

**ROPME**

# SEA KAPS



A special issue of ROPME newsletter "The Marine Environment"

No. : 3/1998

## MEETING OF THE PLENIPOTENTIARIES OF ROPME MEMBER STATES FOR SIGNING THE PROTOCOL ON THE CONTROL OF MARINE TRANSBOUNDARY MOVEMENTS AND DISPOSAL OF HAZARDOUS WASTES AND OTHER WASTES



*(Tehran, I.R., Iran, 17 March 1998)*

## INTRODUCTION

The draft Protocol was developed in 1989 and was reviewed by four Legal/Technical Expert Meetings in 1989, 1993, 1994 and 1997, respectively. The text of the draft Protocol was also reviewed by the Secretariat of the Basel Convention, ELI/PAC of UNEP as well as IMO and the final text with 16 Articles was unanimously accepted at the Fourth Expert Meeting in December 1997.

The Meeting of the Plenipotentiaries for Signing of the Protocol was convened in Tehran, I.R.Iran on 17 March 1998 in accordance with Decision CM9/14 of the Ninth Meeting of the Council (June 1996) and in compliance with the Decision of the Sixteenth Meeting of ROPME Executive Committee (November 1997). The Meeting was chaired by the current Chairman of ROPME Council, H.E. Sheikh Khalid Bin Abdullah Al-Khalifa, Minister of Housing, Municipality and Environment of Bahrain and was attended by delegates from seven Member States, high ranking personalities and ROPME Secretariat.

## OPENING OF THE MEETING

The Signing Ceremonies started at 9 a.m. on Tuesday, 17 March 1998 by a welcome address of the Chairman, H.E. Sheikh Khalid Bin Abdullah Al-Khalifa in which he highlighted the importance of the occasion in the history of environmental protection of the Region. He underlined the significance of environmental concerns and cooperation among Member States as witnessed by the will of the Governments and the People to sign the Protocol in order to preserve our common natural heritage for the generations to come.



**H.E. Sheikh Khalid Bin Abdullah Al-Khalifa:**

*"The protection of marine environment is to be developed in peace and on a sustainable basis derived from the principles of Islam which has unified our Region and will continue to be a source of aspiration for a better future."*



H.E.Dr. Masoumeh Ebtekar, Vice-President of the Islamic Republic of Iran and Director of the Department of the Environment delivered a speech emphasizing the full commitment and willingness of the Islamic Republic of Iran for regional cooperation particularly on environmental issues and the protection of marine environment. She further stated that " The Signing of the Protocol is a significant development in line with the environmental protection and security of the Region. We hope to witness in the near future, collaborative efforts undertaken to implement and actualize the Protocol and to establish a regime of environmental regulations and standards, that all those entering the Region will have to comply with".

**H.E.Dr. Masoumeh Ebtekar :**

*"ROPME has taken great strides for the protection of the marine environment during the two decades of its inception. Our common religion, similar climate and environmental conditions provide a favourable framework for research and the exchange of information and experience. Joint projects and activities have been successfully undertaken and implemented indicating a genuine spirit of cooperation and Islamic brotherhood."*



**H.E. Dr. Abdul Rahman Al-Awadi**, Executive Secretary of ROPME addressed the Meeting and outlined the main provisions of the Protocol. He explained that the Basel Convention deals with the transboundary movements of wastes among countries and not a body of water such as the ROPME Sea Area. To this effect, ROPME prepared the first draft of the present Protocol in cooperation with UNEP in 1989 with the objective to protect the marine environment of our Region against the impacts of transboundary movements and disposal of wastes. Dr. Al-Awadi further elaborated on the Protocol requirements as a multi-purpose legal instrument for the control of all types of wastes in a comprehensive manner. Accordingly, the transboundary movements of hazardous wastes, the dumping of wastes at sea, the ballast water of oil tankers and the wastes of commercial ships are all addressed by the Protocol. In fact, the present Protocol deals with the main provisions of three international Conventions, i.e. the Basel Convention, MARPOL 73/78 and the London Convention and its 1996 Protocol. It has been the intention not to develop too many Protocols and hence not to create too many bureaucracies and obligations for ROPME Member States which they cannot afford.



