



UNITED NATIONS

**Final Act of the Kuwait
Regional Conference of Plenipotentiaries
on the Protection and Development
of the Marine Environment
and the Coastal Areas**

Kuwait, 15-23 April 1978

UNITED NATIONS ENVIRONMENT PROGRAMME

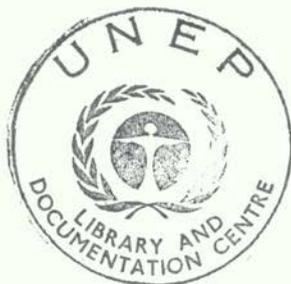




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UNITED NATIONS ENVIRONMENT PROGRAMME



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NOTE : This document should not be considered as an official United
Nations document

FINAL ACT

of the

KUWAIT REGIONAL CONFERENCE OF PLENIPOTENTIARIES
ON THE PROTECTION AND DEVELOPMENT OF THE MARINE
ENVIRONMENT AND THE COASTAL AREAS

1. On the initiative of the States of the Region, the Kuwait Regional Conference of Plenipotentiaries on the Protection and Development of the Marine Environment and the Coastal Areas was convened by the Executive Director of the United Nations Environment Programme in pursuance of decision 58 (IV) of the Governing Council of UNEP.
2. The Conference met at the Messilah Beach Hotel, Kuwait, at the kind invitation of the Government of Kuwait, from 15 to 23 April 1978.
3. The following States of the Region were invited to participate in the Conference: Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates. All of these States accepted the invitation and participated in the Conference.
4. The following secretariat, bodies, agencies and organizations were represented by observers at the Conference:

United Nations Secretariat

Department of Economic and Social Affairs
Economic Commission for Western Asia
United Nations Industrial Development Organization

United Nations bodies

United Nations Development Programme

Specialized Agencies

Food and Agriculture Organization of the United Nations
United Nations Educational, Scientific and Cultural
Organization

Specialized Agencies (cont.)

World Health Organization

Inter-Governmental Maritime Consultative Organization

Intergovernmental organizations

Organization of Arab Petroleum Exporting Countries.

5. At the inaugural ceremony, Dr. Abdul Rahman Al-Awadi, Minister of Health, President of the High Committee for the Protection of the Environment in Kuwait, and Representative of His Highness, the Amir of Kuwait, made a welcoming address to the participants on behalf of the host Government. He informed the Conference that His Highness attributes special importance to the protection and preservation of the environment. His Highness had demonstrated his concern for the environment by taking the Conference under his personal auspices.

6. Dr. Al-Awadi emphasized the necessity of enhancing the quality of the environment to safeguard the social and economic well-being of the population of the Region. He pointed out that the Region is witnessing rapid development which might entail adverse effects on the quality of the environment. He urged that initiatives be taken by the States of the Region to eliminate every threat to the environment. He noted that efforts to protect the environment and preserve the natural resources of the Region must be based on regional and international co-operation and co-ordination. He warned that in the absence of such co-operation and co-ordination national efforts might go to waste.

7. Dr. Al-Awadi expressed his hope that the discussions at the Conference would lead to a comprehensive agreement on the

positive steps which must be taken to preserve, protect, and enhance the quality of the environment of the Region. In concluding his welcoming address, Dr. Al-Awadi said that Kuwait would be honoured to host the proposed Regional Organization for the Protection of the Marine Environment and to provide it with all the necessary facilities.

8. Mr. Mostafa Kamal Tolba, Executive Director of UNEP, made a statement expressing his gratitude to the Government of Kuwait for its hospitality in hosting the Conference. He then expressed his special appreciation to His Highness, the Amir of Kuwait, for placing the Conference under his own auspices.

9. The Executive Director congratulated the States of the Region for the work they had done in preparing for the Conference. He applauded their efforts as a clear indication of their commitment to preserve the environment of the Region. In addition, he expressed his appreciation for the contribution that had been made by other bodies in the United Nations system which had co-operated in the preparation of the substantive programme to be considered by the Conference.

10. The Executive Director called attention to the important task that lay before the Conference in adopting a Final Act which would include an Action Plan for the Protection and Development of the Marine Environment and the Coastal Areas, the Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution, and a Protocol concerning Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency.

11. In concluding his address, the Executive Director pledged the full support of UNEP in servicing the Conference as well as in implementing the regional Action Plan.

12. In his address to the Conference, Mr. C.P. Srivastava, Secretary-General of the Inter-Governmental Maritime Consultative Organization, stated that IMCO attached great importance to the objectives of the Conference and pledged full support to the Conference and its follow-up action in the fields of IMCO's competence, particularly in the implementation of the Protocol concerning Co-operation in Combating Pollution and in the establishment of a Marine Emergency Mutual Aid Centre, Mr. Srivastava assured the Conference of IMCO's willingness to co-operate with UNEP in the implementation of the comprehensive Action Plan for the Region.

13. After the inaugural ceremony, the Executive Director opened the Conference in his capacity as Secretary-General of the Conference. By unanimous vote, the Conference then elected Dr. Abdul Rahman Al-Awadi, head of the Kuwait delegation, President of the Conference.

14. The Conference then adopted its agenda as follows:

1. Opening of the Conference
2. Election of the President
3. Organizational Matters:
 - (a) adoption of the agenda
 - (b) adoption of the Rules of Procedure
 - (c) election of two Vice-Presidents and a Rapporteur-General of the Conference, and a Chairman and a Rapporteur for each of the two Main Committees
 - (d) appointment of the Credentials Committee
 - (e) appointment of the Drafting Committee
 - (f) organization of the work of the Conference
4. Examination of the Draft Action Plan comprising chapters on:

- (a) environmental assessment
 - (b) environmental management
 - (c) legal aspects
 - (d) institutional and financial arrangements
5. Consideration of the report of the Credentials Committee
 6. Adoption of the Final Act of the Conference
 7. Signature of the Final Act
 8. Closing of the Conference

15. The Conference adopted its Rules of Procedure and the proceeded to unanimously elect Mr. Farrokh Parsi, deputy head of the delegation of Iran, and Mr. Abdulbar Al-Gain, head of the delegation of Saudi Arabia, Vice-Presidents of the Conference. Mr. Amer Araim, delegate from Iraq, was unanimously elected Rapporteur-General of the Conference.

