide in cases of emergency;
- (iii) The cost of transporting the equipment and material from the various places where they are stored to specific destinations in the other High Contracting Parties;
- (iv) The cost of the participation of experts and trained personnel in an assistance operation;
- (v) The payment arrangements for the services, material and equipment requested.

The figures arrived at by each High Contracting Party on the basis of the above-mentioned estimates shall reflect the actual cost of the co-operation to be extended. They shall not incorporate any earnings or profit for the High Contracting Party providing the assistance.

(d) Each High Contracting Party shall determine the approximate length of time during which it would be able to provide the assistance requested. In any case, it shall enjoy priority in the use of equipment and material should an emergency occur simultaneously in its own maritime area of sovereignty and jurisdiction.

A High Contracting Party receiving material undertakes to pay for it or replace it promptly, including the cost of carriage back to the place from which it came.

In each case the High Contracting Parties shall adopt the most appropriate and expeditious procedures for replacing any material they requested, taking account of the time required to purchase and transport it to its final destination.

(e) The High Contracting Parties shall keep a record of the amount and condition of the equipment and material dispatched and received. Once such goods have been received, any damage or loss, up to the time they are returned or reimbursed, shall be borne by the High Contracting Party requesting the assistance.

(f) The experts participating in emergency operations shall furnish advice to the authority officially designated in accordance with paragraph (a) and shall in no case be responsible for taking decisions. Such experts shall receive the same treatment as experts of international organizations in the same field.

(g) In view of the urgency of the co-operation requested, the customs and immigration services shall extend special concessions permitting the free movement of equipment, material and personnel necessary for the implementation of this Protocol; such equipment, material and personnel shall be granted appropriate exemptions so that timely and effective assistance can be afforded.

Article II

DESCRIPTION OF THE NATIONAL CONTINGENCY PLAN

The National Contingency Plan referred to in article IV of the Agreement shall cover at least the following aspects:

(a) Allocation of institutional and functional responsibilities for directing and executing operations to prevent, control and clean up spills of hydrocarbons or other harmful substances;

(b) Selection of the areas most vulnerable or sensitive to ecological or economic damage which will require special protection;

(c) The natural, atmospheric and marine conditions prevalent in such vulnerable areas;

(d) Optimum control and clean-up methods in various circumstances and vulnerable areas;

(e) Financial and physical resources, such as material and equipment available in the country and in the vulnerable areas, and criteria for the allocation of specialized equipment;

(f) Plan of action in cases of emergency;

(g) Arrangements for requesting and using outside assistance; and

(h) List of personnel and institutions involved in the plan of action.

Article III

TRAINING PROGRAMMES

The High Contracting Parties shall endeavour to develop and organize regular training programmes in order to maintain regional co-operation mechanisms referred to in this Protocol at peak efficiency.

Article IV

EXECUTIVE SECRETARIAT

For the purposes of the administration and application of this Protocol, the High Contracting Parties hereby designate the Permanent Commission of the South Pacific as Executive Secretariat of the Protocol. At their first meeting, the High Contracting Parties shall establish the procedure and financing for the performance of this function.

Article V

ENTRY INTO FORCE

This Protocol shall enter into force 60 days after the third instrument of ratification has been deposited with the General Secretariat of the Permanent Commission of the South Pacific.

Article VI

SCOPE OF THE PROTOCOL

Once this Additional Protocol enters into force, it shall form an integral part of the Agreement on Regional Co-operation in Combating Pollution of the South-East Pacific by Hydrocarbons or Other Harmful Substances in Cases of Emergency.

Article VII

DENUNCIATION

This Protocol may be denounced by any of the High Contracting Parties after it has been in force for two years for the High Contracting Party denouncing it.

Such denunciation shall be effected by means of a written notification to the Executive Secretariat, which shall communicate it forthwith to the High Contracting Parties.

The denunciation shall take effect 180 days after the date of such notification.

Article VIII

AMENDMENTS

This Protocol may be amended only with the unanimous agreement of the High Contracting Parties. Amendments shall be subject to ratification and shall enter into force once the third instrument of ratification has been deposited with the Executive Secretariat.

Article IX

ACCESSION

This Protocol shall be open for accession by any State bordering the South-East Pacific.

Accession shall be effected by the deposit of the relevant instrument with the Executive Secretariat, which shall communicate it to the High Contracting Parties.

This Protocol shall enter into force for the State acceding to it 60 days after the deposit of the relevant instrument.

Article X

RESERVATIONS

No reservations concerning this Protocol may be entered.

DONE in six identical copies, one of which shall be deposited with the General Secretariat of the Permanent Commission of the South Pacific, all being equally authentic for the purposes of implementation and interpretation.