**H.E. Dr. Abdul Rahman Al-Awadi :** *"The present Protocol addresses major issues of concern to countries of the Region. It provides maximum protection against marine pollution resulting from transboundary movements of wastes, operational pollution from ships and dumping of wastes at sea. In the meantime, it promotes Regional cooperation to address all aspects of hazardous wastes and to ensure environmentally sound management of wastes. Through such a Regional cooperation we will be able to establish and run reception facilities to control the operational pollution from ships. We will be able to establish an effective monitoring and surveillance system to detect and control dumping of wastes at sea. And, we will be able to utilize the existing facilities as well as those to be established in the Region to a fuller capacity to handle wastes in an environmentally sound manner"*

**H.E.Mr. Mohammad Saidi-Kia**, Minister of Jihad-e-Sazandagi of I.R.Iran was a guest speaker in the Meeting. He emphasized the importance of conservation and the sustainable use of resources for the protection of the marine environment. He also stated that there are many diverse and productive marine ecosystems in our Region, but only a few are protected and that many other fragile and sensitive areas are in need of immediate attention.

**H.E.Dr. Sayed Mohammad Sadr**, Deputy Minister for Africa and Arab States of the Ministry of Foreign Affairs was another guest speaker who underlined the significance of Regional cooperation for a better environment. He expressed hopes that environmental cooperation in the Region will be extended to all areas of common interest and that such a comprehensive cooperation will become a model and good example for other countries of the world. He further urged ROPME to forge linkages with other important conventions, such as the Basel Convention, with a view to enhancing cooperative relationships and to make good use of their technical experience.

**H.E.Dr. Nizar Tawfiq**, President of MEPA, Kingdom of Saudi Arabia addressed the Plenipotentiaries Meeting and expressed the great importance that the Kingdom attaches to the provisions of the Protocol. He further assured the Meeting of the full support of his Government for an early ratification and implementation of the Protocol.



## AUDIENCE WITH H.E.THE PRESIDENT

*An audience with H.E. Dr. Sayed Mohammad Khatami, the President of the Islamic Republic of Iran was granted to Delegates at 16:00 hours on 17 March 1998. The President made valuable and guiding remarks on Regional cooperation for the protection of the marine environment during the audience.*

# Signing Of



**H.E. Sheikh Khalid Bin Abdullah Al-Khalifa**  
Minister of Housing, Municipality and Environment  
For the Government of the STATE OF BAHRAIN

The Protocol was Signed by  
Bahrain, I.R.Iran, Kuwait, Oman,  
Ceremonies. The Plenipote  
Protocol on behalf of their



**H.E. Mr. Suleiman Majid Al-Shaheen**  
Under Secretary of the Ministry of Foreign Affairs  
For the Government of the STATE OF KUWAIT



**H.E. Mr. Ali Bin Said Al-Khayareen**  
Minister of Municipal Affairs and Agriculture  
For the Government of the STATE OF QATAR

# *The Protocol*

six ROPME Member States, i.e. Qatar and UAE during the signatories who Signed the respective Governments were:



*H.E. Dr. Masoumeh Ebtekar, Vice-President and Director,  
Department of the Environment  
For the Government of the ISLAMIC REPUBLIC OF IRAN*



*H.E. Mr. Abdullah Bin Salim Al-Sanfary  
The Ambassador of Oman to I.R. Iran  
For the Government of the SULTANATE OF OMAN*



*Dr. Salem Mizri Al-Dahri  
Director General, Federal Environmental Agency  
For the Government of the UNITED ARAB EMIRATES*

## QUOTED ARTICLES FROM THE PROTOCOL

### GENERAL OBLIGATIONS

1. Contracting States shall ensure that the generation of hazardous wastes or other wastes is reduced to a minimum, taking into account social, technological and economic aspects.
2. Each Contracting State shall prohibit all persons under its national jurisdiction from transporting or disposing of hazardous wastes or other wastes unless such persons are authorized or allowed to perform such types of operations.
3. Each Contracting State shall take appropriate measures to ensure that persons involved in the management of hazardous wastes and other wastes under its national jurisdiction take such steps as are necessary to prevent pollution due to hazardous wastes or other wastes arising from such management and, if such pollution occurs, to minimize the consequences thereof for human health and the environment.
4. Each Contracting State shall require that hazardous wastes and other wastes that are to be the subject of a transboundary movement be packaged, labelled, and transported in conformity with generally accepted and recognized international rules and standards.
5. Each Contracting State shall require that hazardous wastes and other wastes be accompanied by a movement document from the point at which a transboundary movement commences to the point of disposal.
6. Contracting States shall ensure the effective control of transport and disposal facilities for hazardous wastes or other wastes including routine inspection and monitoring of environmental effects of these operations.
7. Each Contracting State shall require that hazardous wastes or other wastes, to be exported, are managed in an environmentally sound manner in the State of import or elsewhere.
8. Contracting States shall cooperate in monitoring the effects of the management of hazardous wastes and other wastes on human health and the environment.