16. In conformity with the Rules of Procedure the Conference established the following committees:

General Committee

Chairman: President of the Conference
Members: Vice-Presidents and Rapporteur-General of the Conference, and the Chairmen and Rapporteurs of the two Main Committees

Credentials Committee

Chairman: Vice-President of the Conference (Iran)
Members: Rapporteur-General of the Conference, Chairmen of Committees I and II, and Rapporteurs of Committees I and II

Main Committee I

Chairman: Mr. Rifat M. Ali (United Arab Emirates)
Rapporteur: Mr. Babakar Al-Noor (Oman)

Main Committee II

Chairman: Mr. Salah Al-Madani (Bahrain)
Rapporteur: Mr. Saad Allam (Qatar)

Drafting Committee

Chairman: Vice-President of the Conference
(Saudi Arabia)
Members: Rapporteur-General of the Conference
and the Rapporteurs of Committees I
and II

Joint Committee

Chairman: Vice-Presidents of the Conference
Rapporteur: Rapporteur-General of the Conference

17. The Conference referred agenda items 4 (a), (b) and (d) to Main Committee I and item 4 (c) to Main Committee II and requested that the Committees report the results of their deliberations to the Plenary of the Conference.

18. The General Committee decided to establish a Joint Committee, referred the Protocol concerning Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency under agenda item 4 (c) to the Committee, and requested that the Committee report the result of its deliberations to the Plenary of the Conference.

19. The primary documents which served as the basis for the deliberations of the Conference were:

Draft Action Plan for the Protection and Development of the Marine Environment and the Coastal Areas;

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

Draft Protocol concerning Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency;

Draft Resolutions on the Marine Emergency Mutual Aid Centre and on Interim Arrangements.

20. The primary as well as the secondary documents which were considered by the Conference are identified by title and number in the Appendix.

21. The Conference approved that the credentials of the representatives of the participating States be recognized as in order for signing the Final Act.

22. On the basis of the deliberations of the two Main Committees and the Joint Committee as embodied in their reports^{1/}, the Conference, on 23 April 1978, adopted the Action Plan for the Protection and Development of the Marine Environment and the Coastal Areas, the Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution together with the Protocol concerning Co-operation in Combating Pollution by Oil and other

^{1/} UNEP/IG.8/L.1, UNEP/IG.8/L.2, UNEP/IG.8/L.3

Harmful Substances in Cases of Emergency. The Convention and the Protocol which are annexed to this Final Act will be opened by the Depositary, the Government of Kuwait, for signature by the States of the Region on 24 April 1978 in Kuwait. During the Plenary's consideration of the report of Committee I concerning institutional and financial arrangements, it was emphasized by the Conference that it was not the intention to limit recruitment for the interim secretariat solely to nationals from the States of the Region.

23. The Conference also adopted the following resolutions which are annexed to this Final Act:

1. Resolution on the Interim Secretariat
2. Resolution on Financial Arrangements
3. Resolution on Steps to be taken for the Establishment of the Marine Emergency Mutual Aid Centre
4. Resolution on Co-ordination between the Regional Marine Meteorological and Environmental Programmes
5. Tribute to the Government of Kuwait

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized by their respective Governments, have signed this Final Act:

DONE AT KUWAIT this twenty-third day of April, in the year one thousand nine hundred and seventy-eight in the Arabic, English and Persian languages.

APPENDIX

LIST OF DOCUMENTS BEFORE THE CONFERENCE

- | | | |
|---|---------------------------------|--|
| ✓ | UNEP/IG.8/1 | Provisional Agenda |
| ✓ | UNEP/IG.8/2 and Rev.1 | Provisional Annotated Agenda |
| | UNEP/IG.8/3 and
Corr.1/Rev.1 | Draft Rules of Procedure |
| ✓ | UNEP/IG.8/4 | Report of the Experts Meeting on
the Protection of the Marine Environ-
ment, Nairobi, 13-18 June 1977 with
the following Annexes:
Annex I : Draft Action Plan
Annex II : Draft Kuwait Regional
Convention for Co-
operation on the
Protection of the
Marine Environment
Annex III : Draft Protocol on Co-
operation in Cases
of Pollution Emergencies. |
| × | UNEP/IG.8/5 | Not issued |
| ✓ | UNEP/IG.8/6 | Outline of Environmental Assessment
Programmes included in the Action
Plan |
| ✓ | UNEP/IG.8/7 | Outline of Environmental Management
Programmes included in the Action Plan |
| ✓ | UNEP/IG.8/8 | Institutional and Financial Implica-
tions for the Action Plan for the
two-year period 1978-1979 |
| ✓ | UNEP/IG.8/Inf.1
and Rev.1 | Information for Participants |
| ✓ | UNEP/IG.8/Inf.2 | List of Documents |
| | UNEP/IG.8/Inf.3 | List of Participants |

