

国际防止船舶造成污染公约(MARPOL)-->经 1978 年议定书修订的 1973 年国际防止船舶造成污染公约 (2011 年综合文本) -->1973 年国际防止船舶造成污染公约

国际防止船舶造成污染公约

本公约各缔约国， 认识到有保护整个人类环境特别是海洋环境的需要， 认识到船舶故意地、 随便地或意外地排放油类和其他有害物质是， 造成污染的一项重要来源， 也认识到主要为保护环境而缔结的第一个多边协议《1954 年国际防止海上油污公约》的重要性和该公约在防止海洋和沿海环境污染方面所作出的重大贡献。

本着彻底消除有意排放油类和其他有害物质而污染海洋环境并将这些物质的意外排放减至最低限度的愿望,考虑到达到这一目的的最好办法是制定不限于油污染的具有普遍意义的规则,经协议如下:

MARPOL 公约

第一条 本公约的一般义务

1. 各缔约国保证实施其承担义务的本公约各条款及其附则的各项规定,以防止由于违反公约排放有害物质或含有这种物质的废液而污染海洋环境。

2. 除另有明文规定者外,凡引用本公约即同时构成引用其议定书及各附则。

第二条 定义

除另有明文规定者外,就本公约而言:

1. “规则”指载于本公约附则中的各条规则。

2. “有害物质”指任何进入海洋后易于危害人类健康、有害生物资源和海生物,损害休憩环境或妨害对海洋的其他合法利用的物质,并包括应受本公约控制的任何物质。

3.

(1) “排放”一词当与有害物质或含有这种物质的废液相关时,系指不论由于何种原因所造成的船舶排放,包括任何的逸出、排出、溢出、泄漏、泵出、冒出或排空;

(2) “排放”一词不包括下列情况:

① 1972年11月13日在伦敦签订的防止倾倒废弃物

和其他物质污染海洋公约所指的倾倒；或

②由于对海底矿物资源的勘探、开发及与之相关联的近海加工处理所直接引起的有害物质的排放；或

③为减少或控制污染的合法科学研究而进行的有害物质排放。

4.“船舶”系指在海洋环境中运行的任何类型的船舶，包括水翼船、气垫船、潜水船、浮动船艇和固定的或浮动的工作平台。

5.“主管机关”系指船舶在其管辖下进行营运的国家政府。就有权悬挂某一国家国旗的船舶而言，其主管机关即为该国政府。对于沿海国家为勘探和开发其自然资源行使主权，在邻接于海岸的海底及其底土从事勘探和开发的固定或浮动平台而言，主管机关即为该有关沿海国家的政府。

6.“事故”系指涉及实际或可能将有害物质或含有这种物质的废液排放入海的事件。

7.“组织”系指政府间海事协商组织。

第三条 适用范围

1. 本公约适用于：

(1) 有权悬挂一缔约国国旗的船舶；和

(2) 无权悬挂一缔约国的国旗但在另一缔约国的管辖下进行营运的船舶。

2. 本条中的任何规定，均不得解释为减损或扩大缔约国根

据国际法为勘探和开发自然资源对于邻接其海岸的海底及其底土的主权。

3. 本公约不适用于任何军舰、海军辅助船舶或其他国有或国营并目前只用于政府非商业性服务的船舶。但每一缔约国应采取不损害其所拥有或经营的这种船舶的操作或操作性能的适当措施,以保证这种船舶在合理和可行的范围内按本公约的规定行事。

第四条 违 章

1. 任何违反本公约要求的事件,不论其发生在何处,应根据有关船舶主管机关的法律,予以禁止,并给予制裁。如果该主管机关获悉是项违章事件,并确信有充分的证据对被声称的违章事件起诉,则应按照其法律使这种起诉尽速进行。

2. 在任一缔约国管辖区域以内的任何违反本公约要求的事件,根据该缔约国的法律,应予禁止,并给予制裁。每当发生这种违章事件时,该缔约国便应:

(1) 按其法律起诉;或

(2) 将其可能掌握的关于已发生违章事件的情况和证据,提交该船的主管机关。

3. 如有关某一船舶违反本公约事件的情况和证据已提交该船的主管机关,则该主管机关应迅速将其所采取的行动通知提供上述情况和证据的缔约国和本组织。

4. 缔约国的法律按照本条要求所规定的处罚,其严厉程度

应足以阻止对本公约的违犯，并且不论此类事件发生在何处，其处罚均应同样严厉。

第五条 证书和检查船舶的特殊规定

1. 除本条第2款的规定外，对于根据一缔约国授权按照规则的各项规定所颁发的证书，其他缔约国应予承认，并视为在本公约涉及的全部范围内与他们自己所颁发的证书具有同等的效力。

2. 凡按照规则规定需要持有证书的船舶，当其在—缔约国所管辖的港口或近海装卸站时，应接受该缔约国正式授权的官员的检查。任何这种检查，应以核实船上是否备有有效的证书为限，除非有明显的理由认为该船或其设备的状况实质上不符合证书所载的情况。在这种情况下，或者船舶没有有效的证书时，则执行检查的缔约国应采取步骤，直至该船的出海对海上环境不致产生不当的危害威胁时，才准其开航。但是，该缔约国可允许这种船离开港口或近海装卸站而驶往可供使用的最近的适当修船厂以进行处理。

3. 如果—缔约国对于—艘外国船舶由于其不符合本公约的规定而拒绝其进入他所管辖的港口或近海装卸站，或对之采取任何行动，则该缔约国应立即通知该船船旗国的领事或外交代表，如无此可能，则应立即通知该船的主管机关。在拒绝进港或采取上述行动前，该缔约国可要求与该船的主管机关进行协商。如船舶未按规则的规定携有有效的证书，也应通知主管机关。

4. 对于非本公约缔约国的船舶，必要时缔约国可施用本公约的要求，以保证对这些船舶不给予更为优惠的待遇。

第六条 违章事件的侦查和本公约的实施

1. 各缔约国应运用一切适当而可行的侦查和环境监测措施，适当的报告程序和证据积累，在违章事件的侦查和本公约的实施方面进行合作。

2. 凡适用本公约的船舶，在一缔约国的任何港口或近海装卸站，可以受到该缔约国委派或授权的官员的检查，以核实该船是否违反规则的规定而排放了任何有害物质。如检查表明是违反了本公约的事件，则应将一份报告送请主管机关采取适当行动。

