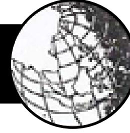

1958 Convention on Fishing and Conservation of the Living Resources of the High Seas

Concept

The 1958 Convention on Fishing and Conservation of the Living Resources of the High Seas implied that all nations have the right to fish on the High Seas subject their treaty obligations. Along with this right, nations have a duty to take measures to ensure the conservation of living resources on the High Seas. Nations who are fishing for the same species or different species within the same area of the High Seas are supposed to work together to conserve and protect the species from over exploitation. In determining maximum allowable catch, nations are to take measures to maintain or restore populations of harvested species at levels which can produce the maximum sustainable yield and they are to take into consideration the effects on species either associated with or dependent on the harvested species.

Background

For several countries, international controversies have existed concerning the rights of fishermen to fish wherever they please and, correlatively, the rights of a country to prohibit non-nationals from fishing in particular waters. In recent years, with over-exploitation of some fisheries and increased scientific conservation possibilities, attention has centered on the problem of regulation and control of fishing practices, specifically, the question has arisen whether any nation may regulate fishing activities of foreigners on the High Seas.

The rule gradually developed in customary international law that a nation could exclude foreigners from fishing within its lakes, rivers, and territorial waters, because that part of the ocean under its exclusive

jurisdiction. on the “no man’s land” of the high seas, fishing was free to all and only the state of the fishermen’s nationality could lawfully regulate and control their activities. Despite centuries of effort to agree upon the breadth of the sea off its coasts that a nation might claim as its territorial waters and a partial degree of general acceptance of three-mile limit, controversy still exists as to the maximum belt the coastal state may claim against foreign states and ships.

On the High Seas, because it is outside the territorial waters of any state, fishing is free to ant and all, and, except as modified by treaties between the nations concerned, fishing activities escape regulation by any country other than that of the vessel’s nationality. Difficulties arise when the nation of the vessel does not regulate the fishery adequately, or when vessels of more than one state fish in the same area for the same stock may succeed in regulating the fishery by treaty between themselves. But, since treaties obligate only the nations that are parties to them, difficulty arises when vessels of some non-party nation disregard regulations lay down by the treaty.

The question of excluding others from fishing in particular areas is closely intertwined with that of territorial waters. In general, existing customary international law does not permit a state to reserve to its vessels alone any fishery outside its own territory. This, indeed, has been a major motivating force behind the pressures for extension of territorial waters to such limits as twelve miles or, in some cases, two-hundred miles. the Geneva Conferences of 1958 and 1960 did not achieve agreement on the breadth of the belt of territorial sea wherein foreign fishermen might be excluded. the Convention on Fishing and Conservation of the Living Resources of the High Seas does not deal with this problem of exclusion from participation in fishing activities, but instead covers the separate and distinct question of what states may exercise non-exclusionary conservation controls over fishing in waters remaining part of the High Seas.

Entry into Force

According to Article 18 (1) in this Convention, the Convention shall entry into force on the thirtieth day after the State party deposited the twenty-second instrument of ratification or accession with the Secretary

General of the United Nations. and as Article 18 (2) mentioned, for the State ratifying or acceding to the convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article 20 of the Convention mentioned that after the expiration of a period of five years from the date on which this Convention shall enter into force, a request for the revision of this Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary General of the United Nations. Then, the General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of the request.

Purposes

The purpose of the Convention is to solve the problems involved in the conservation of the living resources of the high seas through international cooperation, considering that through the development of modern techniques some of these resources are in danger of being over-exploited.

Subject Matter

The subject matters that regulated in this Convention are:

- Article 3

Declares that a state whose nationals are engaged in fishing any stock of fish in an area of the High Seas where the nationals of other states are not thus engaged “shall adopt, for its own nationals, measures in that area when necessary for the purpose of the conservation of the living resources affected”. It is significant that the Convention speaks of the state’s duty to adopt conservation regulations, rather than saying merely that the State may do so if it wishes.

- Article 4

In case the nationals of two or more States are engaged in fishing the same stocks of fish in any area of the High Seas, the request of any of these States they are to enter into negotiations to prescribe necessary conservation measures for their nations.

- Article 5

This Article provides that if, after adoption of measures by a single State or by agreement, nationals of other States fish the same stock in the same area, such other States shall apply to their own national's measures.