نہایت عن حکومت دولة البحرين

For the Government of the STATE OF BAHRAIN

از طرف حکومت دولت بحرین

٢٤ ١٣ ١٩٦٤

نہایت عن حکومت الامپراطورية الايرانية

For the Imperial Government of IRAN

از طرف دولت شاهنشاهی ایران



نہایت عن حکومت الجمهورية العراقية

For the Government of the REPUBLIC OF IRAQ

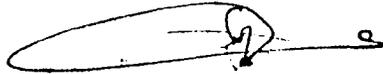
از طرف حکومت جمهوری عراق



نہایت عن حکومت دولة الكويت

For the Government of the STATE OF KUWAIT

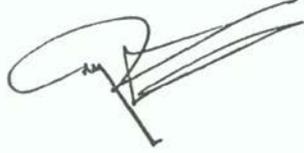
از طرف حکومت دولت کویت



نيابة عن حكومة سلطنة عمان

For the Government of the SULTANATE OF OMAN

ازطرف حكومت سلطنت عمان



نيابة عن حكومة دولة قطر

For the Government of the STATE OF QATAR

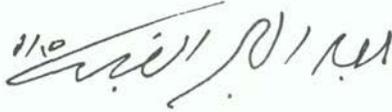
ازطرف حكومت دولت قطر



نيابة عن حكومة المملكة العربية السعودية

For the Government of the KINGDOM OF SAUDI ARABIA

ازطرف حكومت پادشاهی عربستان سعودی



نيابة عن حكومة دولة الامارات العربية المتحدة

For the Government of the UNITED ARAB EMIRATES

ازطرف حكومت دولت امارات عربي متحدة



**ACTION PLAN FOR THE PROTECTION AND DEVELOPMENT OF THE
MARINE ENVIRONMENT AND THE COASTAL AREAS OF
BAHRAIN, IRAN, IRAQ, KUWAIT, OMAN, QATAR, SAUDI ARABIA AND
THE UNITED ARAB EMIRATES**

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INTRODUCTION

1. The Region has been recognized by the Governments concerned and by the Governing Council of the United Nations Environment Programme (UNEP) as a "concentration area" in which UNEP, in close collaboration with the relevant components of the United Nations system, will attempt to fulfill its catalytic role in assisting States of the Region to develop and implement, in a consistent manner, an Action Plan commonly agreed upon.

2. The protection and development of the marine environment and the coastal areas of the Region for the benefit of present and future generations will be the central objective of the Action Plan. This Action Plan sets forth a framework for an environmentally sound and comprehensive approach to coastal area development, particularly appropriate for this rapidly developing Region.

3. Recognizing the complexity of the problem and the numerous ongoing activities, the Action Plan has been based upon:

- 3.1 findings of an interagency mission^{1/} organized by UNEP in co-operation with UN/ESA which visited Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates from 15 March to 25 May 1976;
- 3.2 Consultative Meeting on Marine Sciences in the Region convened by UNESCO in Paris, 11-14 November 1975;
- 3.3 recommendations for a marine science project endorsed by the Conference of Ministers of Arab States Responsible for the Application of Science and Technology for Development, CASTARAB, convened by UNESCO in Rabat, 16-25 August 1976;

^{1/} UNEP, United Nations Department of Economic and Social Affairs (UN/ESA), Inter-Governmental Maritime Consultative Organization (IMCO), Food and Agriculture Organization of the United Nations (FAO) and United Nations Educational, Scientific and Cultural Organization (UNESCO)

- 3.4 Meeting of a Group of Experts on Coastal Area Development convened by UN/ESA in New York, November 1974;
 - 3.5 recommendations of the Kuwait Technical Meeting on Coastal Area Development and Protection of the Marine Environment co-sponsored by UNEP and UN/ESA in Kuwait, 6-9 December 1976;
 - 3.6 a feasibility study for a co-ordinated applied marine science and basic marine science programme conducted by UNEP and UNESCO in co-operation with the Intergovernmental Oceanographic Commission (IOC) and FAO;
 - 3.7 Regional Meeting of Legal Experts on the Protection of the Marine Environment held by UNEP in Bahrain, 24-28 January 1977;
 - 3.8 Experts Meeting on the Protection of the Marine Environment, Nairobi, 13-18 June 1977;
 - 3.9 additional suggestions and proposals received from the United Nations system.
4. The Action Plan aims to achieve the following:
- 4.1 assessment of the state of the environment including socio-economic development activities related to environmental quality and of the needs of the Region in order to assist Governments to cope properly with environmental problems, particularly those concerning the marine environment;
 - 4.2 development of guidelines for the management of those activities which have an impact on environmental quality or on the protection and use of renewable marine resources on a sustainable basis;

4.3 development of legal instruments providing the legal basis for co-operative efforts to protect and develop the Region on a sustainable basis;

4.4 supporting measures including national and regional institutional mechanisms and structure needed for the successful implementation of the Action Plan.

5. For this document, it is assumed that the Region includes the marine area bounded in the south by the following rhumb-lines:

From Ras Dharbat Ali

Lat. $16^{\circ} 39'N$ Long. $53^{\circ} 3'30''E$; then

to a position in:

Lat. $16^{\circ} 00'N$ Long. $53^{\circ} 25'E$; then

to a position in:

Lat. $17^{\circ} 00'N$ Long. $56^{\circ} 30'E$; then

to a position in:

Lat. $20^{\circ} 30'N$ Long. $60^{\circ} 00'E$; then

to Ras Al-Fasteh in:

Lat. $25^{\circ} 04'N$ Long. $61^{\circ} 25'E$

The coastal area to be considered as part of the Region will be identified by the relevant Governments of the Region on an ad hoc basis depending on the type of activities to be carried out within the framework of the Action Plan. Nevertheless, coastal areas not included in the Region as defined above, should not be a source of marine pollution.

6. All components of the Action Plan are interdependent and provide a framework for comprehensive action to contribute to

both the protection and the continued development of the ecoregion. No component will be an end in itself. Each activity is intended to assist the Governments of the Region to improve the quality of the information on which environmental management policies are based.

7. The protection of the marine environment is considered as the first priority of the Action Plan, and it is intended that measures for marine and coastal environmental protection and development should lead to the promotion of human health and well-being as the ultimate goal of the Action Plan.

8. The Action Plan is intended to meet the environmental needs and enhance the environmental capabilities of the Region and is aimed primarily toward implementation by way of co-ordinated national and regional activities. To achieve this goal, an intensive training programme should be formulated in the early phases of the implementation of the Action Plan.

9. A general description of the various components of the Action Plan is given in the following paragraphs.

I. ENVIRONMENTAL ASSESSMENT

10. Environmental assessment is one of the basic activities which will underlie and facilitate the implementation of the other components of the Action Plan.

11. The identification of the present quality of the marine environment and the factors currently influencing its quality and having an impact on human health will be given priority together with an assessment of future trends.

12. Due to the lack or inadequacy of available basic data on the marine environment, a co-ordinated basic and applied regional marine science programme and marine meteorological programme will be formulated as a basis for the protection of the marine environment of the Region. In formulating the operational details of these programmes, planned and ongoing national and regional programmes will be taken into account.