3. 任何缔约国如掌握关于该船违反规则规定排放了有害物质或含有这种物质的废液的证据，应提供给主管机关。如属可行，该缔约国的主管当局应将所声称的违章事件通知该船船长。

4. 在收到这种证据后，被通知的主管机关应对此事进行调查，并可要求其他缔约国对所声称的违章事件提供进一步的或更完善的证据。如果该主管机关确信有充分的证据可对所声称的违章事件起诉，则应使这种起诉按其法律尽速进行。该主管机关应将所采取的行动，迅速通知报告此项所声称的违章事件的缔约国和本组织。

5. 一缔约国也可对进入受其管辖的港口或近海装卸站并适用于本公约的船舶进行检查，如果已从任一缔约国收到调查的请求和关于该船不论在何处排放过有害物质或含有这种物质的废

液的充分证据。这种调查的报告应送交请求调查的缔约国和主管机关，以便能根据本公约采取适当的行动。

第七条 对船期的不当延误

1. 在执行本公约第四、第五或第六条规定的情况下，应尽力避免使船舶受到不当的滞留或延误。

2. 如果在执行本公约第四、第五或第六条规定的情况下船舶受到不当的滞留或延误，该船对于所受到的损失或损害，有权要求赔偿。

第八条 涉及有害物质的事故报告

1. 应毫不迟延地尽力按照本公约议定书 I 规定的全部内容作出事故报告。

2. 每一缔约国应：

(1) 为适当的官员或机构受理所有关于事故的报告，作出一切必要的安排；并

(2) 将这些安排的详细情况通知本组织，以便转告其他缔约国和本组织的会员国。

3. 一缔约国一旦收到本条规定的报告时，应立即将该报告转发给：

(1) 所涉及的船舶的主管机关；以及

(2) 可能受到影响的任何其他国家。

4. 每一缔约国应指示其海上检查船和飞机以及其他适当的部门，向其当局报告本公约议定书 I 中所提及的任何事故，该缔

约国如认为适当，应相应地报告本组织和任何其他的有关方面。

第九条 其他的条约及解释

1. 本公约一经生效，在缔约国之间，本公约即取代经修订的 1954 年国际防止海洋油污公约。

2. 本公约的任何规定，不得损害根据联大 2750 C (X X V) 决议召开的联合国海洋法会议对海洋法的编纂和拟订，也不得损害任何国家目前和会后就海洋法以及沿海国和船旗国的管辖权的性质和范围所提出的要求和法律上的意见。

3. 本公约中“管辖权”一词，应根据在应用和解释本公约时有有效的国际法来解释。

第十条 争议的解决

在两个或两个以上的缔约国之间对本公约的解释或应用所发生的任何争议，如不能通过这些国家间的协商解决，同时如这些国家又不能以其他方式取得一致意见时，经其中任一缔约国的请求，应提交本公约的议定书 II 中所规定的仲裁。

第十一条 资料交流

1. 各缔约国负责将下述各项文件送交本组织：

(1) 就本公约范围内各项事宜所颁布的法律、命令、法令和规则以及其他文件的文本；

(2) 经授权代表各该缔约国按规则规定办理关于装运有害物质船舶的设计、建造和设备事宜的非政府性机构的名单；

(3) 根据规则规定所颁发的证书的足够数量的样本；

(4) 接收设备的清单, 包括其地点、容量和可用的设备, 以及其他特点;

(5) 关于本公约实施结果的正式报告或其摘要;

(6) 按本组织标准格式填写的对违反本公约事件实际所作处罚的年度统计报告。

2. 本组织应将收到本条规定的任何文件一事通知各缔约国, 并将按本条第1款第(2)至(6)项规定送交本组织的任何资料转发所有缔约国。

第十二条 船舶事故

1. 每一主管机关根据本规则规定负责其任何船舶所发生的任何事故进行调查, 如果这种事故对海上环境造成了重大的有害影响。

2. 每一缔约国应向本组织提供关于这种调查结果的材料, 如其认为这种材料可能有助于确定本公约需作任何种修改的话。

第十三条 签署、批准、接受、核准和加入

1. 本公约自1974年1月15日起至1974年12月31日在本组织总部开放供签字, 此后继续开放供加入。各国可按下列方式成为本公约的缔约国:

(1) 签字并对批准、接受或核准无保留; 或

(2) 签字而有待批准、接受或核准, 随后再予批准, 接受或核准; 或

(3) 加入。

2. 批准、接受、核准或加入，应以向本组织秘书长交存一份文件来实现。

3. 本组织秘书长应将任何签字或任何新近批准，接受、核准或加入的文件的交存及其交存日期，通知所有已签字或已加入本公约的国家。

第十四条 任选附则

1. 在签字、批准、接受、核准或加入本公约时，一个国家可以声明，它不接受本公约的附则Ⅲ，Ⅳ和Ⅴ（以下简称“任选附则”）或不接受其中的任何附则。除上述规定外，缔约国应受任何一项附则的全部约束。

2. 曾声明不受某一任选附则约束的国家，可随时通过向本组织交存第十三条第2款所规定的文件，接受该附则。

3. 根据本条第1款提出声明不接受某一任选附则且以后又并未按本条第2款规定接受该附则的国家，在该附则有关事项方面，既不承担本公约所规定的任何义务，也无权要求本公约所赋予的任何权利，同时，就有关该附则各种事项而言，凡在本公约中提及各缔约国时，均不包括该国家。

4. 本组织应将根据本条规定提交的任何声明，以及收到按本条第2款规定交存的任何文件，通知业已签字或加入本公约的国家。

第十五条 生效

1. 本公约在不少于15个国家按第十三条规定参加本公约

之日经过12个月后生效,而该15国所拥有的商船队的吨位之和,应不少于世界商船总吨位的50%。

2. 一项任选附则应在按本条第1款所规定的与该项附则相关的条件得到满足之日起经过12个月后生效。

3. 本组织应将本公约生效的日期和某一任选附则按本条第2款规定生效的日期,通知业已签署或加入本公约的国家。

4. 对于在本公约或任何任选附则生效的要求得到满足之后但在其生效之日前交存批准、接受、核准或加入文件的国家,其批准、接受、核准或加入应在本公约或该附则的生效之日生效,或在交存上述文件之日后经过3个月生效,以较晚的日期为准。

