

No. 14049

MULTILATERAL

International Convention relating to intervention on the high seas in cases of oil pollution casualties (with annex, official Russian and Spanish translations and Final Act of the International Legal Conference on marine pollution damage, 1969). Concluded at Brussels on 29 November 1969

Authentic texts of the Convention: English and French.

Authentic texts of the Final Act: English, French, Russian and Spanish.

Registered by the Inter-Governmental Maritime Consultative Organization on 25 May 1975.

MULTILATÉRAL

Convention internationale sur l'intervention en haute mer en cas d'accident entraînant ou pouvant entraîner une pollution par les hydrocarbures (avec annexe, traductions officielles en langues russe et espagnole, et Acte final de la Conférence juridique internationale de 1969 sur les dommages dus à la pollution des eaux de la mer). Conclue à Bruxelles le 29 novembre 1969

Textes authentiques de la Convention : anglais et français.

Textes authentiques de l'Acte final : anglais, français, russe et espagnol.

Enregistrée par l'Organisation intergouvernementale consultative de la navigation maritime le 25 mai 1975.

INTERNATIONAL CONVENTION¹ RELATING TO INTERVENTION ON THE HIGH SEAS IN CASES OF OIL POLLUTION CASUALTIES

The States Parties to the present Convention,

Conscious of the need to protect the interests of their peoples against the grave consequences of a maritime casualty resulting in danger of oil pollution of sea and coastlines,

Convinced that under these circumstances measures of an exceptional character to protect such interests might be necessary on the high seas and that these measures do not affect the principle of freedom of the high seas,

Have agreed as follows:

Article 1. 1. Parties to the present Convention may take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution of the sea by oil, following upon a maritime casualty or acts related to such a casualty, which may reasonably be expected to result in major harmful consequences.

2. However, no measures shall be taken under the present Convention against any warship or other ship owned or operated by a State and used, for the time being, only on government non-commercial service.

¹ Came into force on 6 May 1975, in respect of the following States, i.e. on the ninetieth day following the date on which Governments of fifteen States had either signed it without reservation as to ratification, acceptance or approval or had deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Inter-Governmental Maritime Consultative Organization, in accordance with article XI(1):

<i>State</i>	<i>Date of definitive signature (s), or date of deposit of the instrument of ratification, acceptance (A), approval (AA) or accession (a)</i>	
Belgium.....	21 October	1971
Denmark.....	18 December	1970 <i>s</i>
Dominican Republic.....	5 February	1975
Fiji.....	15 August	1972 <i>a</i>
France.....	10 May	1972
Japan.....	6 April	1971 <i>A</i>
Liberia.....	25 September	1972 <i>a</i>
Monaco.....	24 February	1975
(With effect from 25 May 1975.)		
Morocco.....	11 April	1974 <i>a</i>
New Zealand.....	26 March	1975 <i>a</i>
(With effect from 24 June 1975.)		
Norway.....	12 July	1972 <i>a</i>
Senegal.....	27 March	1972 <i>a</i>
Spain.....	8 November	1973
Sweden.....	8 February	1973 <i>A</i>
Syrian Arab Republic.....	6 February	1975 <i>a</i>
(With a declaration.* With effect from 7 May 1975.)		
Union of Soviet Socialist Republics.....	30 December	1974 <i>a</i>
(With a declaration.)*		
United Kingdom of Great Britain and Northern Ireland.....	12 January	1971
(With a declaration to the effect that the Convention shall apply to Hong Kong.)		
United States of America.....	21 February	1974
Subsequently, the following State deposited its instrument of ratification:		
Federal Republic of Germany.....	7 May	1975
(With a declaration.* With effect from 5 August 1975.)		

* For the texts of the declarations see p. 262 of this volume.

Article II. For the purposes of the present Convention:

1. "Maritime casualty" means a collision of ships, stranding or other incident of navigation, or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to a ship or cargo.

2. "Ship" means:

- (a) any sea-going vessel of any type whatsoever, and
- (b) any floating craft, with the exception of an installation or device engaged in the exploration and exploitation of the resources of the sea-bed and the ocean floor and the subsoil thereof.

3. "Oil" means crude oil, fuel oil, diesel oil and lubricating oil.

4. "Related interests" means the interests of a coastal State directly affected or threatened by the maritime casualty, such as:

- (a) maritime coastal, port or estuarine activities, including fisheries activities, constituting an essential means of livelihood of the persons concerned;
- (b) 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.

5. "Organization" means the Inter-Governmental Maritime Consultative Organization.

Article III. When a coastal State is exercising the right to take measures in accordance with Article I, the following provisions shall apply:

- (a) before taking any measures, a coastal State shall proceed to consultations with other States affected by the maritime casualty, particularly with the flag State or States;
- (b) the coastal State shall notify without delay the proposed measures to any persons physical or corporate known to the coastal State, or made known to it during the consultations, to have interests which can reasonably be expected to be affected by those measures. The coastal State shall take into account any views they may submit;
- (c) before any measure is taken, the coastal State may proceed to a consultation with independent experts, whose names shall be chosen from a list maintained by the Organization;
- (d) in cases of extreme urgency requiring measures to be taken immediately, the coastal State may take measures rendered necessary by the urgency of the situation, without prior notification or consultation or without continuing consultations already begun;
- (e) a coastal State shall, before taking such measures and during their course, use its best endeavours to avoid any risk to human life, and to afford persons in distress any assistance of which they may stand in need, and in appropriate cases to facilitate the repatriation of ships' crews, and to raise no obstacle thereto;
- (f) measures which have been taken in application of Article I shall be notified without delay to the States and to the known physical or corporate persons concerned, as well as to the Secretary-General of the Organization.