13. The following programmes are recognized as components of the co-ordinated regional environmental assessment programme:

13.1 survey of national capabilities of the Region in the field of marine sciences including marine meteorology covering:

- (a) scientific and administrative institutions;
- (b) information centres and data sources;
- (c) research facilities and equipment;
- (d) manpower;
- (e) existing environmental laws and regulations;
- (f) ongoing and planned activities;
- (g) publications.

13.2 assessment of the origin and magnitude of oil pollution in the Region comprising:

- (a) baseline studies on the sources, transport and distribution of oil and petroleum hydrocarbon pollution in the Region;

(b) physical, chemical and biological oceanography of the Region relevant to the transport, distribution and fate of oil as a pollutant;

(c) marine meteorology relevant to the transport and distribution of oil as a pollutant.

13.3 assessment of the magnitude of pollutants affecting human health and marine ecosystems of the Region consisting of:

(a) survey of land-based sources of industrial and municipal wastes discharged directly or indirectly into the sea or reaching it through the atmosphere;

(b) studies on the impact of industrial and municipal waste, including microbiological agents, on human health;

(c) research on effects of pollutants and other human activities, such as dredging and land reclamation on important marine species, communities and ecosystems;

(d) baseline studies and monitoring of the levels of selected pollutants, in particular heavy metals, in marine organisms.

13.4 assessment of factors relevant to the ecology of the Region and to the exploitation of its living resources including:

(a) biology of commercially important species of crustaceans, molluscs and fish in the Region, including their stock assessment;

(b) plankton productivity and distribution in the Region;

(c) ecological studies of important natural habitats in the intertidal and subtidal zones, including creeks (khores) in the Region.

13.5 assessment of geological processes such as sedimentation contributing to, or modifying, the fate of pollutants in the Region, and their impact on human health, marine ecosystems and human activities, as well as effects of coastal engineering and mining.

14. The programmes listed in paragraph 13 are interdisciplinary and interrelated in nature. Therefore, while preparing the operational details of each programme, due attention should be paid to their close co-ordination in order to avoid duplication.

15. The priorities to be assigned to the activities listed in paragraph 13 will be determined by the Governments of the Region taking into account the present level of development in the Region and the pressing need to provide reliable and comparable data on which sound management decisions can rest.

16. The agreed programme will be executed primarily through existing national institutions within the framework of regional co-operation keeping in mind that for some projects a training programme should be formulated and that the assistance of experts from outside the Region might be required in the initial phase of some projects.

17. Operational details of each programme will be developed primarily by experts nominated by the Governments of the Region.

The documents describing the operational details of the approved programmes as well as the national institutions participating in the programmes will be approved by the Governments before the implementation of the programmes.

II. ENVIRONMENTAL MANAGEMENT

18. The countries of the Region have experienced unprecedented rates of growth during recent years, particularly in areas such as urbanization, industrialization, agriculture, transport, trade, and exploration and exploitation of the Region's resources. Continuous socio-economic development can be achieved on a sustainable basis if environmental considerations are taken into account.

19. To achieve the objectives of the development and environmental management component of the Action Plan the following preparatory activities should be undertaken:

- 19.1 preparation and up-dating of a directory of Government-designated institutions available in the Region and active in fields related to the environmental management components of the Action Plan;
- 19.2 assessment of present and future development activities and their major environmental impact in order to evaluate the degree of their influence on the environment and to find appropriate measures to either eliminate or reduce any damaging effects which they may have;
- 19.3 identification of the most relevant ongoing national, regional or internationally supported

development projects which have beneficial environmental effects such as the various fisheries projects of FAO, the environmental sanitation activities of the World Health Organization, and the assistance in industrial waste treatment provided through the United Nations Industrial Development Organization. The most significant of these projects should be strengthened and expanded to serve as demonstrations and training sites on a regional basis.

20. Furthermore, in view of the priorities and needs of the Region, the following co-operative programmes relevant to the management of regional environmental problems stemming from national development activities will be undertaken:

- 20.1 formulation of regional contingency plans for accidents involving oil exploration, exploitation and transport, and strengthening the meteorological services contributing to the development of contingency plans and to their execution in co-ordination with existing or future marine regional meteorological programmes;
- 20.2 assistance in development of national capabilities in engineering knowledge needed for regional environmental protection;
- 20.3 strengthening the national public health services and their co-ordination whenever transboundary interests require it;
- 20.4 rational exploitation and management of marine living resources, including aquaculture, on a

sustainable basis, and the establishment of protected aquatic and terrestrial areas, such as marine parks, wetlands and others;

- 20.5 co-ordination of marine and land transport activities and the creation of a regional transport co-ordinated programme with special emphasis on port-generated pollution;
- 20.6 development of principles and guidelines for coastal area development and management through workshops;
- 20.7 co-ordination of national water management policies including community water supply and water quality control, whenever they may have impact on the marine environment of the Region;
- 20.8 upkeep of records of oil pollution incidents in the Region with relevant information on the impact of such pollution on the marine environment.

21. As part of the activities and regional co-operative programmes mentioned in paragraphs 19 and 20 a vast training programme should be developed for personnel from the Region. Such a programme may be executed through training at existing national, regional or international institutions ready to offer their facilities.

22. Marine and coastal area environmental protection and enhancement cannot be achieved without the full support and co-operation of all those concerned. Therefore, adequate resources should be devoted to systematic and regular campaigns for public awareness of environmental issues in the Region.

III. LEGAL COMPONENT

23. Regional legal agreements provide a fundamental basis for regional co-operation to protect the marine environment in the Region. Recognizing the importance of sound environmental development of the Region, the Governments agree to the need for early ratification of the Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution, and the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency, which are adopted by the Kuwait Regional Conference of Plenipotentiaries on the Protection and Development of the Marine Environment and the Coastal Areas.