5. 对于在本公约或某一任选附则生效之日后交存批准、接受、核准或加入文件的国家,本公约或该附则应在上述文件交存之日后经过3个月对之生效。

6. 在第十六条对本公约或一任选附则的修正案的生效所要求的全部条件得到满足之日后,交存的任何批准、接受、核准或加入的文件,应适用于经修订的公约或附则。

第十六条 修 正

1. 本公约可按下列各款中所规定的任一修正程序,予以修正。

2. 经本组织审议后的修正:

(1) 一缔约国所建议的任何修正案,应提交本组织,并应由秘书长至少在本组织审议前6个月将其散发给本组织的所有

会员国和所有缔约国。

(2) 本组织应将上述提案和周知的任何修正案提交给一个适当的机构进行审议。

(3) 本公约的缔约国，不论其是否为本组织的会员国，有权参加该适当机构的活动。

(4) 修正案必须以到会并投票的缔约国三分之二的多数票通过。

(5) 修正案如按上述第(4)项的规定获得通过，则本组织秘书长应将其通知所有缔约国，以供接受。

(6) 在下述情况下，一项修正案应视为已被接受：

①对于本公约某一条款的一项修正案，在其为商船队吨位之和不少于世界商船队总吨位50%的三分之二缔约国接受之日，即应视为已被接受。

②对于本公约某一附则的一项修正案，应按本项之③中所规定的程序视为已被接受，除非该适当机构在通过这一修正案时确定该修正案应在商船队吨位之和不少于世界商船队总吨位50%的三分之二缔约国接受之日，才能视为已被接受。但是，在本公约某一附则的一项修正案生效之前的任何时候，缔约国仍可通知本组织秘书长，必须经过该缔约国的认可，该修正案才能对之生效。海协秘书长应将这种通知及收到的日期通告各缔约国。

③对本公约某一附则的附录的一项修正案，在适当的机构通过时所规定的期限（该期限不得少于10个月）届满时，即应视

为已被接受，除非在此期限内有不少于一分之一的缔约国或其所拥有的商船队之和不少于一世界商船队总吨位50%的缔约国（不论达到哪个条件均可）通知本组织表示反对；

④对本公约议定书I的修正案，应按上述本项之②或③中所规定的对本公约附则修正案的同样程序办理；

⑤对本公约议定书II的修正案，应按上述本项之①中所规定的对本公约条款修正案的同样程序办理；

（7）修正案按下述条件生效：

①对本公约的条款，议定书I、议定书II或未按本条第2款第（6）项之③中所规定的程序办理的本公约附则的修正案，凡按前述规定被接受者，对于已宣布接受该修正案的各缔约国，应在其被接受之日经过6个月后生效。

②对根据本条第2款第（6）项之③中所规定的程序办理的本公约的议定书I、附则或附则的附录的修正案，凡按上述条件视为已被接受者，应在其被接受后过6个月对所有缔约国生效，但在该日期前声明不予接受或按第（6）项之②的规定声明须待其认可的缔约国除外。

3. 由会议修正：

（1）经一缔约国提出申请，并有至少三分之一缔约国的同意，本组织应召开一次缔约国会议来审议对本公约的修正案。

（2）经这种会议以到会并投票的缔约国三分之二的多数票通过的每一项修正案，应由本组织秘书长通知所有缔约国，以供

接受。

(3) 除非会议另有决定, 该修正案应按上述第2款第(6)和第(7)项中为此所规定的程序视为已被接受和生效。

4.

(1) 如果是对于某一任选附则的修正案, 则本条中所提到的“缔约国”应视为对该附则负有义务的缔约国。

(2) 不接受某一附则的一项修正案的缔约国, 仅就该修正案的应用而言, 应视同非缔约国。

5. 一项新附则的通过与生效, 应按和本公约条款修正案的通过与生效相同的程序办理。

6. 除另有明文规定者外, 根据本条规定对本公约所作的任何修正, 凡涉及船舶结构者, 只适用于在该修正案生效之日或其后订立建造合同的船舶, 或无建造合同但在该修正案生效之日或其后安放龙骨的船舶。

7. 对于议定书或附则的任何修正案, 应与该议定书或附则的实质内容有关, 并应与本公约的条款相一致。

8. 本组织秘书长应根据本条规定生效的任何修正案连同其生效的日期一并通知所有缔约国。

9. 根据本条规定对一项修正案所提出的接受或反对的声明, 应书面通知本组织秘书长。本组织秘书长应将这种通知和收到的日期通知各缔约国。

第十七条 促进技术合作

为了促进本公约的目的和宗旨的实现,各缔约国应与本组织和其他国际机构进行协商,并在联合国环境规划署执行主任的协助和配合下,促使对那些要求技术援助的缔约国支援下列项目(最好能在有关的国家内进行):

1. 培训科技人员;
2. 供给必要的接收和监测设备与设施;
3. 便利防止或减轻船舶污染海洋环境的其他措施和安排;
4. 鼓励研究工作。

第十八条 退 出

1. 任何缔约国,在本公约或任何任选附则对该缔约国生效满5年后,可随时退出本公约或该任选附则。

2. 退出本公约或任选附则,应以书面通知本组织秘书长,秘书长应将所收到的任何这种通知和收到的日期,以及退出的生效日期,通知所有其他缔约国。

3. 退出本公约或任选附则,应在本组织秘书长收到该项通知后经过12个月或在该通知中所指明的任何较此为长的期限届满后生效。

第十九条 保存和登记

1. 本公约应由本组织秘书长保存,秘书长应将核证无误的本公约副本分送所有已签字或已加入本公约的国家。

2. 本公约一经生效后,本组织秘书长应即按照联合国宪章第102条的规定,将其文本送联合国秘书长登记并公布。

第二十条 文 字

本公约正本一份，用英文、法文、俄文和西班牙文写成，每种文本具有同等效力。另备有阿拉伯文、德文、意大利文和日文的官方译本，译本与签署后的正本一起保存。下列具名的经各自政府正式授权的代表（略一译注）特签署本公约，以昭信守。

1973年11月2日订于伦敦。

FINAL ACT OF THE INTERNATIONAL CONFERENCE ON MARINE
POLLUTION, 1973

Whole document

1. By its Resolution A. 176 (VI) of October 21, 1969,
the Assembly of
the Inter-Governmental Maritime Consultative Organization
decided to
convene in 1973 an International Conference on Marine
Pollution. This
Conference was held in London from October 8 to November
2, 1973.