9. Contracting States shall cooperate in the development of programmes of technical and other assistance related to the environmentally sound management of hazardous wastes and other wastes.
10. Contracting States shall consider that illegal traffic in hazardous wastes or other wastes is criminal.
11. Each Contracting State shall take appropriate legal, administrative and other measures to implement and enforce the provisions of this Protocol, including measures to prevent and punish conduct in contravention of the Protocol.
12. Each Contracting State shall designate its Competent Authority responsible for the fulfilment of the obligations and duties specified in the Protocol.
13. Contracting States exercising their right to prohibit the import of hazardous wastes or other wastes for disposal shall inform in writing other Contracting States directly or through the Organisation. The Contracting States shall prohibit or shall not permit the export of hazardous wastes and other wastes to those Contracting States which have prohibited the import of such wastes.
14. Nothing in this Protocol shall affect in any way the sovereignty of Contracting States over their territorial sea established in accordance with international law, and the sovereign rights and the jurisdiction which Contracting States have in their exclusive economic zones and their continental shelves in accordance with international law, and the exercise by ships and aircraft of all States of navigational rights and freedoms as provided for in international law and as reflected in relevant international instruments.

#### **PROHIBITION ON IMPORTATION**

1. The importation of hazardous wastes or other wastes from non-Contracting States into or through the Protocol Area for the purposes of final disposal by any Contracting State is prohibited.

2. Contracting States may import hazardous wastes or other wastes for the purposes of resource recovery, recycling, reclamation, direct re-use or alternative uses from non-Contracting States through the Protocol Area, provided:
  - a) The State of import has the facilities and technical capacity to manage the hazardous wastes and other wastes in an environmentally sound manner consistent with the Regional Technical Guidelines and such facilities are registered with the Organization in consultation with the Competent Authority of the State of import;
  - b) The State of export lacks the technical capacity, the necessary facilities, or suitable disposal sites to dispose of the hazardous wastes and other wastes in an environmentally sound manner; and
  - c) The transboundary movement of wastes is consistent with all relevant international agreements and national laws.

#### **PROHIBITION ON DISPOSAL**

1. Disposal of hazardous wastes in the Protocol Area is prohibited unless they are destined for resource recovery, recycling, reclamation, direct re-use or alternative uses.
2. In conformity with relevant international legal regimes all ships must provide adequate waste receiving facilities on-board for subsequent discharge of wastes to national/Regional reception facilities. Adequate national and/or Regional facilities shall be provided for the reception of such wastes and the wastes generated from ports. Contracting States may levy charges for services rendered at the reception facilities towards management of wastes, taking into consideration the national regulations and Regional Technical Guidelines.
3. Disposal of other wastes shall require a prior permit as granted by the Competent Authority of each Contracting State in accordance with the Regional Technical Guidelines.

# Signing Of The Protocol



**H.E. Sheikh Khalid Bin Abdullah Al-Khalifa**  
Minister of Housing, Municipality and Environment  
For the Government of the STATE OF BAHRAIN

The Protocol was Signed by six ROPWE Member States, i.e. Bahrain, I.R.Iran, Kuwait, Oman, Qatar and UAE during the Ceremonies. The Plenipotentiaries who Signed the Protocol on behalf of their respective Governments were:



**H.E. Dr. Masoumeh Ebtekar**, Vice-President and Director,  
Department of the Environment  
For the Government of the ISLAMIC REPUBLIC OF IRAN



**H.E. Mr. Suleiman Majid Al-Shaheen**  
Under Secretary of the Ministry of Foreign Affairs  
For the Government of the STATE OF KUWAIT