24. It is recommended that UNEP should, in co-operation with the Governments and United Nations bodies concerned, convene intergovernmental groups to prepare additional protocols which will include:

- 24.1 scientific and technical co-operation;
- 24.2 pollution resulting from exploration and exploitation of the continental shelf and the sea bed and its subsoil;
- 24.3 development, conservation, protection and harmonious utilization of the marine living resources of the Region;
- 24.4 liability and compensation for damage resulting from pollution of the marine environment;
- 24.5 pollution from land-based sources.

25. Aware of the need to give special protection to the Region against pollution from ships through normal operations or dumping activities, an appeal is made to Governments of the Region to strengthen the measures for the protection of the Region through ratification and implementation of the relevant international conventions, particularly:

25.1 1954 International Convention for the Prevention of Pollution of the Sea by Oil, and its amendments;

25.2 1972 Convention on Prevention of Marine Pollution by Dumping of Wastes and Other Matter;

25.3 1973 International Convention for the Prevention of Pollution from Ships as modified by Protocol of 1978.

IV. INSTITUTIONAL AND FINANCIAL ARRANGEMENTS

26. In establishing institutional arrangements for carrying out the Action Plan, a mechanism should be established which uses, to the greatest possible extent, the national capabilities available in the Region and the capabilities of existing international organizations and co-ordinating bodies and which would deal with national institutions through the appropriate national authorities of the States concerned. Where necessary, national institutions should be strengthened so ~~that they may~~ participate actively and efficiently in the various programmes.

27. Subject to the approval of the Governments of the Region and in close co-operation with the international bodies concerned, UNEP should make such interim arrangements as may be required for the achievement of the objectives of the Action Plan, including the establishment of an interim

secretariat, until the permanent Regional Organization for the Protection of the Marine Environment is established. In order to fulfill this task the interim secretariat should have adequate professional and supporting staff recruited mainly from the signatory States in consultation, as far as possible, with the Governments of the Region. The interim secretariat shall be responsible for the overall co-ordination of the Action Plan and of matters arising out of the Convention and any protocol thereto. The interim secretariat should convene annual meetings of the States of the Region and, as necessary, working groups of regional experts to review progress achieved pursuant to recommendations set forth in the Action Plan and to advise the Executive Director of UNEP on the development of additional activities.

28. In addition to the functions assigned to it by the States of the Region, the interim secretariat or the secretariat should establish and maintain liaison with competent bodies responsible for similar activities in the Region and in other regions of the world so that each region may benefit from the experience of others and data generated in all regions may be compatible and may contribute to an overall view of the marine environment.

29. The Governments of the Region agree to the necessity of establishing a Marine Emergency Mutual Aid Centre. The Centre should have primarily a co-ordinating role in exchange of information, training programmes and monitoring. The possibility of the Centre initiating operations to combat pollution by oil and other harmful substances may be considered at a later stage in accordance with Article III of the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency.

30. Responsibilities should be transferred from the interim secretariat to the Regional Organization for the Protection of the Marine Environment as soon as this Organization is established.

31. It is proposed that the programme be financed by proportional contributions by the Governments to be assessed on the basis of a mutually agreed scale of contributions and supplemented especially in the initial stages by assistance that could be available from international bodies. The ultimate aim should be to make the programme self-supporting within the regional context, not only by developing institutional capabilities to perform the required tasks, but also by supporting training, provision of equipment and other forms of assistance from within the Region.

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

The Government of the STATE OF BAHRAIN,
The Imperial Government of IRAN,
The Government of the REPUBLIC OF IRAQ,
The Government of the STATE OF KUWAIT,
The Government of the SULTANATE OF OMAN,
The Government of the STATE OF QATAR,
The Government of the KINGDOM OF SAUDI ARABIA,
The Government of the UNITED ARAB EMIRATES,

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

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

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

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

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

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

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

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

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

HAVE AGREED as follows:

ARTICLE I

Definitions

For the purpose of the present Convention:

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

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

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

(d) "secretariat" means the organ of the Organization established in accordance with Article XVI;

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

ARTICLE II

Geographical coverage

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

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

ARTICLE III

General obligations

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

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

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

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

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

ARTICLE IV

Pollution from ships

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

ARTICLE V

Pollution caused by dumping from ships and aircraft

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

ARTICLE VI

Pollution from land-based sources

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

ARTICLE VII

Pollution resulting from exploration and exploitation
of the bed of the territorial sea and its sub-soil
and the continental shelf

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

ARTICLE VIII

Pollution from other human activities

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

ARTICLE IX

Co-operation in dealing with pollution emergencies

- (a) The Contracting States shall, individually and/or jointly, take all necessary measures, including those to ensure that adequate equipment and qualified personnel are readily available, to deal with pollution emergencies in the Sea Area, whatever the cause of such emergencies, and to reduce or eliminate damage resulting therefrom;
- (b) Any Contracting State which becomes aware of any pollution emergency in the Sea Area shall, without delay, notify the Organization referred to under Article XVI and, through the secretariat, any Contracting State likely to be affected by such emergency.

ARTICLE X

Scientific and technological co-operation

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

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

ARTICLE XI

Environmental assessment

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

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

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

ARTICLE XII

Technical and other assistance

The Contracting States shall co-operate directly or through competent regional or international organizations in the development of programmes of technical and other assistance in fields relating to marine pollution in co-ordination with the Organization referred to in Article XVI.

ARTICLE XIII

Liability and compensation

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

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

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

ARTICLE XIV

Sovereign immunity

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

ARTICLE XV

Disclaimer

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

ARTICLE XVI

Regional Organization for the Protection of
the Marine Environment

- (a) The Contracting States hereby establish a Regional Organization for the Protection of the Marine Environment, the permanent headquarters of which shall be located in Kuwait.
- (b) The Organization shall consist of the following organs:
 - (i) a Council which shall be comprised of the Contracting States and shall perform the functions set forth in paragraph (d) of Article XVII;
 - (ii) a secretariat which shall perform the functions set forth in paragraph (a) of Article XVIII; and
 - (iii) a Judicial Commission for the Settlement of Disputes whose composition, terms of reference

and rules of procedure shall be established at the first meeting of the Council.