2. The following States were represented by
delegations at the
Conference:

Argentina

Australia

Bahrain

Republic

Kenya

Khmer

Belgium	Kuwait
Brazil	Liberia
Bulgaria	Libyan
Arab Republic	
Byelorussian Soviet Socialist	Madagascar
Republic	Mexico
Canada	Monaco
Chile	Morocco
Cuba	
Netherlands	
Cyprus	New
Zealand	
Denmark	Nigeria
Dominican Republic	Norway
Ecuador	Panama
Egypt	Peru
Finland	
Philippines	
France	Poland
German Democratic Republic	Portugal
Germany, Federal Republic of	Republic of
Korea	

Ghana	Romania
Greece	Saudi
Arabia	
Haiti	Singapore
Hungary	South
Africa	
Iceland	Spain
India	Sri Lanka
Indonesia	Sweden
Iran	
Switzerland	
Iraq	Thailand
Ireland	
Trinidad and Tobago	
Italy	Tunisia
Ivory Coast	Ukrainian
Soviet Socialist	
Japan	Republic
Jordan	Union of
Soviet Socialist	
Republics	United
Republic of Tanzania	

United Arab Emirates	United
States of America	
United Kingdom of Great Britain	Uruguay
and Northern Ireland	Venezuela

3. The following States were represented at the Conference by observers:

Colombia
Republic of Viet-Nam
Jamaica
Turkey
Malawi
Yugoslavia
Oman

The Government of Hong Kong was also represented by an observer.

4. At the invitation of the Assembly the following organizations in the United Nations system sent representatives to the Conference:

United Nations

United Nations Environment Programme

Food and Agriculture Organization

United Nations Educational, Scientific and Cultural
Organization

International Bank for Reconstruction and Development

International Atomic Energy Agency

5. The following inter-governmental organizations
sent observers to

the Conference: European Economic Community

International Institute for the Unification of Private
Law

6. The following non-governmental organizations also
sent observers to

the Conference:

International Chamber of Shipping

International Organization for Standardization

International Electrotechnical Commission

International Union of Marine Insurance

International Association of Ports and Harbors
The Baltic and International Maritime Conference
International Association of Classification Societies
International Law Association
European Council of Chemical Manufacturers'
Federation
Oil Companies International Marine Forum
International Shipowners' Association
Friends of the Earth International

7. At the opening of the Conference The Hon. Michael Heseltine,
Minister of Aerospace and Shipping of the United Kingdom
and Mr. Maurice Strong Executive Director of the United Nations
Environment Programme made
statements supporting the objective of the Conference.

8. The Conference elected Mr. S. V. Bhavé, Head of the
Indian
delegation, as President of the Conference.

9. Twenty-four Vice-Presidents of the Conference were

elected, as

follows:

First Vice-President: Mr. G. Lindencrona (Sweden)

Mr. R. M. Gowland (Argentina)

H. E. Mr. M. Raffaelli (Brazil)

The Hon. Jack Davis (Canada)

Dr. M. Oporto (Cuba)

Mr. M. A. El-Sammak (Egypt)

Mr. J. P. Cabouat (France)

Dr. H. Rentner (German Democratic Republic)

Dr. G. Breuer (Germany, Federal Republic of)

H. E. Mr. H. V. H. Sekyi (Ghana)

Mr. M. Sjadzali (Indonesia)

Mr. H. Afshar (Iran)

Mr. K. G. Loukou (Ivory Coast)

H. E. Mr. S. Sugihara (Japan)

Mr. A. G. Toukan (Jordan)

Mr. E. Dinga (Kenya)

Mr. N. A. Al-Nakib (Kuwait)

Mr. M. Ramarozaka (Madagascar)

Dr. Vizcaino Murray (Mexico)

Captain D. W. Boyes (New Zealand)

Mr. S. Perkowicz (Poland)

H. E. Mr. G. Nhigula (United Republic of Tanzania)

Mr. V. Tikhonov (USSR)

Mr. J. N Archer (United Kingdom)

10. Mr. Colin Goad. Secretary-General of the Organization, acted as

Secretary-General of the Conference with Mr. J. Queguiner.

Deputy

Secretary-General, as Deputy Secretary-General of the Conference. Captain

A. Saveliev, Secretary of the Maritime Safety Committee of the

Organization, was appointed Executive Secretary of the Conference and Mr.

Y. Sasamura. Head of Marine Science and Technology Division, and Mr. T.

Mensah, Head of Legal Division, of the Organization were appointed Deputy

Executive Secretaries of the Conference.

11. The Conference established the following

Committees and a Steering

Committee composed of officers of the Conference:

Committee I

Chairman: H. E. Dr. P. V. J. Solomon
(Trinidad and
Tobago)

Vice-Chairman: Mr. G. Lindencrona
(Sweden)

Committee II

Chairman: Dr. L. Spinelli (Italy)

Vice-Chairman: Dr. W. Al-Nimer (Bahrain)

Committee III

Chairman: Mr. R. J. Lakey (United
States of
America)

Vice-Chairman: Mr. Koh Eng Tian
(Singapore)

Committee IV

Chairman: H. E. Prof. A. Yankov

(Bulgaria)

Vice-Chairman: The Hon. G. F. B. Cooper

(Liberia)

Credentials Committee

Chairman: Mr. P. A. Araque

(Philippines)

Drafting Committee

Chairman: Mr. G. A. E. Longe

(Nigeria)

Vice-Chairman: H. E. Mr. J. D. del Campo

(Uruguay)

12. The following documentation formed the basis of the work of the

Conference:

-Draft Text of an International Convention for the Prevention of Pollution from Ships, 1973

-Draft Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil

-Draft Resolutions relating to the prevention and

control of
marine pollution

–Proposals and comments, including amendments to
the drafts
mentioned above, submitted to the Conference by interested
Governments and
Organizations.