- Article 6

This Article declares that 'a coastal State has a special interest in the maintenance of the productivity of the living resources in any area of the High Seas adjacent to its territorial sea'. Therefore, it is to be entitled to take part on an equal footing in research and regulation, even though its nationals do not fish in that area. As the request of the coastal State, the other State or States whose nationals fish in an area of the High Seas adjacent to the territorial sea of the coastal State shall enter into negotiations to prescribe by agreement the necessary conservation measures for that area. the non-coastal fishing State is not to enforce any conservation measures in that area opposed to those adopted by the coastal State.

- Article 7

This Article provides the coastal State's initiative to make and enforce any conservation measures.

- Article 8

Article 8 adds that any State, which "even if its nationals are not engaged in fishing in an area of the High Seas not adjacent to its coast, has a special interest in the conversation of the living resources of the High Seas in that area", may ask the State or States whose nationals are fishing therein to take necessary conservation measures.

Dispute Settlement

When the dispute arises concerning the propriety of particular regulations, or when it is impossible for the States concerned to agree on conservation measures, the Convention provides for settlement by a five man commission to be named by the parties to the dispute, unless the parties agree upon some other method of peaceful settlement. Failing agreement as to the members of such commission, they are to be named

by the Secretary-General of the United Nations, in consultation with the States in dispute and with the President of the International Court of Justice and Director General of the Food and Agriculture Organizations of the United Nations. They are to be 'well-qualified persons being nationals of States not involved in the dispute and are specializing in legal, administrative, or scientific questions relating to fisheries, depending upon the nature of the dispute to be settled', as the Convention mentioned in Article 9.

The Commission, deciding by majority vote, is to render its decision within five months unless it decides in case of necessity to extend the time limit up to three months. It is to apply, in disputes arising under Article 7 (pertaining to the action that the coastal state may take upon its own initiative), the criteria listed in paragraph 2 of that Article. In other disputes (under Articles 4, 5, and 6) based on Article 10 of the Convention, it is to apply the following criteria, according to the issues involved:

i) That scientific findings demonstrate the necessity of conservation measures;
ii) That the specific measures are based on scientific findings and are practicable;
iii) That the measures do not discriminate, in form or in fact, against fishermen of other States.

The crucial standard on complaints, arising under Article 8, by a nonadjacent State whose nationals are not fishing in the area concerned 'is requirement that scientific findings demonstrate the necessity for conservation measures, or that the conservation program is adequate, as the case may be."

Furthermore, the Convention provides that the special commission may decide that the measures in dispute shall not be applied pending its award, otherwise they remain in effect during the arbitration. In the case of unilateral action taken by the coastal States under Article 7, 'the measures shall only be suspended when it is apparent to the commission on the basis of *prima facie* evidence that the need for the urgent application of such measures does not exist.

The Convention in the Article 11 further provides that: "The decisions of the special Commission shall be binding on the States con-

cerned and the provisions of paragraph 2 Article 94 of the Charter of the United Nations shall be applicable to those decisions. If the decisions are accompanied by any recommendations, they shall receive the greatest possible consideration." In case the factual basis of an award is altered by new developments, the States concerned may request negotiations to provide for modification in the measures of conservation. If no agreement is reached, any of the States concerned may again resort to the arbitration procedure if at least two years have elapsed from the original award. **(AFY)**

Convention on the Protection of the Marine Environment of the Baltic Sea Area 1992 (Helsinki Convention Revised In 1992)

Concept

The States-Parties to the Convention agreed individually or jointly to take all appropriate legislative, administrative, or other relevant measures to prevent and eliminate pollution in order to promote the ecological restoration of the Baltic Sea Area and the preservation of its ecological balance, as it said it the Article 3 of the Convention. This convention builds on the provisions of the 1974 Convention on the Protection of the Marine Environment of the Baltic Sea Area. the Convention sets out its States-Parties' obligations with respect to environmental protection of the Baltic Sea Area.

This Convention covers pollution from the ships, land-based sources, dumping, incineration, and other activities. It also establishes liability rules and dispute settlement procedures.

Background

In 1974, for the first time ever, all the sources of pollution around an entire sea were made subject to a single convention, signed by the then seven Baltic Coastal States. In the light of political changes, and developments in international environmental and maritime law, a new convention was signed in 1992 by all the States bordering on the Baltic Sea, and the European Community.