ARTICLE XVII

Council

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

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

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

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

- (d) The functions of the Council shall be:
- (i) to keep under review the implementation of the Convention and its protocols, and the Action Plan referred to in paragraph (e) of Article I;
 - (ii) to review and evaluate the state of marine pollution and its effects on the Sea Area on the basis of reports provided by the Contracting States and the competent international or regional organizations;
 - (iii) to adopt, review and amend as required in accordance with procedures established in Article XXI, the annexes to the Convention and to its protocols;
 - (iv) to receive and to consider reports submitted by the Contracting States under Articles IX and XXIII;
 - (v) to consider reports prepared by the secretariat on questions relating to the Convention and to matters relevant to the administration of the Organization;
 - (vi) to make recommendations regarding the adoption of any additional protocols or any amendments to the Convention or to its protocols in accordance with Articles XIX and XX;
 - (vii) to establish subsidiary bodies and ad hoc working groups as required to consider any matters related to the Convention and its protocols and annexes to the Convention and its protocols;
 - (viii) to appoint an Executive Secretary and to make provision for the appointment by the Executive Secretary of such other personnel as may be necessary;

- (ix) to review periodically the functions of the secretariat;
- (x) to consider and to undertake any additional action that may be required for the achievement of the purposes of the Convention and its protocols.

ARTICLE XVIII

Secretariat

- (a) The secretariat shall be comprised of an Executive Secretary and the personnel necessary to perform the following functions:
 - (i) to convene and to prepare the meetings of the Council and its subsidiary bodies and ad hoc working groups as referred to in Article XVII, and conferences as referred to in Articles XIX and XX;
 - (ii) to transmit to the Contracting States notifications, reports and other information received in accordance with Articles IX and XXIII;
 - (iii) to consider enquiries by, and information from, the Contracting States and to consult with them on questions relating to the Convention and its protocols and annexes thereto;
 - (iv) to prepare reports on matters relating to the Convention and to the administration of the Organization;
 - (v) to establish, maintain and disseminate an up-to-date collection of national laws of all States concerned relevant to the protection of the marine environment;

- (vi) to arrange, upon request, for the provision of technical assistance and advice for the drafting of appropriate national legislation for the effective implementation of the Convention and its protocols;
 - (vii) to arrange for training programmes in areas related to the implementation of the Convention and its protocols;
 - (viii) to carry out its assignments under the protocols to the Convention;
 - (ix) to perform such other functions as may be assigned to it by the Council for the implementation of the Convention and its protocols.
- (b) The Executive Secretary shall be the chief administrative official of the Organization and shall perform the functions that are necessary for the administration of the present Convention, the work of the secretariat and other tasks entrusted to the Executive Secretary by the Council and as provided for in its rules of procedure and financial rules.

ARTICLE XIX

Adoption of additional protocols

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

ARTICLE XX

Amendments to the Convention and
its protocols

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

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

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

ARTICLE XXI

Annexes and amendments to annexes

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

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

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

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

ARTICLE XXII

Rules of procedure and financial rules

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

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

ARTICLE XXIII

Reports

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

ARTICLE XXIV

Compliance control

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

ARTICLE XXV

Settlement of disputes

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

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

ARTICLE XXVI

Signature

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

ARTICLE XXVII

Ratification, acceptance, approval or accession

(a) The present Convention together with the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency and any other protocol thereto shall be subject to ratification, acceptance, or approval by the States referred to in Article XXVI.

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

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

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

ARTICLE XXVIII

Entry into force

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

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

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

ARTICLE XXIX

Withdrawal

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

(b) Except as may be otherwise provided in any other protocol to the Convention, any Contracting State may, at any time after five years from the date of entry into force of such protocol, withdraw from such protocol by giving written notification of withdrawal to the Depositary;

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

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

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

ARTICLE XXX

Responsibilities of the Depositary

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

(i) signature of this Convention and of any protocol thereto, and of the deposit of the instruments of ratification, acceptance, approval or accession in accordance with Article XXVII;

- (ii) date on which Convention and any protocol will enter into force in accordance with the provision of Article XXVIII;
 - (iii) notification of a different intention made in accordance with Articles XX and XXI;
 - (iv) notification of withdrawal made in accordance with Article XXIX;
 - (v) amendments adopted with respect to the Convention and to any protocol, their acceptance by the Contracting State and the date of entry into force of those amendments in accordance with the provisions of Article XX;
 - (vi) adoption of new annexes and of the amendment of any annex in accordance with Article XXI;
- (b) The Depositary shall call the first meeting of the Council within six months of the date on which the Convention enters into force.

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

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

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

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

THE CONTRACTING STATES

BEING PARTIES to the Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution (hereinafter referred to as "the Convention");

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

BEING AWARE THAT existing measures for responding to pollution emergencies need to be enhanced on a national and regional basis to deal with this problem in a comprehensive manner for the benefit of the Region;

HAVE AGREED as follows:

Article I

For the purposes of this Protocol:

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

- (a) combating and otherwise operationally responding to marine emergencies;
- (b) receiving and co-ordinating information of particular marine emergencies;
- (c) co-ordinating available national capabilities, for dealing with marine emergencies in general within its own Government and with other Contracting States.

(2) "Marine Emergency" means any casualty, incident, occurrence or situation, however caused, resulting in substantial pollution or imminent threat of substantial

pollution to the marine environment by oil or other harmful substances and includes, inter alia, collisions, strandings and other incidents involving ships, including tankers, blow-outs arising from petroleum drilling and production activities, and the presence of oil or other harmful substances arising from the failure of industrial installations;

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

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

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

- (a) Maritime, coastal, port or estuary activities, including fisheries activities, constituting an essential means of livelihood of the persons concerned;
- (b) historic and tourist attractions of the area concerned;
- (c) the health of the coastal population and the well-being of the area concerned, including conservation of living marine resources and of wildlife;
- (d) industrial activities which rely upon intake of water, including distillation plants, and industrial plants using circulating water;

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

(7) "Sea Area" means the area specified in paragraph (a) of

Article II of the Convention;

(8) "Council" means the organ of the Regional Organization for the Protection of the Marine Environment established under Article XVI of the Convention;

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

Article II

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

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

Article III

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

2. The objectives of the Centre shall be:

- (a) to strengthen the capacities of the Contracting States and to facilitate co-operation among them in order to combat pollution by oil and other harmful substances in cases of marine emergencies;
- (b) to assist Contracting States, which so request, in the development of their own national capabilities

to combat pollution by oil and other harmful substances and to co-ordinate and facilitate information exchange, technological co-operation and training.

