

PROTOCOL CONCERNING REGIONAL CO-OPERATION IN COMBATING
POLLUTION BY OIL AND OTHER HARMFUL SUBSTANCES
IN CASES OF EMERGENCY (1982)

Jeddah, 14 February 1982

The Contracting Parties,

Being Parties to the Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment (hereinafter referred to as "the Convention"),

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

Being aware that appropriate 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 Red Sea and Gulf of Aden environment,

Have agreed as follows:

Article I

For the purposes of this Protocol the following terms and expressions have the meanings indicated below, except when otherwise inferred from the text:

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

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

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

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

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

4. "Marine Emergency Response": 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": the interests of a Contracting Party directly or indirectly affected or threatened by a marine emergency such as:

(a) Maritime, coastal, port or estuary activities, including fisheries activities;

(b) Historic and tourist attractions;

(c) The health of the coastal population and the 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": the Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment.

7. "Council": the organ of the Regional Organization for Conservation of the Red Sea and Gulf of Aden Environment established under article XVI of the Convention.

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

Article II

1. The Contracting Parties shall co-operate in taking the necessary and effective measures to protect the coastline and related interests of one or more of the Parties 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 Parties 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 Red Sea and Gulf of Aden by oil and other harmful substances. These means shall include in particular, available equipment, ships, aircraft and manpower prepared for operation in cases of emergency.

Article III

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

2. The objectives of the Centre shall be:

(a) To strengthen the capacities of the Contracting Parties 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 Parties, 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 to 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 Parties information concerning matters covered by this Protocol, including:

- (i) Laws, regulations and information concerning appropriate authorities of the Contracting Parties and marine emergency contingency plans referred to in article V of this Protocol;
- (ii) Information available to the Contracting Parties concerning methods, techniques and research relating to marine emergency responses referred to in article VI of this Protocol- and
- (iii) List of experts, equipment and materials available for marine emergency responses by the Contracting Parties;

(b) To assist the Contracting Parties, 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 the territories of the Contracting Parties;

(iv) In the transmission to the Contracting Parties 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 Parties and the Centre for the prompt exchange of information concerning marine emergencies required by this Protocol;

(e) To prepare inventories of the available personnel, materials, 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 with regard to any new technology which may assist the Centre in the performance of its functions;

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

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

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

Article IV

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

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

Article V

Each Contracting Party shall provide the Centre and the other Contracting Parties 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 Party shall provide the other Contracting Parties and the Centre with information concerning:

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

(b) Existing and planned research, their results and development in the areas referred to in paragraph (a) above.

Article VII

1. Each Contracting Party 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 Party receiving a report pursuant to paragraph 1 above shall promptly inform the following of the marine emergency:

(a) The Centre;

(b) All other Contracting Parties;

(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 the form to be adopted by the Centre.

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

Article VIII

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

Article IX

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

Article X

Any Contracting Party faced with a marine emergency situation shall:

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

(b) Immediately inform all other Contracting Parties, 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 Parties;

(c) Make an 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 with other Contracting Parties, affected States and the Centre.

Article XI

1. Any Contracting Party requiring assistance in a marine emergency response may call for assistance directly from any other Contracting Party or through the Centre. Where the services of the Centre are utilized, the Centre shall promptly transmit requests received to all other Contracting Parties. The Contracting Parties 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 pollutants;

(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 Parties.

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

4. Any Contracting Party 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 Parties.

5. In cases of special marine emergencies, the Centre may call for the mobilization of resources made available by the Contracting Parties 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 Party shall establish and maintain an appropriate authority to carry out fully its obligations under this Protocol. With the assistance of the Centre, the appropriate authority of each Contracting Party shall co-operate and co-ordinate its activities with counterparts in the other Contracting Parties.

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

(a) Distribution and allocation of stocks of materials and equipment;

(b) Training of personnel for marine emergency responses;

(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 Parties;

(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;

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

This Protocol, considered an integral part of the Convention, shall be deposited with the Government of Saudi Arabia who shall act as Depositary pursuant to article XXIX of the Convention and who shall transmit certified copies of it to the Contracting Parties. Certified copies of this Protocol shall be deposited, together with the Convention, with the General Secretariat of the League of Arab States in accordance with article 17 of the Charter of the Arab League and registered with the Secretary-General 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 this Protocol.

Done at the City of Jeddah on Sunday the twentieth of the month Rabie Althani of the year A.H. 1402, corresponding to 14 Shabat (February) of the year A.D. 1982.