This Convention, although it has not received yet the 60 instruments of ratification or accession necessary for its entry into force (as of July 31st, 1993, 54 States ratified it, two acceded to it), it has already produced rules of international law based on common State practices. In many ways, the new legal regime which embodied in the Convention has become rules of international law. In April 1992, a new Convention was adopted to assure the ecological restoration of the Baltic Sea, ensuring the possibility of self-regeneration of the marine environment and preservation of its ecological balance.

These recent legal developments together with the political changes in eastern Europe render more interesting, in light of the rules established by the Convention, the review of the practices of the States bordering the Baltic Sea which continues to be not only an area of extremely intensive exploitation and strain but also a major artery for commercial exchange for its bordering nations. the strategic impact of the Baltic Sea has been somewhat reduced due to the disintegration of the Soviet Empire and the new geopolitical situation in the area. During the Third United Nations Conference on the Law of the Sea, the following States composed the Baltic region: Denmark, Federal Republic of Germany, Finland, German Democratic Republic, Poland, Soviet Union, Sweden. More recently, the Baltic Sea region was affected by accession of the German Democratic Republic to the Federal Republic of Germany on October 3rd, 1990. Furthermore, Russia, Estonia, Latvia and Lithuania emerged from the Soviet Union. Cooperation between bordering States based on economic and trade ties existed in the past, and will certainly be intensified after the disappearance of the East-West confrontation

Entry into Force

This Convention shall enter into force two months after the deposit of the instruments of ratification or approval by all signatory States bordering the Baltic Sea and by the European Economic Community, as the Article 36 (1) of this Convention stated. As in fact, the Convention enters into force at January 17th, 2000.

Purposes

While the precursor 1974 Helsinki Convention was concerned primarily with issues of technical pollution control and the pollution of the Baltic Sea as such, the 1992 “New Helsinki Convention” is concerned with the entire marine environment of the Baltic Sea area. Its purpose is to prevent and eliminate pollution in order to promote the ecological restoration of the Baltic Sea area and the preservation of its ecological balance. Its geographical scope covers not only the entire Baltic Sea including the seafloor and coastal zones, but also its drainage area.

Fundamental Principles

It is stated in the Article 3 of the Convention that the fundamental principles of its Convention are:

1. The State Parties shall take all the appropriate legislative, administrative, or other relevant measures to prevent and eliminate pollution in order to promote the ecological restoration of the Baltic Sea Area and the preservation of its ecological balance.
2. The State Parties shall apply the precautionary principle to take preventive measures when there is reason to assume that substances or energy introduced into the marine environment may create hazards to human health.
3. The State Parties shall promote the use of the Best Environmental Practice and Best Available Technology to prevent and eliminate pollution of the Baltic Sea Area.
4. The State Parties shall apply the polluter-pays principle.
5. The State Parties shall ensure that the measurements and calculations of emissions from point sources to water and air and of inputs from diffuse sources to water and air are carried out in scientifically appropriate manner.
6. The State Parties shall use their best endeavors to ensure that the implementation of this Convention does not cause trans-boundary pollution in areas outside the Baltic Sea Area.

Subject Matter

The subject matters that regulated in this Convention are:

- The State Parties shall prevent any pollution on the marine environment of the Baltic Sea Area caused by Harmful Substance (Article 5)
- When an environmental impact assessment is likely to cause a significant adverse impact, the State Parties shall notify the Commission (Article 7)
- The State Parties shall take the prevention act of the pollution caused by any ships (Article 8)
- The State Parties shall take special measures to abate harmful effects on the marine environment caused by pleasure craft activities (Article 9)
- The State Parties shall prohibit incineration in the Baltic Sea Area

(Article 10)
- The State Parties shall prohibit dumping in the Baltic Sea Area (Article 11)
- The State Parties shall take all measures to prevent pollution caused by any exploration or exploitation of its part of the seabed and the subsoil (Article 12)
- When a pollution incident is likely cause pollution the State Parties shall notify without delay (Article 13)
- The State Parties shall take all appropriate measures to maintain adequate ability and to respond to pollution incidents (Article 14)
- The State Parties shall take all appropriate measures to conserve natural habitats and biological diversity and to protect ecological processes (Article 15)
- The State Parties shall report to the Commission at regular interval (Article 16)
- The State Parties shall ensure that information is made available to the public on the condition of the Baltic Sea and the water in its catchment area (Article 17)
- Article 19 – Article 23 are about the Commission.
- The State Parties undertake directly to cooperate in the fields of science, technology, and other research, and to exchange data and other scientific information for the purposes of this Convention (Article 24)
- The State Parties undertake jointly to develop and accept rules concerning responsibility for damage resulting from acts or omissions in contravention of this Convention, including, inter alia, limits of responsibility, criteria and procedures for the determination of liability and available remedies (Article 25)