IN WITNESS WHEREOF the Plenipotentiaries, being duly authorized by their respective Governments, have signed this Protocol in the city of Quito on the twenty-second day of July, one thousand nine hundred and eighty-three.

**PROTOCOL FOR THE PROTECTION OF
THE SOUTH-EAST PACIFIC AGAINST POLLUTION
FROM LAND-BASED SOURCES**

Article I

AREA OF APPLICATION

The sphere of application of this Protocol shall be the area of the South-East Pacific* within the 200-mile maritime area of sovereignty and jurisdiction of the High Contracting Parties and waters on the landward side up to the freshwater limit.

The freshwater limit will be determined by each State Party, in accordance with the relevant technical and scientific criteria.

Article II

SOURCES OF POLLUTION

Marine pollution from land-based sources comprises:

- (a) Coastal outfalls or disposal and discharges;
- (b) Discharges through rivers, canals and other watercourses, including underground watercourses; and
- (c) In general, any other land-based source situated within the territories of the High Contracting Parties, whether through water, through the atmosphere or directly from the coast.

Article III

GENERAL OBLIGATIONS

The High Contracting Parties shall, either individually or through bilateral or multilateral co-operation, endeavour to adopt appropriate measures in accordance with the provisions of this Protocol to prevent, reduce and control pollution of the marine environment from land-based sources, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for the use of sea water and reduction of amenities.

The High Contracting Parties shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment from land-

* The geographical coverage of this Protocol comprises the 200-mile maritime area of sovereignty and jurisdiction of the High Contracting Parties.

based sources, including rivers, estuaries, pipelines and outfall structures, taking into account internationally agreed rules, standards and recommended practices and procedures.

The High Contracting Parties shall endeavour to harmonize their policies in this connection at the regional level.

Article IV

OBLIGATIONS IN RESPECT OF ANNEX I

The High Contracting Parties shall endeavour to prevent, reduce, control and eliminate in their respective zones within the sphere of application of this Protocol pollution from land-based sources caused by the substances listed in annex I to this Protocol. To this end they shall, jointly or individually, elaborate and implement suitable programmes and measures.

Such programmes and measures shall take into account, for their progressive implementation, the capacity to adapt and reconvert existing installations, the economic capacity of the Parties and their need for development.

Without prejudice to the aim of eliminating discharges of the substances listed in annex I, to the extent that such substances occur, they shall be subject to a system of self-monitoring and control. Authorization by the competent national authorities shall depend upon the levels of such substances, taking into account the harm or deleterious effects which may result in the marine environment.

Article V

OBLIGATIONS IN RESPECT OF ANNEX II

The High Contracting Parties shall endeavour progressively to reduce in their respective zone within the sphere of application of this Protocol pollution from land-based sources caused by the substances or sources listed in annex II to this Protocol. To this end they shall, jointly or individually, elaborate and implement suitable programmes and measures.

Such programmes and measures shall take into account, for their progressive implementation, the capacity to adapt and reconvert existing installations, the economic capacity of the Parties and their need for development.

Discharges of the substances listed in annex II to this Protocol shall be subject to a system of self-monitoring and control. Authorization by the competent national authorities shall depend on the levels of such substances, taking into account the harm or deleterious effects which may result in the marine environment.

Article VI

PRACTICES AND PROCEDURES

The High Contracting Parties shall endeavour to formulate and progressively adopt, acting individually or jointly as appropriate, in co-operation with the Executive Secretariat or another competent international organization, as the case may be, rules, standards and common practices and procedures dealing with:

- (a) Studies to determine the length, depth and position of coastal outfalls;
- (b) Special requirements for effluents necessitating separate treatment;
- (c) The quality of sea water necessary to guarantee the preservation of human health, living resources and ecosystems;
- (d) The control of products, installations and industrial and other processes causing significant pollution from land-based sources;
- (e) Special studies concerning the quantities discharged with a view to controlling the concentration of substances in effluents and the method of discharging the substances listed in annexes I and II, in order to comply with the provisions of subparagraph (c) of this article.

Such rules, standards, practices and procedures shall take into account local ecological, geographical and physical characteristics, the economic capacity of the Parties and their need for development, the level of existing pollution and the real absorptive capacity of the marine environment.

Article VII

CO-OPERATION AMONG THE PARTIES

High Contracting Parties requiring assistance in combating pollution from land-based sources may, either directly or through the Executive Secretariat, request the co-operation of other Parties, especially those which may be affected by the pollution.

Such co-operation may include expert advice and the provision of equipment and materials necessary to combat the pollution.

