

LEGAL

REGIONAL ARRANGEMENTS

After two years of preparatory activities, UNEP convened the Kuwait Regional Conference of Plenipotentiaries on the Protection and Development of the Marine Environmental and Coastal Areas in Kuwait from 15 to 23 April 1978. The Conference 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 United Arab Emirates together with the following two legal agreements:

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

On 30 June 1979, the legal agreements were enforced. The Government of Kuwait was designated as the Depositary for the Convention and Protocol. The Regional Organization for the Protection of the Marine Environment (ROPME) was established in accordance with article XVI of the Convention with its headquarters in Kuwait and assumed responsibility for the secretariat functions of the action plan, the Convention and Protocol.

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

The Kuwait Convention consists of a preamble, 30 articles, and one Protocol. The preamble defines the idea behind the Convention and the aims to be achieved by the States concerned. Article 1 (a) defines the "Marine Pollution" as 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-water and reduction of amenities.

The definitions derived from the definition of Marine Pollution were accepted by the Joint Group

of Experts on the Scientific Aspects of Marine Pollution (GESAMP).

Article 2 (a) defines the geographical area to which the Convention is applicable. This "Sea Area" comprises of the international water area or the high seas, as well as the territorial sea of the coastal states.

The sovereignty of a coastal State extends beyond its land territory and internal waters over an adjacent belt of a sea the So-called-territorial Sea.

While the provision of this Convention does not apply to internal waters of the Contracting States (Article 2 (b)), Article 4.2 of the Protocol states that, for the purpose of dealing with marine emergency, ports, harbors, estuaries, bays and lagoons may be treated as part of the Sea Area if the concerned Contracting State so decides.

The Kuwait Convention deals with all sources of Pollution, which may cause pollution of the Sea Area, without giving a priority to any particular pollutant although pollution from tanker transport (from ships generally) and offshore operations is considered as the main source of pollution in the region, which is consistent with the high concentration of oil production and transportation activities in the ROPME Sea Area.

MAIN SOURCES OF POLLUTION:

The main sources of pollution dealt with in the Kuwait Convention are:

1. Pollution from ships (intentional and accidental).
2. Pollution caused by dumping from ships and aircraft.
3. Pollution from land-based sources.
4. Pollution resulting from exploration and exploitation of the bed of the territorial sea and its subsoil and the continental shelf.
5. Pollution from other human activities (land reclamation suction, dredging and coastal dredging).

NATIONAL LEGISLATION COMMON FEATURES

Before illustrating the status of each country with regard to marine pollution legislation, it is important, at this stage, to indicate the main common features of the States concerned in this respect.

1. Among the Member States of RSA, only Six have national laws regulating the protection of the environment (Bahrain, Saudi Arabia, Kuwait, Oman, Iran and U.A.E.) noting that the majority of this legislation is old and not compatible with the new developments in the field of protection of the marine environment; while Bahrain's legislation is of a general nature and deals with the environment in broad terms. (Table 1)

2. Among the relevant States, there are some States which have not ratified significant international conventions in respect of the protection of the marine environment and pollution prevention. (Table 4 and 5)

3. Generally speaking, there is no national legislation enacted so far to deal solely with question of civil liability and compensation. This subject matter has been regulated by secondary legislation in some countries, by general principles of civil law in the others, or by

international conventions to which the State in question is a party to.

4. Naturally all ROPME Member States adhere to the ROPME regional legal instruments. (Kuwait Convention and various Protocols dealing with different sources of pollution), some of which contain very general provisions on the question of civil liability and compensation. Table No. (3) Illustrates the status of ROPME with regard to its Convention and various protocols.

5. Except for Bahrain, Kuwait, Oman and Saudi Arabia, the other States have no oil spill contingency plans. However, in the UAE, there are oil contingency plans for most of the Emirates, while the National Oil Contingency Plan is drafted and already submitted to the cabinet for approval.

6. Oman is the only ROPME member state which is a party to MARPOL 73/78, while the rest is in process of ratifying MARPOL 73/78.

7. All ROPME Members States, except for Iran and Iraq, are a parties to 1969 Civil Liability Convention (CLC) and the 1971 Fund Convention (Fund), except Saudi Arabia, which is a party to CLC but not to the Fund. This has caused inconsistency towards the unification of the International Standards in the matters pertaining to the system of civil liability and compensation for oil pollution damage.

8. Most of the ports and oil loading terminals in the ROPME Member States have their own Rules or Instructions which regulate the "conduct" of the vessels within the port area.

**THE STATUS OF ROPME MEMBER STATES WITH
REGARD TO THE CIVIL LIABILITY AND FUND
CONVENTIONS AND THE PROTOCOLS, 2002**

States	69 CLC	76 CLC PROT	92 CLC PROT	71 FND PROT	76 FND PROT	92 FND PROT
1. Bahrain	01.08.96	01.08.96	30.05.97	01.08.96	01.08.96	03.05.97
2. I.R.Iran	-	-	-	-	-	-
3. Iraq	-	-	-	-	-	-
4. Kuwait	01.07.81	29.09.81	-	01.07.81	-	*
5. Oman	24.04.85	24.04.85	30.05.96	08.08.85	-	30.05.96
6. Qatar	31.08.88	31.08.88	-	31.08.88	-	20.11.02
7. Saudi Arabia	14.07.93	14.07.93	-	-	-	-
8. UAE	14.03.84	12.06.84	-	14.03.94	-	-
TOTAL	6	6	2	5	1	3

* Under Process

**ROPME Member States Status Towards the International
Conventions and Protocols under the IMO and UN as of 11th February 2019**