Dispute Settlement

In case of a dispute arises between the State Parties as to the interpretation or application of this Convention, they should seek a solution by negotiations. If the Parties concerned cannot reach agreement they should seek the good offices of or jointly request mediation by a third State Party, a qualified international organization or a qualified person.

If the Parties concerned have not been able to resolve their dispute through negotiation or have been unable to agree on measures as de-

scribe above, such dispute shall be, arbitration tribunal or to the International Court of Justice.

The provisions of the dispute settlement ruled in the Article 25 of the Convention. **(AFY)**

Memorandum of Understanding Between the Ministry of Marine Affairs and Fisheries of the Republic Indonesia and the Ministry of Agriculture, Fisheries and Forestry of the Republic of Fiji on Marine and Fisheries Cooperation[1]

Background

The Memorandum of Understanding was established within the common desire for friendly cooperation and enhanced relations between Indonesia and Fiji. Indonesia and Fiji have the same interest upon conservation, management and sustainable utilization of marine living resources in the spirit of 1982 United Nations Convention on the Law of the Sea (UNCLOS). Furthermore, it is also an utmost interest from both states to prevent, deter and eliminate Illegal, Unreported and Unregulated (IUU) Fishing. Therefore, in supporting those interest, it is necessary to perpetual the commitment of Indonesia and Fiji through this Memorandum of Understanding.

Status

The MoU was signed in June 18, 2014, Nadi, Fiji.. the MoU needs no ratification and has been enforced since June 18 2014. the period time for the enforcement of this MoU is three years and can be extended to two more years. Representative of Indonesia who signed the treaty was Syarif Cicip Sutardjo and Representative of Fuji was Joketani Cokanasiga.

Concept

The objective of the Memorandum of Understanding (MoU) is to set up a framework for the enchancement of cooperation in the field of marine and fisheries. the MoU establishes the ares of cooperation that Indonesia and Fiji shall develop and consult upon the matters of. There are eight areas aimed by the MoU which are:

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[1] the Memorandum can be accessed at http://treaty.kemlu.go.id/index.php/treaty/index

a. Sustainable capture fisheries;
b. Sustainable development of aquaculture;
c. Processing and development of fisheries product;
d. Fisheries inspection and quarantine;
e. Preventing, deterring and eliminating IUU Fishing;
f. Research, development and capacity building;
g. Coastal community empowerment and integrated coastal management; and
h. Fleet and technical services.

Main Features

The MoU consists of 10 Articles. Article 1 explains about the objective of the MoU. Article 2 explains about the Areas of Cooperation the MoU aimed for. Article 3 presses about further arrangement for both parties in the implementation of the MoU and Issues about liabilities, financial capabilites, consultation and financial arrangements that arising therein on a case-by-case basis. Article 4 explains about the establishment of Joint Sub-Committee on Marine and Fisheries Cooperation that will ensure the implemantation of the MoU. the Committee shall be either in Indonesia or Fiji at least once a year at date. Article 5 explains about the confidentiality of the technical data and information related to the cooperation. Article 6 explains about the Intellectual Property Rights that exist because of the implementation of the MoU. Regarding this, both parties have to come into a consent if there will be any disclosing information towards third party. Article 7 explains about the important of promoting the effecting protection of Genetic Resources and Traditional Knowledge. Article 8 explains about Settlement of Disputes which is prioritized through consultation and negotiations between Indonesia and Fiji. Article 9 explains about the amendment of the MoU. Article 10 explains about Entry into Force, Duration and Termination. the termination of the MoU shall not affect the validity and duration of any activities made under the MoU untill the completion of such activities. **(BAI)**

Memorandum of Understanding Between Directorate General Fisheries Product Processing and Ministry of Marine Affairs and Fisheries of the Republic of Indonesia[2]

Background

The Memorandum of Understanding (MoU) was established within the common interest to further promote and extend a cooperative relationship in the area of development of fisheries prodcut processing and marketing between Indonesia and France. the MoU is also a following of the Agreement on Cultural and Technical between Indonesia and France in 1969.