The High Contracting Parties to which a request has been addressed shall, as soon as possible, consider the request and shall meet it to the extent of their capabilities and shall immediately inform the requesting Party of the form, extent and conditions of the co-operation they are in a position to provide.

Article VIII

MONITORING PROGRAMMES

The High Contracting Parties shall, directly or in co-operation with the Executive Secretariat or another competent international organization, pro-

gressively establish individual or joint programmes involving two or more Parties for monitoring pollution from land-based sources in order to:

- (a) Make an assessment of the nature and extent of the pollution;
- (b) Adopt appropriate measures to avoid or reduce the effects of the pollution;
- (c) Assess the effects of the measures taken under this Protocol to reduce the pollution of the marine environment;
- (d) Report to the other High Contracting Parties and the Executive Secretariat on the measures to be adopted and any activity which they are undertaking or intend to undertake in order to combat the pollution.

Article IX

EXCHANGE OF INFORMATION

The High Contracting Parties undertake to exchange among themselves and to transmit to the Executive Secretariat information on the following:

(a) The competent national authorities and bodies responsible for receiving information about pollution from land-based sources and for carrying out assistance programmes or measures among the Parties;

(b) The competent national organization or authorities responsible for combating pollution from land-based sources;

(c) The research programmes which they are conducting in order to develop new methods and techniques for preventing pollution from land-based sources, as well as the results of such programmes; and

(d) The measures taken, the results achieved and the difficulties encountered in the application of this Protocol. Such information shall include, *inter alia*:

- (i) Statistical data on the authorizations granted under articles IV and V of this Protocol;
- (ii) Data resulting from monitoring as provided for in article VIII of this Protocol;
- (iii) Quantities of pollutants discharged from their territories;
- (iv) Measures taken in accordance with articles IV and V of this Protocol.

The High Contracting Parties shall co-ordinate use of the available means of communication in order to ensure timely reception, transmittal and dissemination of the information to be exchanged.

Article X

SCIENTIFIC AND TECHNOLOGICAL CO-OPERATION

The High Contracting Parties shall, to the extent possible, co-operate directly, through the Executive Secretariat or another competent international organization, when appropriate, in the fields of science and technology and shall exchange data and any other scientific information for the purposes of this Protocol.

Article XI

OBLIGATION IN RESPECT OF THE OTHER HIGH CONTRACTING PARTIES

The High Contracting Parties shall take the necessary measures to ensure to the extent possible that activities under their jurisdiction or control are so conducted that they do not cause damage by pollution to the other Parties or to their environment and that pollution rising from accidents or from activities under their jurisdiction or control does not spread beyond the areas in which the High Contracting Parties exercise sovereignty and jurisdiction.

Article XII

CONSULTATIONS BETWEEN THE PARTIES

When pollution from land-based sources of one of the High Contracting Parties is likely to affect adversely the interests of one or more of the Contracting Parties to this Protocol, the Parties affected shall, at the request of one or more of them, enter into consultation with a view to seeking a satisfactory solution.

At the sessions held by the High Contracting Parties in accordance with article XV, recommendations may be made with a view to reaching a satisfactory solution.

Article XIII

PUNITIVE MEASURES

Each High Contracting Party undertakes to ensure compliance with the provisions of this Protocol and to adopt measures available to it that it deems pertinent in order to prevent and penalize any act which infringes these provisions.

The High Contracting Parties shall report to the Executive Secretariat on the legislative measures and regulations they have adopted for the application of the provisions of the foregoing paragraph.

Article XIV

APPLICATION OF OTHER MEASURES

Nothing in this Protocol shall prevent the High Contracting Parties from adopting for application, either individually or by two or more of them, stricter measures to combat pollution from land-based sources.

Article XV

ORDINARY AND EXTRAORDINARY SESSIONS

The High Contracting Parties shall hold ordinary sessions every two years and extraordinary sessions at any time, whenever two or more of them so request.

Ordinary sessions shall be held at the same time as the sessions of the Co-ordinating Committee for Scientific Research or the Legal Commission of the Permanent Commission of the South Pacific.

At ordinary sessions, the High Contracting Parties shall examine, *inter alia*, the following:

(a) The extent to which this Protocol is being implemented, the effectiveness of the measures taken and the need to develop other kinds of activities in furtherance of the objectives of this Protocol;

(b) The need to amend or revise this Protocol and its annexes and to adopt additional protocols and the desirability of expanding or amending the resolutions adopted in pursuance of this Protocol and its annexes;

(c) The formulation and adoption of programmes and measures, in accordance with articles IV and V;

(d) The drafting and adoption of rules and standards, practices and procedures, in accordance with article VI;

(e) The need to make recommendations, in accordance with the provisions of article XII;

(f) The performance of any other function which may assist in achieving the aims of this Protocol.