	Member States Conventions	Bahrain	I. R. Iran	R. Iraq	S. Kuwait	S. Oman	S. Qatar	K. Saudi Arabia	UAE
1.	IMO Convention 48	X	X	X	X	X	X	X	X
2.	IMO amendments 91		X					X	
3.	IMO amendments 93	X	X		X	X	X	X	X
4.	SOLAS Convention 74	X	X	X	X	X	X	X	X
5.	SOLAS Protocol 78		X		X	X		X	X
6.	SOLAS Protocol 88	X	X			X			
7.	Stockholm Agreement 96								
8.	LOAD LINES Convention 66	X	X		X	X	X	X	X
9.	LOAD LINES Protocol 88	X	X			X			
10.	TONNAGE Convention 69	X	X	X	X	X	X	X	X
11.	COLREG Convention 72	X	X	X	X	X	X	X	X
12.	CSC Convention 72	X	X					X	
13.	CSC amendments 93							X	
14.	SFV Protocol 93								
15.	STCW Convention 78	X	X	X	X	X	X	X	X
16.	STCW-F Convention 95								
17.	SAR Convention 79	X	X			X	X	X	X
18.	STP Agreement 71							X	
19.	STP Protocol 73							X	
20.	IMSO Convention 76	X	X	X	X	X	X	X	X
21.	INMARSAT OA 76	X	X	X	X	X	X	X	X
22.	INMARSAT amendments 94	X			X	X	X	X	X
23.	INMARSAT amendments 98	X	X			X		X	X
24.	IMSO amendments 2006								
25.	FACILITATION Conv. 65		X	X					
26.	MARPOL 73/78 (Annex I/II)	X	X	X	X	X	X	X	X
27.	MARPOL 73/78 (Annex III)		X	X	X	X	X	X	X
28.	MARPOL 73/78 (Annex IV)		X	X	X	X	X	X	X
29.	MARPOL 73/78 (Annex V)	X	X	X	X	X	X	X	X
30.	MARPOL Prot.97 (Annex VI)		X		X			X	
31.	London Convention 72		X			X			X
32.	London Conv. Protocol 96		X					X	
33.	INTERVENTION Conv. 69		X		X	X	X		X
34.	INTERVENTION Protocol 73		X			X			
35.	CLC Convention 69	d			X	d	d	X	X
36.	CLC Protocol 76	X			X	X	d	X	X
37.	CLC Protocol 92	X	X		X	X	X	X	X
38.	FUND Protocol 76	X							
39.	FUND Protocol 92	X	X			X	X		X

	Conventions	Member States						
		Bahrain	I. R. Iran	R. Iraq	S. Kuwait	S. Oman	S. Qatar	K. Saudi Arabia
40.	FUND Protocol 2003							
41.	NUCLEAR Convention 71							
42.	PAL Convention 74							
43.	PAL Protocol 76							
44.	PAL Protocol 90							
45.	PAL Protocol 02							
46.	LLMC Convention 76							X
47.	LLMC Protocol 96							
48.	SUA Convention 88	X	X		X	X	X	X
49.	SUA Protocol 88	X	X		X	X	X	X
50.	SUA Convention 2005							
51.	SUA Protocol 2005							
52.	SALVAGE Convention 89		X			X	X	X
53.	OPRC Convention 90	X	X			X	X	
54.	HNS Convention 96							
55.	OPRC/HNS 2000		X					
56.	BUNKERS CONV. 01	X	X				X	
57.	ANTI FOULING 01		X					
58.	BALLASTWATER Convention		X				X	X
59.	NAIROBI WRC 2007		X					
60.	HONG KONG SRC 2009							
61.	UNCLOS 1982	X		X	X	X	X	
62.	Law of the Sea-1982 (Part XII)	X		X	X	X	*	*
63.	Basel Convention	X			X	X	X	X

X = Accession, Ratification, etc.

d = Denunciation

* = Signed but not Ratified

? = State informed the Ratification but IMO didn't confirm the Ratification.

www.memac-rsa.org

THE STATUS OF ROPME MEMBER STATES WITH
STATUS OF KUWAIT CONVENTION AND ITS PROTOCOLS

11th February 2019

Member States	Kuwait Regional convention for Cooperation on the Protection of the Marine Environment from Pollution and its Protocol (1978)		Protocol concerning Marine pollution resulting from Exploration of the continental shelf (March 1989)		Protocol for the Protection of the Marine Environment against Pollution from Land-Based Source (Feb. 1990)		Protocol on the Control of Marine Transboundary Movements and disposal of Hazardous Wastes and Other Wastes (March 1998)	
	Date of Sign.	Date of Ratify	Date of Sign.	Date of Ratify	Date of Sign.	Date of Ratify	Date of Sign.	Date of Ratify
Bahrain	24.4.78	1.4.79	29.3.89	14.8.90	21.2.90	2.1.93	17.3.98	
Iran	24.4.78	3.3.80	29.3.89	30.6.92	21.2.90	12.9.93	17.3.98	
Iraq	24.4.78	4.2.79	29.3.89	17.2.90				
Kuwait	24.4.78	7.11.78	29.3.89	17.2.90	21.2.90	12.9.93	17.3.98	
Oman	24.4.78	20.3.79	26.3.89	17.2.90		12.9.93	17.3.98	
Qatar	24.4.78	4.1.79	29.3.89	17.2.90	21.2.90	12.9.93	17.3.98	
Saudi Arabia	24.4.78	26.12.81	29.3.89	17.2.90	21.2.90	12.9.93		
UAE	24.4.78	1.12.79	29.3.89	16.7.90	21.2.90		17.3.98	