Status

The MoU was signed in Feb 20, 2014. the MoU needs no ratification and has been enforced since Feb 20, 2014. the period time for the enforcement of this MoU is three years . the MoU can be extended through parties's interest and the extentions shall be written. Representative of Indonesia who signed the treaty was Saut P. Hutagalung and Representative of France was Alain Pierre Mignon.

Concept

The objectives of the MoU are 1) To set up a framework for the Parties to cooperate closely in the field of development of fisheries product processing industry and marketing; and 2) To synergize the development of fisheries products processing industry and marketing. the Areas of Cooperation of the MoU are :

1. Provision and dissemination of French market information of fisheries product to the Indonesian exporters;
2. Program Assistance on market access development of Indonesia fisheries products to France;
3. Facilitation on business meeting and other complementary promo-

[2] the Memorandum can be accessed at http://treaty.kemlu.go.id/index.php/treaty/index

tion activites of Indonesian fisheries products to France;
4. Exchange of experts in fisheries field from both parties aiming to develop fisheries products processing industry in Indonesia;
5. Facilitation of investment forum on Indonesian fisheries products processing industry and marketting;
6. Any activities mutually agreed upon by the Parties.

Main Features

The MoU consists of 11 Articles. Article 1 explains about the abbreviation and definition used in the MoU. Article 2 explains the objective of the MoU. Article 3 explains about the Areas of Cooperation within the MoU. Article 4 explains about the Contributions necessary for parties to help the implementation of the MoU. Both Indonesia and France have each different contribution to ensure the implementation of the MoU. Article 5 underlines the financial arrangement upon the implementation of the MoU which shall be mutually agreed by both parties. Article 6 explains about the confidentiality and secrecy of documents, information and other data to be handled as confidential and shall not be supplied or transferred to third party without prior written consent of the parties. Article 7 explains about the limitation of Personal Activities. Article 8 explains about the monitoring and review about the implementation of the MoU. the parties are also allowed to elaborate recommendations necessary for the achievement of the MoU. Article 9 explains about the Settlement of Dispute which amicably through consultations and negotiations between Parties. Article 10 explains about Amendment of the MoU which can only be made through mutual consent of parties. Article 11 explains about the Entry into Force, Duration and Termination of the MoU. the termination of MoU shall not affect the completion of any ongoing programs made under the MoU. **(BAI)**

Statute of International Atomic Energy Agency

Background

Statute of International Atomic Energy Agency (IAEA) was approved by the Conference on the Statute of the International Atomic Energy Agency on 23 October 1956, which was held at the Headquarters of the United Nations.

The Statute is a comprehensive treaty regarding the establishment of IAEA (hereinafter referred to as **"the Agency"**), an agency focused on nuclear field worldwide to promote the safe, peaceful, and secure use of nuclear technologies.

IAEA is not one of United Nations specialised agencies, it is an independent international organization related to United Nations by a special agreement that has been concluded in United Nations General Assembly not in Economic & Social Council of the United Nations (ECOSOC).

The mission, strategic plans and the vision of IAEA is guided by the interests and needs of member States which can be defined in three main area of work: Safety and Security, Science and Technology and Safeguards and Verification.

Concept

The objectives of this Statute, as set forth in the Article I, are:

1. to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world;
2. to ensure, so far as it is able, that assistance provided by it or at its request or under its supervision or control is not used in such a way as to further any military purpose.

Entry Into Force

This Statute entered into force on 29 July 1957, after the fulfillment of the relevant provisions of paragraph E of Article XXI. This Statute has been amended three times, first amandment was on 31 January 1963, and the third amandment was on 28 December 1989, by application of the procedure in paragraphs A and C of Aricle XVIII.

