

Convention for the Protection of the Marine Environment and Coastal Area of the South-East Pacific

Lima, 12 November 1981

The High Contracting Parties,

Conscious of the need to protect and preserve the marine environment and coastal area of the South-East Pacific against all types and sources of pollution,

Convinced of the economic, social and cultural values of the South-East Pacific as a means of linking the countries of the region,

Considering that the various international agreements concerning marine pollution which are in force, despite all the progress achieved, do not cover all types and sources of pollution and do not completely satisfy the needs and requirements of the countries of the region,

Recognizing the desirability of co-operating at the regional level, either directly or with the assistance of the Permanent Commission of the South Pacific or other competent international organizations, in protecting and preserving the aforesaid marine environment and coastal area,

Have agreed on the following:

Article 1

GEOGRAPHICAL COVERAGE

The sphere of application of this Convention shall be the sea area and the coastal zone of the South-East Pacific within the 200-mile maritime area of sovereignty and jurisdiction of the High Contracting Parties and, beyond that area, the high seas up to a distance within which pollution of the high seas may affect that area.

Article 2

DEFINITIONS

For the purpose of this Convention:

(a) "Pollution of the marine environment" means the introduction by man, directly or indirectly, of substances or energy into the marine environment (including estuaries) which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine

activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities;

(b) "National authority" means the authority designated by each Party, in accordance with article 9.

(c) "Executive Secretariat" means the body specified in article 13 of this Convention.

Article 3

GENERAL OBLIGATIONS

1. The High Contracting Parties shall endeavour, either individually or through bilateral or multilateral co-operation, to adopt appropriate measures in accordance with the provisions of this Convention and any supplementary instruments in force to which they are party in order to prevent, reduce and control pollution of the marine environment and coastal area of the South-East Pacific and to ensure appropriate environmental management of natural resources.

2. In addition to the "Agreement on Regional Cooperation in Combating Pollution of the South-East Pacific by Hydrocarbons or Other Harmful Substances in Cases of Emergency", the High Contracting Parties shall co-operate in formulating, adopting and implementing any other protocols that may establish rules, standards, practices and procedures for the implementation of this Convention.

3. The High Contracting Parties shall endeavour to ensure that such laws and regulations as they may promulgate to prevent, reduce and control pollution of their respective marine environment and coastal area from any source and to promote the appropriate environmental management of such environment and area are as effective as the existing international standards.

4 The High Contracting Parties shall co-operate, on a regional basis, directly or in collaboration with the competent international organizations, in formulating, adopting and implementing effective rules, standards, practices and procedures for the protection and preservation of the marine environment and coastal area of the South-East Pacific against all types and sources of pollution, and in promoting appropriate environmental management of such environment and area, taking into account characteristic regional features.

Such rules, standards, practices and procedures shall be communicated to the Executive Secretariat.

5. The High Contracting Parties shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted that they do not cause damage by pollution to others or to their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not, as far as possible, spread beyond the areas where the High Contracting Parties exercise sovereignty and jurisdiction.

Article 4

MEASURES TO PREVENT, REDUCE AND CONTROL POLLUTION OF THE MARINE ENVIRONMENT

The measures adopted by the High Contracting Parties to prevent and control pollution of the marine environment shall include, inter alia measures designed to minimize to the fullest possible extent:

(a) Release of toxic, harmful or noxious substances, especially those which are persistent:

- (i) From land-based sources
- (ii) From or through the atmosphere; and
- (iii) By dumping;

(b) Pollution from vessels, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, preventing intentional discharges and regulating the design, construction, equipment, operation and manning of vessels pursuant to the generally accepted international standards and rules; and

(c) Pollution from any other installations and devices operating in the marine environment, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, and regulating the design, construction, equipment, operations and manning of such installations or devices.

Article 5

EROSION OF COASTAL AREA

The High Contracting Parties shall adopt all appropriate measures to prevent, reduce and control erosion of the coastal area of the South-East Pacific resulting from the activities of man.

Article 6

CO-OPERATION IN CASES OF POLLUTION RESULTING FROM EMERGENCY SITUATIONS

1. High Contracting Parties which become aware of cases in which the marine environment is in danger of being damaged or has been damaged by pollution shall immediately notify the other High Contracting Parties which they deem likely to be affected by such damage and the Executive Secretariat.

The High Contracting Parties, individually or by means of bilateral or multilateral co-operation, shall endeavour, to the extent possible, to eliminate the effects of pollution and to prevent or minimize damage.

Accordingly, the High Contracting Parties shall jointly endeavour to promote and develop contingency plans for responding to pollution incidents in the marine environment.