13. As a result of its deliberations, recorded in the
summary records
and reports of the Conference, the following instruments
were adopted by
the Conference:

INTERNATIONAL CONVENTION FOR THE PREVENTION OF
POLLUTION FROM SHIPS,

1973 with its Protocols, Annexes and Appendices; and

PROTOCOL RELATING TO INTERVENTION ON THE HIGH SEAS IN
CASES OF MARINE

POLLUTION BY SUBSTANCES OTHER THAN OIL

The Convention and the Protocol constitute Attachments

1 and 2 to this
Final Act respectively.

14. The Conference also adopted Resolutions the texts
of which
comprise Attachment 3 of this Final Act.

15. The text of this Final Act including its
attachments, is deposited
with the Secretary-General of the Inter-Governmental
Maritime Consultative
Organization (IMCO). It is established in a single original
in the
English, French, Russian and Spanish languages, and
accompanied by the
texts of the International Convention for the Prevention
of Pollution from
Ships, 1973, with its Protocols, Annexes and Appendices,
the Protocol
relating to Intervention on the High Seas in Cases of Marine
Pollution by

Substances other than Oil, and the Resolutions of the Conference. The texts of the Convention, its Protocols, Annexes and Appendices, as well as of the Protocol, appear in their authentic languages, English, French, Russian and Spanish. The texts of Resolutions of the Conference appear in English, French, Russian and Spanish. Official translations of the Convention with its Protocols, Annexes and Appendices, and the Protocol, shall be prepared in the Arabic, German, Italian and Japanese languages. Originals of these official translations shall be deposited with this Final Act.

16. The Secretary-General of the Inter-Governmental Maritime Consultative Organization shall send a certified copy of this Final Act

and, when they have been prepared, certified copies of the official translations of the Convention with its Protocols, Annexes and Appendices, the Protocol and the Resolutions of the Conference to the Governments invited to be represented at the Conference in accordance with the wishes of those Governments.

IN WITNESS WHEREOF the undersigned have affixed their signatures to this Final Act.

DONE AT LONDON this second day of November, one thousand nine hundred and seventy-three.

Signatories: Argentina, Australia, Bahrain. Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Canada. Chile, Cuba, Cyprus, Denmark, Dominican Republic, Ecuador, Egypt, Finland, France, GDR. FRG, Ghana, Greece, Haiti, Hungary, Iceland, India, Indonesia,

Iran, Iraq,
Ireland, Italy, Ivory Coast, Japan, Jordan, Kenya, Khmer
Republic,
Kuwait, Liberia, Libya, Madagascar, United Mexican States,
Monaco,
Morocco, Netherlands, New Zealand, Nigeria, Norway,
Panama, Peru,
Philippines, Poland, Portugal, Korea, Romania, Saudi
Arabia, Singapore,
South Africa, Spain, Sri Lanka, Sweden, Swiss
Confederation, Thailand,
Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist
Republic, Union
of Soviet Socialist Republics, UAE, UK of Great Britain and
Northern
Ireland, Tanzania, USA, Eastern Republic of Uruguay,
Venezuela.

INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION
FROM SHIPS, 1973

The Parties to the Convention,

Being conscious of the need to preserve the human

environment in

general and the marine environment in particular,

Recognizing that deliberate, negligent or accidental
release of oil

and other harmful substances from ships constitutes a
serious source of
pollution,

Recognizing also the importance of the International
Convention for

the Prevention of Pollution of the Sea by Oil, 1954, as
being the first

multilateral instrument to be concluded with the prime
objective of

protecting the environment, and appreciating the
significant contribution

which that Convention has made in preserving the seas and
coastal

environment from pollution,

Desiring to achieve the complete elimination of
intentional pollution

of the marine environment by oil and other harmful
substances and the

minimization of accidental discharge of such substances,

Considering that this object may best be achieved by
establishing

rules not limited to oil pollution having a universal
purport,

Have agreed as follows:

Article 1 General Obligations under the Convention

(1) The Parties to the Convention undertake to give
effect to the
provisions of the present Convention and those Annexes
thereto by which
they are bound, in order to prevent the pollution of the
marine
environment by the discharge of harmful substances or
effluents containing
such substances in contravention of the Convention.

(2) Unless expressly provided otherwise, a reference
to the present

Convention constitutes at the same time a reference to its
Protocols and
to the Annexes.

Article 2 Definitions

For the purposes of the present Convention, unless
expressly provided
otherwise:

(1) "Regulations" means the Regulations contained in
the Annexes to
the present Convention.

(2) "Harmful substance" means any substance which, if
introduced into
the sea, is liable to create hazards to human health, to
harm living
resources and marine life, to damage amenities or to
interfere with other
legitimate uses of the sea, and includes any substance
subject to control

by the present Convention.

(3) (a) "Discharge", in relation to harmful substances or effluents containing such substances, means any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying;

(b) "Discharge" does not include:

(i) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter done at London on November 13, 1972; or

(ii) release of harmful substances directly arising from the exploration, exploitation and associated off-shore processing of seabed mineral resources; or

(iii) release of harmful substances for purposes of legitimate scientific research into pollution abatement or control.

(4) "Ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms.

(5) "Administration" means the Government of the State under whose authority the ship is operating. With respect to a ship entitled to fly a flag of any State, the Administration is the Government of that State.

With respect to fixed or floating platforms engaged in exploration and exploitation of the sea-bed and subsoil thereof adjacent to the coast over which the coastal State exercises sovereign rights for the purposes of exploration and exploitation of their natural resources, the Administration is the Government of the coastal State concerned.

(6) "Incident" means an event involving the actual or probable discharge into the sea of a harmful substance, or effluents containing such a substance.

(7) "Organization" means the Inter-Governmental Maritime Consultative Organization.