Main Features

This Statute consists of 23 Articles and 1 Annex regarding the Prepatory Commission, which are:

1. Article I–IV: those Articles describe the establishment, objectives, functions, and membership of the Agency. Based on Article III the Agency is authrorized to encourage, assist, and foster on research, materials, services, scientific and technical information, including all of other works concerning nuclear field. Moreover, the members of the Agency are States Members of the United Nations or any of the United Nations specialised agencies;
2. Article V-VII: those Articles define the structure of the Agency or how the Agency works under General Conference, Board of Governors, and staff in the Agency. the Agency is going to meet in regular annual session or **General Conference** consisting of representatives of all members, it is different with **Board of Governors** that only compose on the Board of ten members most advanced in the technology of atomic energy including the producton of source materials. the Director General will be the head of staff of the Agency and responsible for the appointment, organization, and function of the staff;
3. Article VIII-X: those Articles laid down the obligations of each Member of the Agency to make the scientific information, supplying of materials, services, equipment, and facilities available to the Agency;
4. Article XI-XIV: those Articles explain the assistance and requiring safeguards from Agency on projects for research and development of atomic energy for peaceful purposes also the reimbursement to the member for the items furnished;
5. Article XV-XVI: those 2 Articles define the privileges, immunities, and the Agency relationship with other organizations. Regarding privileges and immunities, it is relatedwhen the Agency exercises its function, such as enjoying legal capicityin the territory of each member;
6. Article XVII: settlement of disputes in the Agency which cannot be settled by negotiation shall be referred to the International Court of Justice, unless the parties concerned agree on another methode of

settlement;

7. Article XVIII-XIX: those articles describe the procedure when any member of the Agency propose to amend or withdraw from the Statute. **(PM)**

INTERNATIONAL CONVENTION FOR the PREVENTION of POLLUTION FROM SHIPS 1973

Background

The International Convention for the Prevention of Pollution from Ships (the Convention) was signed on November 2nd 1973 in London. the Convention is one of the ways to make the peaceful uses of the sea. the Convention was made to preserve the sea and coastal damaged from pollution from ships. the Convention was modified with the additional provisions in Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships. and the Convention was amended by the Protocol of 1997 to Amend the International Convention for the Prevention of Pollution from Ships, 1973, as Modified by the Protocol of 1978 Relating Thereto. the amendment does not make the Convention not applicable. Article 3 Protocol 1997 explains that the Convention and the Protocol 1997 should be read and interpreted together as one single instrument. the convention consist of 20 articles and 6 Annexes.

Main Principles

The main principles of the convention is stated in the preamble of the convention, which are:

1. To preserve human environment in general and the marine environment in particular;
2. To set the regulations about the deliberate, negligent or accident release of oil and other harmful substances from ships constitutes a serious marine pollution;
3. To protect the sea and coastal environment from pollution.

Entry Into Force

In Article 15 Convention describes about the entry into force of the Convention which shall enter into force 12 months after the date on which not less than 15 States of the parties. the signature itself was held on November 2nd 1973, but the convention was entered into force in October 2nd 1983 due to lack of ratifications of the States party.

Dispute Settlement

Article 10 of the Convention is set about the dispute settlement of the parties of the convention. the dispute between the parties of the convention concerning the interpretation or application of the present Convention shall by negotiation between the parties. But if the negotiation failed, the parties can request to the arbitration institution. In the Protocol II of the Convention explain if the dispute to the arbitration shall inform the Secretary General of the Organization, in this case is International Maritime Organization.

Main Features

The Convention is consist of 20 Articles, those article are:

1. Article 1 describes the Convention, Annexes and the Protocols are bound in order to prevent the pollution of the marine environment by the discharge of harmful substances;
2. Article 2 gives the definitions relating to this Convention, which are Regulation, Harmful Substances, Discharge, Ship, Administration, Incident, and Organization;
3. Article 3 describes the application of the Convention, which are the ships from a party of the Convention and the ships whose not the party of the Convention but operate under the authority of the party;
4. Article 4 explain about the violation is prohibited and sanctions will established by the Administration of the ship concerned wherever the violation occurs;
5. Article 5 requires a ship to hold a certificate while in ports or offshore terminal under the jurisdiction of the party, to inspenction by officers authorized by that party;
6. Article 6 describes the party of the Convention should cooperate in the detection and the enforcement of the provisions in the Convention;
7. Article 7 defines about the undue delay to the ships of the party of the Convention;
8. Article 8 describes about the reports on accidents involving harmful substances by the parties, with:
   a. Make all arrangements necessary for an appropriate officer or agency to receive and process all reports on accidents;

b. Notify the Organization with complete details;