Article XVI

EXECUTIVE SECRETARIAT

For the purposes of the administration and the application of this Protocol, the High Contracting Parties hereby designate the Permanent Commission of the South Pacific to discharge the functions of Executive Secretariat under the Protocol. At their first meeting, the High Contracting Parties shall establish the procedure and financing for the performance of this function.

Article XVII
ENTRY INTO FORCE

This Protocol shall enter into force 60 days after the third instrument of ratification has been deposited with the General Secretariat of the Permanent Commission of the South Pacific.

Article XVIII
DENUNCIATION

This Protocol may be denounced by any of the High Contracting Parties after it has been in force for two years for the High Contracting Party denouncing it.

Such denunciation shall be effected by means of written notification to the Executive Secretariat, which shall communicate it forthwith to the High Contracting Parties.

The denunciation shall take effect 180 days after the date of such notification.

Article XIX
AMENDMENTS

This Protocol may be amended only with the unanimous agreement of the High Contracting Parties. Amendments shall be subject to ratification and shall enter into force after the third instrument of ratification has been deposited with the Executive Secretariat.

Article XX
ACCESSION

This Protocol shall be open for accession by any coastal State in the South-East Pacific, on the unanimous invitation of the High Contracting Parties.

Accession shall be effected by deposit of the relevant instrument with the Executive Secretariat, which shall communicate it to the High Contracting Parties.

This Protocol shall, for the State acceding to it, enter into force 60 days after the deposit of the relevant instrument.

Article XXI
RESERVATIONS

No reservations concerning this Protocol may be entered.

DONE in six identical copies, one of which shall be deposited with the General Secretariat of the Permanent Commission of the South Pacific, all being equally authentic for the purposes of implementation and interpretation.

IN WITNESS WHEREOF, the Plenipotentiaries, being duly authorized by their respective Governments, have signed this Protocol in the city of Quito on the twenty-second day of July, one thousand nine hundred and eighty-three.

ANNEX I

A. The following substances, families and groups of substances are listed, not in order of priority, for the purposes of article IV of this Protocol. They have been selected mainly on the basis of their:

Toxicity;
Persistence;
Bioaccumulation.

1. Organohalogen compounds and substances which may form such compounds in the marine environment.¹
2. Organophosphorous compounds and substances which may form such compounds in the marine environment.¹
3. Organotin compounds and substances which may form such compounds in the marine environment.¹
4. Mercury and mercury compounds.
5. Cadmium and cadmium compounds.
6. Used lubricating oils.
7. Persistent synthetic materials which may float, sink or remain in suspension and which may interfere with any legitimate use of the sea.
8. Substances having proven carcinogenic, teratogenic or mutagenic properties in or through the marine environment.
9. Radioactive substances, including their wastes, when their discharges do not comply with the principles of radiation protection as defined by the competent international organizations, taking into account the protection of the marine environment.

B. The present annex does not apply to discharges which contain substances listed in section A that are below the limits defined jointly by the Parties.

ANNEX II

A. The following substances, families and groups of substances, or sources of pollution, listed not in order of priority for the purposes of article V of this Protocol, have been selected mainly on the basis of criteria used for annex I, while taking into account the fact that they are generally less noxious or are more readily rendered harmless by natural processes and therefore generally affect more limited coastal areas.

¹ With the exception of those which are biologically harmless or which are rapidly converted into biologically harmless substances.

1. The following elements and their compounds:

Zinc	Selenium	Tin	Vanadium
Copper	Arsenic	Barium	Cobalt
Nickel	Antimony	Beryllium	Thallium
Chromium	Molybdenum	Boron	Tellurium
Lead	Titanium	Uranium	Silver
 2. Biocides and their derivatives not covered in annex I.
 3. Organosilicon compounds and substances which may form such compounds in the marine environment, excluding those which are biologically harmless or are rapidly converted into biologically harmless substances.
 4. Crude oils and hydrocarbons of any origin.
 5. Cyanides and fluorides.
 6. Non-biodegradable detergents and other surface-active substances.
 7. Inorganic compounds of phosphorus and elemental phosphorus.
 8. Pathogenic micro-organisms.
 9. Thermal discharges.
 10. Substances which have a deleterious effect on the taste and/or smell of products for human consumption derived from the aquatic environment, and compounds liable to give rise to such substances in the marine environment.
 11. Substances which have, directly or indirectly, an adverse effect on the oxygen content of the marine environment, especially those which may cause eutrophication.
 12. Acid or alkaline compounds of such composition and in such quantity that they may impair the quality of sea water.
 13. Substances which, though of a non-toxic nature, may become harmful to the marine environment or may interfere with any legitimate use of the sea owing to the quantities in which they are discharged.
- B. The control and strict limitation of the discharge of substances referred to in section A above must be implemented in accordance with annex III.