2. High Contracting Parties which are faced with pollution resulting from emergency situations shall:

- (a) Make an assessment of the nature and extent of the emergency;
- (b) Adopt appropriate measures to avoid or reduce the effects of the pollution;
- (c) Immediately report the measures adopted and any action which they are undertaking or intend to undertake in order to combat the pollution;
- (d) Observe the emergency situation for as long as it lasts, any changes that may occur and, in general, the development of the pollution.

The information obtained shall be communicated to the other High Contracting Parties and to the Executive Secretariat.

3. High Contracting Parties requiring assistance in combating pollution resulting from emergency situations may request, either directly or through the Executive Secretariat, the co-operation of other Parties, especially those which may be affected by the pollution.

Such co-operation may include expert advice and the provision of equipment and materials necessary to combat the pollution.

The High Contracting Parties to which a request has been addressed shall, as soon as possible, consider the request in the light of their capabilities and shall immediately inform the requesting Party of the form and conditions of the co-operation they are able to provide.

Article 7

MONITORING OF POLLUTION

The High Contracting Parties, directly or in collaboration with the competent international organizations, shall establish complementary or joint programmes for monitoring pollution in the South-East Pacific area, including, when appropriate, bilateral or multilateral programmes, and shall endeavour to implement a pollution monitoring system for that area.

To this end, the High Contracting Parties shall designate the authorities responsible for monitoring pollution within their respective maritime areas of sovereignty and jurisdiction and shall participate, to the extent feasible, in international arrangements for that purpose in areas situated outside the limits of their sovereignty and jurisdiction.

Article 8

ENVIRONMENTAL IMPACT ASSESSMENT

1. As part of their environmental management policies, the High Contracting Parties shall develop technical and other guidelines to assist the planning of their development projects in such a way as to minimize their harmful impact in the sphere of application of the Convention.
2. Each High Contracting Party shall endeavour to include an assessment of the potential environmental effects in any planning activity entailing projects within its territory, particularly in the coastal areas, that may cause substantial pollution of, or significant and harmful changes to, the area of application of the Convention.
3. The High Contracting Parties shall, in cooperation with the Executive Secretariat, develop procedures for the dissemination of information concerning the assessment of the activities referred to in paragraph 2 of this article.

Article 9

EXCHANGE OF INFORMATION

The High Contracting Parties undertake to exchange among themselves, and to transmit to the Executive Secretary, information on the following:

- (a) The competent national organization or authorities responsible for combating marine pollution;

(b) The competent national authorities and bodies responsible for receiving information on marine pollution and for carrying out assistance programmes of measures for the benefit of the Parties;

and

(c) The programmes and research which they are conducting in order to develop new methods and techniques for preventing marine pollution as well as the results of such programmes and research.

The High Contracting Parties shall co-ordinate the use of the available communication media in order to ensure the timely reception, transmission and dissemination of the information to be exchanged.

Article 10

SCIENTIFIC AND TECHNOLOGICAL CO-OPERATION

1. The High Contracting Parties shall, to the extent possible, co-operate directly, or through the Executive Secretariat or other competent international organization, when appropriate, in the fields of science and technology, and shall exchange data and any other specific information for the purposes of this Convention.

To this end, the High Contracting Parties shall, directly or through the Executive Secretariat or another competent international organization:

(a) Promote programmes of scientific, educational, technical and other assistance for the protection and preservation of the marine environment and the coastal area, and for the prevention, reduction and control of marine pollution. Such assistance shall include, inter alia:

- (i) Training of scientific and technical personnel;
- (ii) Participation in relevant international programmes;
- (iii) Provision of necessary equipment and facilities;
- (iv) Strengthening the capacity of the High Contracting Parties to manufacture such equipment; and
- (v) Provision of facilities for, and advice on, research, monitoring, educational and other programmes;

(b) Provide appropriate assistance to minimize the effects of major incidents or accidents which may cause serious pollution of the marine environment;

(c) Provide appropriate assistance in the preparation of environmental assessments; and

(d) Co-operate in developing programmes for appropriate assistance in the environmental management of the marine environment and the coastal area.

2. The High Contracting Parties undertake, to the extent possible, to promote and co-ordinate their national research programmes on all the types of pollution which exist within the geographical sphere of application of this Convention, and to co-operate in the establishment of regional research programmes.

Article 11

LIABILITY AND COMPENSATION

1. The High Contracting Parties shall endeavour to formulate and adopt appropriate procedures for determining civil liability and compensation for damage resulting from pollution of the marine environment and coastal area caused by natural or juridical persons in their maritime and coastal areas as a consequence of any infringement by such persons of the provisions of this Convention and its supplementary instruments.