Article 3 Application

- (1) The present Convention shall apply to:
- (a) ships entitled to fly the flag of a Party to the Convention;
 - and
 - (b) ships not entitled to fly the flag of a Party but which operate under the authority of a Party.
- (2) Nothing in the present Article shall be construed as derogating

from or extending the sovereign rights of the Parties under international law over the sea-bed and subsoil thereof adjacent to their coasts for the purposes of exploration and exploitation of their natural resources.

(3) The present Convention shall not apply to any warship, naval auxiliary or other ship owned or operated by a State and used, for the time being, only on government non-commercial service. However, each Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships owned or operated by it, that such ships act in a manner consistent, so far as is reasonable and practicable, with the present Convention.

Article 4 Violation

(1) Any violation of the requirements of the present Convention shall be prohibited and sanctions shall be established therefor under the law of the Administration of the ship concerned wherever the violation occurs. If the Administration is informed of such a violation and is satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken as soon as possible, in accordance with its law.

(2) Any violation of the requirements of the present Convention within the jurisdiction of any Party to the Convention shall be prohibited and sanctions shall be established therefor under the law of that Party.

Whenever such a violation occurs, that Party shall either:

(a) cause proceedings to be taken in accordance

with its law; or

(b) furnish to the Administration of the ship such information and evidence as may be in its possession that a violation has occurred.

(3) Where information or evidence with respect to any violation of the present Convention by a ship is furnished to the Administration of that ship, the Administration shall promptly inform the Party which has furnished the information or evidence, and the Organization, of the action taken.

(4) The penalties specified under the law of a Party pursuant to the present Article shall be adequate in severity to discourage violations of the present Convention and shall be equally severe irrespective of where the violations occur.

Article 5 Certificates and Special Rules on Inspection of Ships

(1) Subject to the Provisions of paragraph (2) of the present Article
a certificate issued under the authority of a Party to the Convention in
accordance with the provisions of the Regulations shall be
accepted by the
other Parties and regarded for all purposes covered by the
present
Convention as having the same validity as a certificate
issued by them.

(2) A ship required to hold a certificate in accordance
with the
provisions of the Regulations is subject, while in the
ports or off-shore
terminals under the jurisdiction of a Party, to inspection
by officers
duly authorized by that Party, Any such inspection shall
be limited to

verifying that there is on board a valid certificate, unless there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of that certificate. In that case, or if the ship does not carry a valid certificate, the Party carrying out the inspection shall take such steps as will ensure that the ship shall not sail until it can proceed to sea without presenting an unreasonable threat of harm to the marine environment. That Party may, however, grant such a ship permission to leave the port or off-shore terminal for the purpose of proceeding to the nearest appropriate repair yard available.

(3) If a Party denies a foreign ship entry to the ports or off-shore terminals under its jurisdiction or takes any action

against such a ship
for the reason that the ship does not comply with the
provisions of the
present Convention, the Party shall immediately inform the
consul or
diplomatic representative of the Party whose flag the ship
is entitled to
fly, or if this is not possible, the Administration of the
ship concerned.

Before denying entry or taking such action the Party may
request

consultation with the Administration of the ship concerned.

Information

shall also be given to the Administration when a ship does
not carry a

valid certificate in accordance with the provisions of the
Regulations.

(4) With respect to the ships of non-Parties to the
Convention,

Parties shall apply the requirements of the present
Convention as may be

necessary to ensure that no more favourable treatment is

given to such
ships.

Article 6 Detection of Violations and Enforcement of the Convention

(1) Parties to the Convention shall co-operate in the detection of violations and the enforcement of the provisions of the present Convention. using all appropriate and practicable measures of detection and environmental monitoring, adequate procedures for reporting and accumulation of evidence.

(2) A ship to which the present Convention applies may, in any port or off-shore terminal of a Party, be subject to inspection by officers appointed or authorized by that Party for the purpose of verifying whether

the ship has discharged any harmful substances in violation of the provisions of the Regulations. If an inspection indicates a violation of the Convention, a report shall be forwarded to the Administration for any appropriate action.

(3) Any Party shall furnish to the Administration evidence, if any, that the ship has discharged harmful substances or effluents containing such substances in violation of the provisions of the Regulations. If it is practicable to do so, the competent authority of the former Party shall notify the Master of the ship of the alleged violation.

(4) Upon receiving such evidence, the Administration so informed shall investigate the matter, and may request the other Party to furnish further or better evidence of the alleged contravention. If the Administration is

satisfied that sufficient evidence is available to enable proceedings to be brought in respect of the alleged violation, it shall cause such proceedings to be taken in accordance with its law as soon as possible.

The Administration shall promptly inform the Party which has reported the alleged violation, as well as the Organization, of the action taken.

(5) A Party may also inspect a ship to which the present Convention applies when it enters the ports or off-shore terminals under its jurisdiction, if a request for an investigation is received from any Party together with sufficient evidence that the ship has discharged harmful substances or effluents containing such substances in any place. The report of such investigation shall be sent to the Party requesting it and

to the Administration so that the appropriate action may be taken under the present Convention.

Article 7 Undue Delay to Ships

(1) All possible efforts shall be made to avoid a ship being unduly detained or delayed under Articles 4, 5 or 6 of the present Convention.

(2) When a ship is unduly detained or delayed under Article 4, 5 or 6 of the present Convention, it shall be entitled to compensation for any loss or damage suffered.

Article 8 Reports on Incidents Involving Harmful Substances

(1) A report of an incident shall be made without delay

to the fullest
extent possible in accordance with the provisions of
Protocol I to the
present Convention.

(2) Each Party to the Convention shall:

(a) make all arrangements necessary for an
appropriate officer or
agency to receive and process all reports on incidents; and

(b) notify the Organization with complete details
of such
arrangements for circulation to other Parties and Member
States of the
Organization.

(3) Whenever a Party receives a report under the
provisions of the
present Article, that Party shall relay the report
without delay to:

(a) the Administration of the ship involved; and

(b) any other State which may be affected.

(4) Each Party to the Convention undertakes to issue
instructions to
its maritime inspection vessels and aircraft and to other

appropriate

services. to report to its authorities any incident referred to in

Protocol I to the present convention. That Party shall, if it considers it

appropriate, report accordingly to the Organization and to any other party

concerned.

