



## IMCO

INTERNATIONAL CONFERENCE ON  
MARINE POLLUTION, 1973

Agenda item 8

DRAFT PROTOCOL RELATING TO INTERVENTION ON THE HIGH  
SEAS IN CASES OF MARINE POLLUTION BY SUBSTANCES OTHER  
THAN OIL

### DRAFT FINAL CLAUSES

Prepared by the Secretariat

#### ARTICLE A

1. The present Protocol shall be open for signature by the States which have signed or which accede to the Convention, and by any State invited to be represented at the International Conference on Marine Pollution 1973. The Protocol shall remain open for signature until 31 December 1974.
2. Subject to paragraph 4, the Protocol shall be subject to ratification, acceptance or approval by the States which have signed it.
3. Subject to paragraph 4, this Protocol shall be open for accession by States which did not sign it.
4. This Protocol may be ratified, accepted, approved or acceded to only by States which have ratified, accepted, approved or acceded to the Convention. (Article 37 of the 'Fund' Convention)

ARTICLE B

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 this Protocol with respect to all existing Contracting Parties or after the completion of all measures required for the entry into force of the amendment with respect to all existing Contracting Parties shall be deemed to apply to the Protocol as modified by the amendment.

(Article 38 of the 'Fund' Convention)

ARTICLE C

1. This Protocol shall enter into force on the ninetieth day following the date on which Governments of fifteen States have deposited instruments of ratification, acceptance, approval or accession with the Secretary-General of the Organization, provided however that this Protocol shall not enter into force before the Convention has entered into force.

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

(Article 40 of the 'Fund' Convention)

ARTICLE D

1. The present Protocol may be denounced by any Party at any time after the date on which the Protocol enters into force for that State.

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

3. 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.

4. Denunciation of the Convention by a Contracting Party shall be deemed to be a denunciation of the present Protocol by that Contracting Party. Such denunciation shall take effect on the same day as the denunciation of the Convention takes effect in accordance with paragraph 3 of Article XII of the Convention.

(Article 41 of the 'Fund' Convention)

ARTICLE E

1. The United Nations where it is the administering authority for a territory, or any State Party to the present Protocol 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 Protocol to that territory and may at any time by notification in writing to the Secretary-General of the Organization declare that the present Protocol shall extend to such territory.

2. The present Protocol 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 Protocol has been so extended to any territory declare by notification in writing to the Secretary-General of the Organization that the present Protocol shall cease to extend to any such territory named in the notification.

4. The present Protocol 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 XVII of the 1969 Intervention Convention)

ARTICLE F

1. The present Protocol 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 Protocol of:
  - (i) each new signature or deposit of instrument together with the date thereof;
  - [(ii) the date of entry into force of the Protocol]
  - (iii) the deposit of any instrument of denunciation of this Protocol together with the date on which the denunciation takes effect;
  - (iv) the extension of the present Protocol to any territory under paragraph 1 of Article ... and of the termination of any such extension under the provisions of paragraph 3 of that Article stating in each case the date on which the present Protocol has been or will cease to be so extended;
- (b) transmit certified true copies of the present Protocol to signatory States and to all States which accede to the present Protocol.  
(Article 46 of the 'Fund' Convention and Article XIX of the 1969 Intervention Convention)

#### ARTICLE G

As soon as the present Protocol enters into force, a certified true copy thereof 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 47 of the 'Fund' Convention)

#### ARTICLE H

This Protocol is established in a single original in the English and French languages, both texts being equally authentic. Official translations in the Russian and Spanish languages shall be prepared by the Secretariat of the Organization and deposited with the signed original.

IN WITNESS WHEREOF the undersigned plenipotentiaries being duly authorized for that purpose have signed the present Protocol.

DONE at London this                                         day of November one thousand  
nine hundred and seventy-three,  
(Article 48 of the 'Fund' Convention).

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