Article IV. 1. Under the supervision of the Organization, there shall be set up and maintained the list of experts contemplated by Article III of the present Convention, and the Organization shall make necessary and appropriate regulations in connexion therewith, including the determination of the required qualifications.

2. Nominations to the list may be made by Member States of the Organization and by Parties to this Convention. The experts shall be paid on the basis of services rendered by the States utilizing those services.

Article V. 1. Measures taken by the coastal State in accordance with Article I shall be proportionate to the damage actual or threatened to it.

2. Such measures shall not go beyond what is reasonably necessary to achieve the end mentioned in Article I and shall cease as soon as that end has been achieved; they shall not unnecessarily interfere with the rights and interests of the flag State, third States and of any persons, physical or corporate, concerned.

3. In considering whether the measures are proportionate to the damage, account shall be taken of:

- (a) the extent and probability of imminent damage if those measures are not taken; and
- (b) the likelihood of those measures being effective; and
- (c) the extent of the damage which may be caused by such measures.

Article VI. Any Party which has taken measures in contravention of the provisions of the present Convention causing damage to others, shall be obliged to pay compensation to the extent of the damage caused by measures which exceed those reasonably necessary to achieve the end mentioned in Article I.

Article VII. Except as specifically provided, nothing in the present Convention shall prejudice any otherwise applicable right, duty, privilege or immunity or deprive any of the Parties or any interested physical or corporate person of any remedy otherwise applicable.

Article VIII. 1. Any controversy between the Parties as to whether measures taken under Article I were in contravention of the provisions of the present Convention, to whether compensation is obliged to be paid under Article VI, and to the amount of such compensation shall, if settlement by negotiation between the Parties involved or between the Party which took the measures and the physical or corporate claimants has not been possible, and if the Parties do not otherwise agree, be submitted upon request of any of the Parties concerned to conciliation or, if conciliation does not succeed, to arbitration, as set out in the Annex to the present Convention.

2. The Party which took the measures shall not be entitled to refuse a request for conciliation or arbitration under provisions of the preceding paragraph solely on the grounds that any remedies under municipal law in its own courts have not been exhausted.

Article IX. 1. The present Convention shall remain open for signature until 31 December 1970 and shall thereafter remain open for accession.

2. States Members of the United Nations or any of the Specialized Agencies or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice may become Parties to this Convention by:

- (a) signature without reservation as to ratification, acceptance or approval;
- (b) signature subject to ratification, acceptance or approval followed by ratification, acceptance or approval; or
- (c) accession.

Article X. 1. Ratification, acceptance, approval or accession shall be effected by the deposit of a formal instrument to that effect with the Secretary-General of the Organization.

2. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to the present Convention with respect to all existing Parties or after the completion of all measures required for the entry into force of the amendment with respect to those Parties shall be deemed to apply to the Convention as modified by the amendment.

Article XI. 1. The present Convention shall enter into force on the ninetieth day following the date on which Governments of fifteen States have either signed it without reservation as to ratification, acceptance or approval or have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization.

2. For each State which subsequently ratifies, accepts, approves or accedes to it the present Convention shall come into force on the ninetieth day after deposit by such State of the appropriate instrument.

Article XII. 1. The present Convention may be denounced by any Party at any time after the date on which the Convention comes into force for that State.

2. Denunciation shall be effected by the deposit of an instrument with the Secretary-General of the Organization.

3. A denunciation shall take effect one year, or such longer period as may be specified in the instrument of denunciation, after its deposit with the Secretary-General of the Organization.

Article XIII. 1. The United Nations where it is the administering authority for a territory, or any State Party to the present Convention responsible for the international relations of a territory, shall as soon as possible consult with the appropriate authorities of such territories or take such other measures as may be appropriate, in order to extend the present Convention to that territory and may at any time by notification in writing to the Secretary-General of the Organization declare that the present Convention shall extend to such territory.

2. The present Convention shall, from the date of receipt of the notification or from such other date as may be specified in the notification, extend to the territory named therein.

3. The United Nations, or any Party which has made a declaration under paragraph 1 of this Article may at any time after the date on which the Convention has been so extended to any territory declare by notification in writing to the Secretary-General of the Organization that the present Convention shall cease to extend to any such territory named in the notification.

4. The present Convention shall cease to extend to any territory mentioned in such notification one year, or such longer period as may be specified therein, after the date of receipt of the notification by the Secretary-General of the Organization.

Article XIV. 1. A Conference for the purpose of revising or amending the present Convention may be convened by the Organization.

2. The Organization shall convene a Conference of the States Parties to the present Convention for revising or amending the present Convention at the request of not less than one-third of the Parties.

Article XV. 1. The present Convention shall be deposited with the Secretary-General of the Organization.

2. The Secretary-General of the Organization shall:

(a) inform all States which have signed or acceded to the Convention of:

(i) each new signature or deposit of instrument together with the date thereof;

(ii) the deposit of any instrument of denunciation of this Convention together with the date of the deposit;

(iii) the extension of the present Convention to any territory under paragraph 1 of Article XIII and of the termination of any such extension under the provisions of

paragraph 4 of that Article stating in each case the date on which the present Convention has been or will cease to be so extended;

- (b) transmit certified true copies of the present Convention to all Signatory States and to all States which accede to the present Convention.

Article XVI. As soon as the present Convention comes into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

Article XVII. The present Convention is established in a single copy in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared and deposited with the signed original.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed the present Convention.

DONE at Brussels this twenty-ninth day of November 1969.