Article 9 Other Treaties and Interpretation

(1) Upon its entry into force, the present Convention supersedes the

International Convention for the Prevention of Pollution of the Sea by

Oil, 1954, as amended, as between Parties to that Convention.

(2) Nothing in the present Convention shall prejudice the codification

and development of the law of the sea by the United Nations

Conference on
the Law of the Sea convened pursuant to Resolution 2750 C
(XXV) of the
General Assembly of the United Nations nor the present or
future claims
and legal views of any State concerning the law of the sea
and the nature
and extent of coastal and flag State jurisdiction.

(3) The term "jurisdiction" in the present Convention
shall be
construed in the light of international law in force at the
time of
application or interpretation of the present Convention.

Article 10 Settlement of Disputes

Any dispute between two or more Parties to the
Convention concerning
the interpretation or application of the present
Convention shall, if

settlement by negotiation between the Parties involved has not been possible, and if these Parties do not otherwise agree, be submitted upon request of any of them to arbitration as set out in Protocol II to the present Convention.

Article 11 Communication of Information

(1) The Parties to the Convention undertake to communicate to the Organization:

(a) the text of laws, orders, decrees and regulations and other instruments which have been promulgated on the various matters within the scope of the present Convention;

(b) a list of non-governmental agencies which are authorized to

act on their behalf in matters relating to the design, construction and equipment of ships carrying harmful substances in accordance with the provisions of the Regulations;

(c) a sufficient number of specimens of their certificates issued under the provisions of the Regulations;

(d) a list of reception facilities including their location, capacity and available facilities and other characteristics;

(e) official reports or summaries of official reports in so far as they show the results of the application of the present Convention; and

(f) an annual statistical report, in a form standardized by the Organization, of penalties actually imposed for infringement of the present Convention.

(2) The Organization shall notify Parties of the

receipt of any
communications under the present Article and circulate to
all Parties any
information communicated to it under sub-paragraphs (1) (b)
to (f) of the
present Article.

Article 12 Casualties to ships

(1) Each Administration undertakes to conduct an
investigation of any
casualty occurring to any of its ships subject to the
provisions of the
Regulations if such casualty has produced a major
deleterious effect upon
the marine environment.

(2) Each Party to the Convention undertakes to supply
the Organization
with information concerning the findings of such
investigation, when it
judges that such information may assist in determining what

changes in the
present Convention might be desirable.

Article 13 Signature, Ratification, Acceptance, Approval and Accession

(1) The present Convention shall remain open for
signature at the
Headquarters of the Organization from January 15, 1974
until December 31,
1974 and shall thereafter remain open for accession, States
may become

Parties to the present Convention by:

(a) signature without reservation as to
ratification, acceptance
or approval: or

(b) signature subject to ratification, acceptance
or approval,
followed by ratification, acceptance or approval; or

(c) accession.

(2) Ratification, acceptance, approval or accession

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

(3) The Secretary-General of the Organization shall
inform all States
which have signed the present Convention or acceded to it
of any signature
or of the deposit of any new instrument of ratification,
acceptance,
approval or accession and the date of its deposit.

Article 14 Optional Annexes

(1) A State may at the time of signing, ratifying,
accepting,
approving or acceding to the present Convention declare
that it does not
accept any one or all of Annexes III, IV and V (hereinafter
referred to as
"Optional Annexes") of the present Convention. Subject to

the above,

Parties to the Convention shall be bound by any Annex in its entirety.

(2) A State which has declared that it is not bound by an Optional

Annex may at any time accept such Annex by depositing with the

Organization an instrument of the kind referred to in Article 13(2).

(3) A State which makes a declaration under paragraph (1) of the

present Article in respect of an Optional Annex and which has not

subsequently accepted that Annex in accordance with paragraph (2) of the

present Article shall not be under any obligation nor entitled to claim

any privileges under the present Convention in respect of matters related

to such Annex and all references to Parties in the present Convention

shall not include that State in so far as matters related

to such Annex
are concerned.

(4) The Organization shall inform the States which have
signed or
acceded to the present Convention of any declaration under
the present
Article as well as the receipt of any instrument deposited
in accordance
with the provisions of paragraph (2) of the present
Article.

Article 15 Entry into Force

(1) The present Convention shall enter into force
twelve months after
the date on which not less than 15 States, the combined
merchant fleets of
which constitute not less than fifty per cent of the gross
tonnage of the
world's merchant shipping, have become parties to it in

accordance with

Article 13.

(2) An Optional Annex shall enter into force twelve months after the

date on which the conditions stipulated in paragraph (1) of the present

Article have been satisfied in relation to that Annex.

(3) The Organization shall inform the States which have signed the

present Convention or acceded to it of the date on which it enters into

force and of the date on which an Optional Annex enters into force in

accordance with paragraph (2) of the present Article.

(4) For States which have deposited an instrument of ratification,

acceptance, approval or accession in respect of the present Convention or

any Optional Annex after the requirements for entry into force there of

have been met but prior to the date of entry into force, the

ratification, acceptance, approval or accession shall take effect on the date of entry into force of the Convention or such Annex or three months after the date of deposit of the instrument whichever is the later date.

(5) For States which have deposited an instrument of ratification, acceptance, approval or accession after the date on which the Convention or an Optional Annex entered into force, the Convention or the Optional Annex shall become effective three months after the date of deposit of the instrument.

(6) After the date on which all the conditions required under Article 16 to bring an amendment to the present Convention or an Optional Annex into force have been fulfilled, any instrument of ratification, acceptance, approval or accession deposited shall apply to

the Convention
or Annex as amended.

Article 16 Amendments

(1) The present Convention may be amended by any of the procedures specified in the following paragraphs.