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

3. The functions of the Centre shall be:

- (a) to collect and disseminate to the Contracting States information concerning matters covered by this Protocol, including:
 - (i) laws, regulations and information concerning appropriate authorities of the Contracting States and marine emergency contingency plans referred to in Article V of this Protocol;
 - (ii) information concerning methods, techniques and research relating to marine emergency response referred to in Article VI of this Protocol; and
 - (iii) list of experts, equipment and materials available for marine emergency responses by the Contracting States;
- (b) to assist the Contracting States, as requested:
 - (i) in the preparation of laws and regulations concerning matters covered by this Protocol and in the establishment of appropriate authorities;
 - (ii) in the preparation of marine emergency contingency plans;

- (iii) in the establishment of procedures under which personnel, equipment and materials involved in marine emergency responses may be expeditiously transported into, out of, and through their respective countries;
 - (iv) in the transmission of reports concerning marine emergencies; and
 - (v) in promoting and developing training programmes for combating pollution.
- (c) to co-ordinate training programmes for combating pollution and prepare comprehensive anti-pollution manuals;
 - (d) to develop and maintain a communication/information system appropriate to the needs of the Contracting States and the Centre for the prompt exchange of information concerning marine emergencies required by this Protocol;
 - (e) to prepare inventories of the available personnel, material, vessels, aircraft, and other specialized equipment for marine emergency responses;
 - (f) to establish and maintain liaison with competent regional and international organizations, particularly the Inter-Governmental Maritime Consultative Organization, for the purposes of obtaining and exchanging scientific and technological information and data, particularly in regard of any new innovation which may assist the Centre in the performance of its functions;
 - (g) to prepare periodic reports on marine emergencies for submission to the Council; and
 - (h) to perform any other functions assigned to it either by this Protocol or by the Council.

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

Article IV

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

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

Article V

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

- (a) its appropriate authority;
- (b) its laws, regulations, and other legal instruments relating generally to matters addressed in this Protocol, including those concerning the structure and operation of the authority referred to in Paragraph (a) above;
- (c) its national marine emergency contingency plans.

Article VI

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

- (a) existing and new methods, techniques, materials, and procedures relating to marine emergency response;
- (b) existing and planned research and developments

in the areas referred to in Paragraph (a) above;
and

- (c) results of research and developments referred to in Paragraph (b) above.

Article VII

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

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

- (a) the Centre;
- (b) all other Contracting States;
- (c) the flag State of any foreign ship involved in the marine emergency concerned.

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

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

Article VIII

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

Article IX

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

Article X

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

- (a) take every appropriate measure to combat pollution and/or to rectify the situation;
- (b) immediately inform all other Contracting States, either directly or through the Centre, of any action which it has taken or intends to take to combat the pollution. The Centre shall promptly transmit any such information to all other Contracting States;
- (c) make assessment of the nature and extent of the marine emergency, either directly or with the assistance of the Centre;
- (d) determine the necessary and appropriate action to be taken with respect to the marine emergency, in consultation, where appropriate, with other Contracting States, affected States and the Centre.

Article XI

1. Any Contracting State requiring assistance in a marine emergency response may call for assistance directly from

any other Contracting State or through the Centre. Where the services of the Centre are utilized, the Centre shall promptly transmit requests received to all other Contracting States. The Contracting States to whom a request is made pursuant to this paragraph shall use their best endeavours within their capabilities to render the assistance requested.

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

- (a) personnel, material, and equipment, including facilities or methods for the disposal of recovered pollutant;
- (b) surveillance and monitoring capacity;
- (c) facilitation of the transfer of personnel, material, and equipment into, out of, and through the territories of the Contracting States.

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

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

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

Article XII

1. Having due regard to the functions assigned to the

Centre under this Protocol, each Contracting State shall establish and maintain an appropriate authority to carry out fully its obligations under this Protocol. With the assistance of the Centre, where appropriate, the appropriate authority of each Contracting State shall co-operate and co-ordinate its activities with counterparts in the other Contracting States.

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

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

Article XIII

The Council shall:

- (a) review periodically the activities of the Centre performed under this Protocol;
- (b) decide on the degree to which, and stages by which, the functions of the Centre set out in Article III will be implemented; and

- (c) determine the financial, administrative and other support to be provided by the Contracting States to the Centre for the performance of its functions.

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

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

APPENDIX A

GUIDELINES FOR THE REPORT TO BE MADE PURSUANT TO
ARTICLE VII OF THE PROTOCOL

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

2. Each report shall contain, whenever possible, in particular:
 - (a) a clear indication or description of the harmful substances involved, including the correct technical names of such substances (trade names should not be used in place of the correct technical names);
 - (b) a statement or estimate of the quantities, concentrations and likely conditions of harmful substances discharged or likely to be discharged into the sea;
 - (c) where relevant, a description of the packaging and identifying marks; and
 - (d) the name of the consignor, consignee or producer.

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

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

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

- (a) supplement as far as possible the initial report, as necessary, with information concerning further developments; and
- (b) comply as fully as possible with requests from affected States for additional information.

INTERIM SECRETARIAT

THE CONFERENCE

HAVING ADOPTED the Action Plan for the Protection and Development of the Marine Environment and the Coastal Areas of Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates;

HAVING ADOPTED the Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment and the Protocol to that Convention concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency;

NOTING the statement of the Executive Director of the United Nations Environment Programme to the effect that UNEP is willing to accept responsibility in the interim period before the entry into force of the Convention for the overall co-ordination of the development of activities under the Action Plan;

RECOGNIZING the importance of co-operation with other bodies in the Region, the United Nations system and other international organizations and expert bodies in the field of marine pollution;

CALLS UPON the Executive Director of UNEP, in consultation with the Governments of the Region and in close co-operation with relevant United Nations bodies, to make such interim arrangements as may be required until the establishment of the Regional Organization for the Protection of the Marine Environment in order to achieve the objectives of the Action Plan and to convene annual meetings of the States of the Region and, as necessary, working groups of regional experts to review progress achieved pursuant to recommendations set forth in the Action Plan and to advise on the development of additional activities.