9. Article 9 explains about the Convention is supersedes with the International Convention for the Prevention of the Sea by Oil in 1954;
10. Article 10 describes about the settlement of the disputes of the parties concerning the intepretation or application of the Convention;
11. Article 11 requires the party of the Convention to communicate with the Organization;
12. Article 12 requires the investigation of any casualty occuring to the ships;
13. Article 13 describes about the state can do signature, ratification, acceptance, approval, or accesion to become the party of the Convention;
14. Article 14 describes the party of the Convention may not accept the Annexes of the Convention;
15. Article 15 describes about the entry into force of the Convention in 12 months after the date on which not less than 15 States of the party of the Protocol;
16. Article 16 defines about the amendments of the Convention when it needs and after the consideration of the Organization;
17. Article 17 describes about the support to the party of the convention which request to the Executive Director of the United Nations Environment Programme to having technical assistance to:
    a. The training of scientific and technical personnel;
    b. The supply of necessary equipment and facilities for reception and monitoring;
    c. The facilitation of other measures and arrangements to prevent or mitigate pollution of the marine environment by ships; and
    d. The encouragement of research.
18. Article 18 explains about the dununciation of the Convention by the party at any time after 5 years from the date on which Convention or such Annex enter into force for that party;
19. Article 19 describes about the deposit of the Convention provided by the Secretary-General of the Organization;
20. Article 20 describes the languanges of the Convention is established in English, French, Russian, and Spanish. the official translation of the Protocol is in Arabic, German, Italian, and Japanes languange is prepared and deposited with the signed original. **(MRA)**

Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships 1973

Background

The Protocol of 1978 Relating to the International Convention for the Prevention of Pollution From Ships 1973 (the Protocol) was signed on February 17th 1978 in London. the Protocol was signed to improve the prevention and control of marine pollution from ships, particularly oil tankers and was made by the need of the implementing the Regulations for the Prevention of Pollution by Oil. the Protocol is the complement of the International Convention for the Prevention of Pollution from Ships 1973 (the Convention). the Protocol is consist of 9 articles and 6 Annexes.

Concept

The main concept of the Protocol is stated in the preamble of the Convention, which are:

1. To improve the prevention and control of marine pollution from ships, particularly oil tankers;
2. To implement the Regulation of the Prevention of Pollution by Oil;
3. To defer the application of the Annex II of the International Convention for the Prevention of Pollution From Ships 1973;
4. To complement the International Convention for the Prevention of Pollution From Ships 1973.

Entry into Force

The entry into force of the Protocol is 12 months after the date on which not less than 15 States of the party of the Protocol. the signature of the Protocol was held on February 17th 1978. But, the Protocol was entered into force in October 2nd 1983. the Protocol enters into force in October 2nd 1983 due to lack of ratifications of the States.

Main Features

1. Article I explains about the the Protocol is the modification and edition of the Convention. the Protocol and the Convention should be

read and interpreted together as one single instrument;
2. Article II explains about the implementation of Annex II of the Convention that the party shall not be bound by the provions of the Convention for a period of three years from the date of entry into force of the Protocol;
3. Article III replaces Article 11 para. 1 (b) of the Convention to become "a list of nominated surveyors or recognized organizations which are authorized to act on their behalf in the administration of matters relating to the design, construction, equipment and operation of ships carrying harmful substances in accordance with the provisions of the regulations for circulation to the Parties for information of their officers. the Administration shall therefore notify the Organization of the specific responsibilities and conditions of the authority delegated to nominate surveyors or recognized organizations.";
4. Article IV describes about the signature of the Protocol was open from 1 June 1978 to 31 May 1979 and shall remain open for the accession. the article is also explain about the conditions of the signature by the States;
5. Article V describes about the entry into force of the Protocol in 12 months after the date on which not less than 15 States of the party of the Protocol;
6. Article VI explains about the amendments in Article 16 Convention also can apply in the Protocol;
7. Article VII defines about the dunanciation of the Convention by the party at any time after 5 years from the date on which Convention or such Annex enter into force for that party;
8. Article VIII describes about the depository of the Convention by the Secretary-General of the Organization and shall inform all States which have signed the Protocol and transmit certified true copies of the Protocol to all States;
9. Article IX of the Protocol is describes about the languanges of the Protocol is established in English, French, Russian, and Spanish. the official translation of the Protocol is in Arabic, German, Italian, and Japanes languange is prepared and deposited with the signed original. **(MRA)**