2. The High Contracting Parties shall ensure that recourse is available in accordance with their legal systems for compensation or other relief in respect of damage caused by pollution of the marine environment and coastal area by natural or juridical persons under their jurisdiction.

Article 12

MEETINGS OF THE HIGH CONTRACTING PARTIES

The High Contracting Parties shall hold ordinary and extraordinary meetings.

1. Ordinary meetings shall be held every two years on the same occasion as the Ordinary Meeting of the Permanent Commission of the South Pacific. These meetings shall be convened by the Executive Secretariat.

Extraordinary meetings shall be held whenever special circumstances so warrant. They shall be convened by the Executive Secretariat at the request of any High Contracting Party. The Executive Secretariat may also convene extraordinary meetings at its request following the unanimous agreement of the High Contracting Parties.

2. At ordinary meetings, the High Contracting Parties shall examine, inter alia, the following points:

(a) The extent to which this Convention is being implemented, the effectiveness of the measures taken and the need to develop other kinds of activities in

furtherance of objectives of this Convention and the protocols thereto including their institutional and financial aspects;

(b) The adoption of additional protocols, the advisability of amending or revising this Convention and the protocols thereto, and the modification or expansion of any resolutions adopted in pursuance of the provisions of the Convention and protocols;

(c) The environmental assessment undertaken in the geographical area covered by this Convention; and

(d) The performance of any other function which may assist in achieving the purposes of this Convention.

Article 13

EXECUTIVE SECRETARIAT OF THE CONVENTION

For the purposes of the administration and application of this Convention, the High Contracting Parties hereby designate the Permanent Commission of the South Pacific to discharge the functions of Executive Secretariat under the Convention. At their first meeting, the High Contracting Parties shall establish the procedure and financing for the performance of this function.

Article 14

REPORTS

The High Contracting Parties shall transmit to the Executive Secretariat reports on the measures adopted for the implementation of this Convention and the additional protocols which form part of it, in such form and at such intervals as determined by their meetings. The Executive Secretariat shall bring these reports to the attention of the High Contracting Parties.

Article 15

ENTRY INTO FORCE

This Convention shall enter into force sixty days after the third instrument of ratification has been deposited with the General Secretariat of the Permanent Commission of the South Pacific.

Article 16

DENUNCIATION

This Convention may be denounced by any of the High Contracting Parties after it has been in force for two years for the High Contracting Party denouncing it.

Such denunciation shall be effected by means of written notification to the Executive Secretariat, which shall communicate it forthwith to the High Contracting Parties.

The denunciation shall take effect one hundred and eighty days after the date of such notification.

Article 17

AMENDMENTS TO THE CONVENTION OR ITS PROTOCOLS

1. Any High Contracting Party may propose amendments to this Convention or to its protocols. Such amendments shall be adopted at a Conference of Plenipotentiaries convened by the Executive Secretary at the request of any Contracting Party.
2. Amendments to this Convention and the protocols shall be adopted unanimously by the High Contracting Parties.
3. The amendments shall be subject to ratification and shall enter into force after the third instrument of ratification has been deposited with the Executive Secretariat.

Article 18

ACCESSION

This Convention shall be open for accession by any State bordering the South-East Pacific. Accession shall be effected by the deposit of the relevant instrument with the Executive Secretariat, which shall communicate it to the High Contracting Parties.

This Convention shall enter into force for the State acceding to it sixty days after the deposit of the relevant instrument.

Article 19

ADOPTIONS OF PROTOCOLS

The High Contracting Parties may adopt unanimously, at a Conference of Plenipotentiaries, additional protocols to this Convention, which shall enter into force after the third instrument of ratification has been deposited with the Executive Secretariat.

Article 20

GENERAL PROVISION

The provisions of this Convention shall not affect any more stringent obligations which have been assumed by the High Contracting Parties under special conventions and agreements that they have concluded or may conclude on the protection of the marine environment.

At the request of any of the High Contracting Parties, the Executive Secretariat shall convene a Conference of Plenipotentiaries on this question.

Before the entry into force of this Convention, the Executive Secretariat may, after consultation with the signatories of the Convention, convene a Conference of Plenipotentiaries for the adoption of additional protocols.

Done in six identical copies, one of which shall be deposited with the General Secretariat of the Permanent Commission of the South Pacific, all being equally authentic for the purposes of implementation and interpretation.

In witness whereof the Plenipotentiaries, being duly authorized by their respective Governments, have signed this Convention in the city of Lima, on the twelfth day of November, one thousand nine hundred and eighty-one.