FINANCIAL ARRANGEMENTS

THE CONFERENCE

HAVING ADOPTED the Action Plan for the Protection and Development of the Marine Environment and the Coastal Areas of Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates;

HAVING ADOPTED the Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution and the Protocol concerning Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency as part of the legal component of the Action Plan;

WELCOMING the willingness of the Executive Director of the United Nations Environment Programme to assume responsibility for such interim arrangements as may be required for the achievement of the objectives of the Action Plan prior to the establishment of the Regional Organization for the Protection of the Marine Environment;

FURTHER WELCOMING the offer of the Executive Director of UNEP to contribute toward the costs of the interim secretariat up to a maximum of U.S. \$500,000 for the initial two and one-half years;

HAVING REGARD to the cost estimates for the implementation of the Action Plan totalling U.S. \$ 6.3 million for the initial two and one-half year year operating period during which the projects stipulated in the Action Plan will be implemented;

AGREES to establish a Regional Trust Fund to cover the costs of implementing the Action Plan for the Protection and Development of the Marine Environment and the Coastal Areas;

DECIDES that the Regional Trust Fund be financed for the initial two and one-half year period by proportional contributions from the Governments to be assessed as follows:

	%	U.S. \$
BAHRAIN	2.00	116,400
IRAN	28.04	1,631,928
IRAQ	12.66	736,812
KUWAIT	15.46	899,772
OMAN	2.00	116,400
QATAR	8.93	519,726
SAUDI ARABIA	19.18	1,116,276
UNITED ARAB EMIRATES	11.73	682,686
Sub total		5,820,000
UNEP		500,000
Total		6,320,000

REQUESTS that the Executive Director of UNEP assume responsibility for administering the Regional Trust Fund in the interim period prior to the establishment of the Regional Organization for the Protection of the Marine Environment.

STEPS TO BE TAKEN FOR THE ESTABLISHMENT OF
THE MARINE EMERGENCY MUTUAL AID CENTRE

THE CONFERENCE

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

NOTING that Article III of the Protocol provides for the establishment of the Marine Emergency Mutual Aid Centre;

CONFIRMING the desirability of taking the necessary steps as soon as possible to bring the Centre into operation upon entry into force of the Protocol;

TAKES NOTE of the kind invitation of the State of Bahrain to act as host to the Centre;

REQUESTS that the Executive Director of the United Nations Environment Programme, in co-operation with the Secretary-General of the Inter-Governmental Maritime Consultative Organization, convene a meeting of governmental experts of the States signatory to the Protocol to consider the steps to be taken for the establishment of the Marine Emergency Mutual Aid Centre following the entry into force of the Protocol, and prepare the necessary documentation for consideration by the meeting with a view to making recommendations on the following to be submitted for consideration by the Governments and, subsequently, by the Council of the Regional Organization for the Protection of the Marine Environment at its first meeting.

- (a) the facilities to be offered by the host Government to the Centre;
- (b) the staff necessary for the Centre to fulfill its functions;
- (c) the character and legal status to be accorded to the Centre and its staff;

- (d) the facilities and services which could be made available to the Centre;
- (e) the financial requirements for the establishment and operation of the Centre; and
- (f) the financial and other support to be rendered in order to meet these requirements.

CO-ORDINATION BETWEEN THE REGIONAL MARINE
METEOROLOGICAL AND ENVIRONMENTAL PROGRAMMES

THE CONFERENCE

AWARE of the current plans for developing a marine meteorological programme by the States of the Region in co-operation with the World Meteorological Organization;

RECOGNIZING the vital role that the regional marine meteorological programme will have in the future environmental assessment and management programmes in the Region;

EMPHASIZING that an Action Plan for the Protection and Development of the Marine Environment and the Coastal Areas was adopted by the Kuwait Regional Conference of Plenipotentiaries on the Protection and Development of the Marine Environment and the Coastal Areas held from 15 to 23 April 1978;

WELCOMING the fact that the first Regional Marine Meteorological Conference held in Jeddah from 24 to 30 September 1977 identified marine meteorological support services for the monitoring of pollution in the marine environment and environmental protection as among the main functions of the regional marine meteorological programme;

REQUESTS that both the Regional Meeting of Marine Meteorological Experts to be held in Tehran from 29 April to 4 May 1978 and the Conference of Plenipotentiaries on the Regional Marine Meteorological Programme to be held in Jeddah in 1978 take into consideration the requirements of the Action Plan and maintain continuous consultation with the interim secretariat of the Regional Organization for the Protection of the Marine Environment in order to ensure maximum efficiency and benefit for the two regional programmes by joint planning and sharing of resources;

REQUESTS ALSO that the Executive Director of UNEP and the Secretary-General of WMO keep in view the same considerations and promote maximum co-ordination between the two programmes.

TRIBUTE TO THE GOVERNMENT OF KUWAIT

THE CONFERENCE

HAVING MET in Kuwait from 15 to 23 April 1978 at the gracious invitation of the Government of Kuwait and under the auspices of His Highness, the Amir of Kuwait;

CONVINCED that the efforts made by the Government of Kuwait in providing facilities, premises and other resources contributed significantly to the efficient conduct of its proceedings;

DEEPLY APPRECIATIVE of the courtesy and hospitality extended by the Government of Kuwait to the members of the delegations, observers and the secretariat attending the Conference;

EXPRESSES its sincere gratitude to His Highness, the Amir of Kuwait, and through him, to the Government and people of Kuwait, for the cordial welcome which they accorded to the Conference and to those associated with its work and for their contribution to the success of the Conference.