(2) Amendments after consideration by the Organization:

(a) any amendment proposed by a Party to the Convention shall be submitted to the Organization and circulated by its Secretary-General to all Members of the Organization and all Parties at least six months prior to its consideration;

(b) any amendment proposed and circulated as above shall be submitted to an appropriate body by the Organization for consideration;

(c) Parties to the Convention, whether or not Members of the Organization, shall be entitled to participate in the proceedings of the appropriate body;

(d) amendments shall be adopted by a two-thirds majority of only the Parties to the Convention present voting;

(e) if adopted in accordance with sub-paragraph (d) above, amendments shall be communicated by the Secretary-General of the Organization to all the Parties to the Convention for acceptance;

(f) an amendment shall be deemed to have been accepted in the following circumstances:

(i) an amendment to an Article of the Convention shall be deemed to have been accepted on the date on which it is accepted by

two-thirds of the Parties, the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant fleet;

(ii) an amendment to an Annex to the Convention shall be deemed to have been accepted in accordance with the procedure specified in sub-paragraph (f) (iii) unless the appropriate body, at the time of its adoption, determines that the amendment shall be deemed to have been accepted on the date on which it is accepted by two-thirds of the Parties, the combined merchant fleets of which constitute not less than fifty per cent of the gross tonnage of the world's merchant fleet, Nevertheless, at any time before the entry into force of an amendment to an Annex to the Convention, a Party may notify the Secretary-General of the

Organization

that its express approval will be necessary before the amendment enters

into force for it. The latter shall bring such notification and the date

of its receipt to the notice of Parties;

(iii) an amendment to an Appendix to an Annex to the

Convention shall be deemed to have been accepted at the end of a period to

be determined by the appropriate body at the time of its adoption. which

period shall be not less than ten months, unless within that period an

objection is communicated to the Organization by not less than one-third

of the Parties or by the Parties the combined merchant fleets of which

constitute not less than fifty per cent of the gross tonnage of the

world's merchant fleet whichever condition is fulfilled;

(iv) an amendment to Protocol I to the

Convention shall be
subject to the same procedures as for the amendments to the
Annexes to the
Convention, as provided for in sub-paragraphs (f) (ii) or
(f) (iii) above;

(v) an amendment to Protocol II to the
Convention shall be
subject to the same procedures as for the amendments to an
Article of the
Convention, as provided for in sub-paragraph (f) (i) above;

(g) the amendment shall enter into force under the
following
conditions:

(i) in the case of an amendment to an Article
of the
Convention, to Protocol II. or to Protocol I or to an Annex
to the
Convention not under the procedure specified in
sub-paragraph (f) (iii),
the amendment accepted in conformity with the foregoing
provisions shall
enter into force six months after the date of its acceptance

with respect

to the Parties which have declared that they have accepted it;

(ii) in the case of an amendment to Protocol I, to an Appendix

to an Annex or an Annex to the Convention under the procedure specified in

sub-paragraph (f) (iii), the amendment deemed to have been accepted in

accordance with the foregoing conditions shall enter into force six months

after its acceptance for all the Parties with the exception of those

which, before that date, have made a declaration that they do not accept

it or a declaration under sub-paragraph (f) (ii), that their express

approval is necessary.

(3) Amendment by a Conference:

(a) Upon the request of a Party, concurred in by at least

one-third of the Parties, the Organization shall convene a Conference of Parties to the Convention to consider amendments to the present Convention.

(b) Every amendment adopted by such a Conference by a two-thirds majority of those present and voting of the Parties shall be communicated by the Secretary-General of the Organization to all Contracting Parties for their acceptance.

(c) Unless the Conference decides otherwise, the amendment shall be deemed to have been accepted and to have entered into force in accordance with the procedures specified for that purpose in paragraph (2)

(f) and (g) above.

(4) (a) In the case of an Amendment to an Optional Annex, a reference in the present Article to a "Party to the Convention" shall

be deemed to

mean a reference to a Party bound by that Annex.

(b) Any Party which has declined to accept an amendment to an

Annex shall be treated as a non-Party only for the purpose of application

of that Amendment.

(5) The adoption and entry into force of a new Annex shall be subject

to the same procedures as for the adoption and entry into force of an

amendment to an Article of the Convention.

(6) Unless expressly provided otherwise, any amendment to the present

Convention made under this Article, which relates to the structure of a

ship, shall apply only to ships for which the building contract is placed,

or in the absence of a building contract, the keel of which is laid, on or

after the date on which the amendment comes into force.

(7) Any amendment to a Protocol or to an Annex shall

relate to the
substance of that Protocol or Annex and shall be consistent
with the
Articles of the present Convention.

(8) The Secretary-General of the Organization shall
inform all Parties
of any amendments which enter into force under the present
Article,
together with the date on which each such amendment enters
into force.

(9) Any declaration of acceptance or of objection to
an amendment
under the present Article shall be notified in writing to
the
Secretary-General of the Organization. The latter shall
bring such
notification and the date of its receipt to the notice of
the Parties to
the Convention.

Article 17 Promotion of Technical Co-operation

The Parties to the Convention shall promote, in consultation with the Organization and other international bodies, with assistance and co-ordination by the Executive Director of the United Nations Environment Programme, support for those Parties which request technical assistance for:

(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;

Preferably within the countries concerned, so furthering the aims and purpose of the present Convention.

Article 18 Denunciation

(1) The present Convention or any Optional Annex may be denounced by any Parties to the Convention at any time after the expiry of five years from the date on which the Convention or such Annex enters into force for that Party.

(2) Denunciation shall be effected by notification in writing to the Secretary General of the Organization who shall inform all the other Parties of any such notification received and of the date of its receipt as well as the date on which such denunciation takes effect.

(3) A denunciation shall take effect twelve months after receipt of the notification of denunciation by the Secretary-General of the Organization or after the expiry of any other longer period

which may be
indicated in the notification.

Article 19 Deposit and Registration

(1) The present Convention shall be deposited with the Secretary-General of the Organization who shall transmit certified true copies thereof to all States which have signed the present Convention or acceded to it.

(2) As soon as the present Convention enters into force, the text shall be transmitted by the Secretary-General of the Organization to the Secretary-General of the United Nations for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

Article 20 Languages

The present Convention is established in a single copy
in the English,

French, Russian and Spanish languages, each text being
equally authentic.

Official translations in the Arabic, German, Italian and
Japanese

languages shall be prepared and deposited with the signed
original.

IN WITNESS WHEREOF the undersigned* being duly
authorized by their
respective Governments for that purpose have signed the
present
Convention.

[* Signatures omitted]

DONE AT LONDON this second day of November, one
thousand nine hundred
and seventy-three.