ANNEX III

With a view to the issue of an authorization for the discharge of wastes containing substances referred to in annexes I and II of this Protocol, particular account will be taken, as the case may be, of the following factors:

- A. CHARACTERISTICS AND COMPOSITION OF THE WASTE
 1. Type and size of waste source (e.g. industrial process).
 2. Type of waste (origin, average composition).
 3. Form of waste (solid, liquid, sludge, slurry).
 4. Total amount (volume discharged, e.g. per year).
 5. Discharge pattern (continuous, intermittent, seasonally variable, etc.).
 6. Concentrations with respect to major constituents, substances listed in annex I, substances listed in annex II, and other substances as appropriate.
 7. Physical, chemical and biochemical properties of the waste.

B. CHARACTERISTICS OF WASTE CONSTITUENTS WITH RESPECT TO THEIR HARMFULNESS

1. Persistence (physical, chemical, biological) in the marine environment.
2. Toxicity and other harmful effects.
3. Accumulation in biological materials or sediments.
4. Biochemical transformation producing harmful compounds.
5. Adverse effects on the oxygen content and balance.
6. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other sea-water constituents which may produce harmful biological or other effects on any of the uses listed in section E below.

C. CHARACTERISTICS OF DISCHARGE SITE AND RECEIVING MARINE ENVIRONMENT

1. Hydrographic, meteorological, geological and topographic characteristics of the coastal area.
2. Location and type of the discharge (outfall, canal, outlet, etc.) and its relation to other areas (such as amenity areas, spawning, nursery, and fishing areas, shellfish grounds) and other discharges.
3. Initial dilution achieved at the point of discharge into the receiving marine environment.
4. Dispersion characteristics such as effect of currents, tides and wind on horizontal transport and vertical mixing.
5. Receiving water characteristics with respect to physical, chemical, biological and ecological conditions in the discharge area.
6. Capacity of the receiving marine environment to receive waste discharges without undesirable effects.

D. AVAILABILITY OF WASTE TECHNOLOGIES

The methods of waste reduction and discharge for industrial effluents as well as domestic sewage should be selected taking into account the availability and feasibility of:

- (a) Alternative treatment processes;
- (b) Re-use or elimination methods;
- (c) On-land disposal alternatives; and
- (d) Appropriate low-waste technologies.

E. POTENTIAL IMPAIRMENT OF MARINE ECOSYSTEMS AND SEA-WATER USES

1. Effects on human health through pollution impact on:
 - (a) Edible marine organisms;
 - (b) Bathing waters;
 - (c) Aesthetics.
- Discharges of waste containing substances listed in annexes I and II shall be subject to a system of self-monitoring and control by the competent national authorities.
2. Effects on marine ecosystems, in particular living resources, endangered species and critical habitats.
 3. Effects on other legitimate uses of the sea.

APPENDIX

Status as at 1 November 1983 of the Convention for the Protection of the Marine Environment and Coastal Area of the South-East Pacific and related regional agreements

States	Convention		Emergency Agreement ^a		Complementary Protocol to Emergency Agreement ^b		Land-Based Sources ^c	
	Signature	Ratification	Signature	Ratification	Signature	Ratification	Signature	Ratification
Chile.....	12 Nov. 81	—	12 Nov. 81	—	22 July 83	—	22 July 83	—
Colombia.....	12 Nov. 81	—	12 Nov. 81	—	22 July 83	—	22 July 83	—
Ecuador.....	12 Nov. 81	26 Oct. 83	12 Nov. 81	26 Oct. 83	22 July 83	—	22 July 83	—
Panama.....	12 Nov. 81	—	12 Nov. 81	—	22 July 83	—	22 July 83	—
Peru	12 Nov. 81	—	12 Nov. 81	—	22 July 83	—	22 July 83	—

^a Agreement on Regional Co-operation in Combating Pollution of the South-East Pacific by Hydrocarbons or Other Harmful Substances in Cases of Emergency.

Pollution of the South-East Pacific by Hydrocarbons or Other Harmful Substances in Cases of Emergency.

^b Complementary Protocol to the Agreement on Regional Co-operation in Combating Sources.

^c Protocol for the Protection of the South-East Pacific against Pollution from Land-Based Sources.