**H.E. Mr. Abdullah Bin Salem Al-Saifery**  
The Ambassador of Oman to I.R. Iran  
For the Government of the SULTANATE OF OMAN



**H.E. Mr. Ali Bin Said Al-Khayareen**  
Minister of Municipal Affairs and Agriculture  
For the Government of the STATE OF QATAR



**Dr. Salem Murti Al-Daliri**  
Director General, National Environmental Agency  
For the Government of the UNITED ARAB EMIRATES

## **LIST OF PARTICIPATING DELEGATES**

### **STATE OF BAHRAIN**

**H.E. Shiekh Khalid Bin Abdulla AL-KHALIFA**  
*Minister of Housing, Municipalities & Environment*

**Mr. Khalid FAKHRO**

*NFP - Bahrain*

*Director General for Environmental Affairs*

**Dr. Juma A. AL-KAABI**

*Chemist, Environmental Affairs*

**Mr. Abdul Mohsin AL-MAHMOOD**

*Chemist, Environmental Affairs*

**Mr. Hassan Ahmed JUMA**

*Chemist, Environmental Affairs*

**Mr. Saud Salim AWAD**

*Director of H.E.'s Office - Municipality*

**Mr. Abdul Rahman M. AL-SAAD**

*Director of H.E.'s Office, Housing*

### **I. R. IRAN**

**H.E. Dr. Masoumeh EBTEKAR**

*Vice-President and Director,*

*Department of the Environment*

**Dr. Madjid Abbaspour Tehrani FARD**

*Advisor, Department of the Environment*

**Mr. Mohammad-Said Hosseini EMAMI**

*Director General for Marine Environment*

### **STATE OF KUWAIT**

**H.E. Mr. Suleiman Majid AL-SHAHEEN**

*Under-Secretary*

*Ministry of Foreign Affairs*

**H.E. Mr. Abdulaziz A. AL-DUWAIKH**

*The Ambassador of Kuwait to I.R. Iran*

**Dr. Mohammed A. AL-SARAWI**

*Director-General*

*Environment Public Authority*

**Mr. Mohammed Ghuloom ABEL**

*Director, International Relations Department, EPA*

**Ms. Fatma Farhan AWAD**

*Chemical Engineer, EPA*

**Mr. Ismail Dawood AL-ANSARI**

*Legal Researcher, Ministry of Communication*

### **SULTANATE OF OMAN**

**H.E. Mr. Abdullah Bin Salim AL-SANFARY**

*The Ambassador of Oman to I.R. Iran*

### **STATE OF QATAR**

**H.E. Mr. Ali Bin Said AL-KHAYAREEN**

*Minister of Municipal Affairs & Agriculture*

**Mr. Abdulaziz AL-ASAILY**

*Legal Expert at Amiri Diwan*

**Mr. Mubarak Abdulla AL-KHULAIFI**

*Member of the Environment Protection Committee*

**Mr. Khalid Ghanim AL-ALI**

*Director, Department of Environment*

**Mr. Ali Jassim AL-SAIGAL**

*Researcher, Department of Environment*

**Mr. Abdulaziz Mohammad AL-JABER**

*Secretary to the Minister of Municipal Affairs &*

*Agriculture*

### **KINGDOM OF SAUDI ARABIA**

**H.E. Dr. Nizar Ibrahim TAWFIQ**

*President*

*Meteorology & Environmental*

*Protection Administration (MEPA)*

**Mr. Hamdan AL-GHAMDI**

*Director of the Marine Environment, MEPA*

### **UNITED ARAB EMIRATES**

**Dr. Salem Misri AL-DAHRI**

*Director-General, Federal Environmental Agency*

**Mr. Mohamed Rashid AL-ABSI**

*Ministry of Foreign Affairs*

**Dr. Saad AL-NUMAIRY**

*Advisor, Federal Environmental Agency*

**Mr. Mahboub Hassan SALEH**

*Environmental Researcher, FEA*

### **ROPME SECRETARIAT**

**H.E. Dr. Abdul Rahman AL-AWADI**

*Executive Secretary*

*ROPME*

**Dr. Mahmood Y. ABDULRAHEEM**

*Co-ordinator (Tech. & Admin.)*

*ROPME*

**Dr. Hassan MOHAMMADI**

*Protocol Implementation Officer*

*ROPME*