

Regional Convention for the Conservation of the Red Sea and Gulf of Aden (1982)

The Governments of the Democratic Republic of the Sudan, the Hashemite Kingdom of Jordan, the Kingdom of Saudi Arabia, Palestine represented by the Palestine Liberation Organization, the People's Democratic Republic of Yemen, the Somali Democratic Republic, the Yemen Arab Republic.

Realizing that pollution of the marine environment in the waters of the Red Sea and Gulf of Aden by oil and other harmful or noxious materials arising from human activities on land or at sea, especially through indiscriminate and uncontrolled discharge of these substances, presents a growing threat to marine life, fisheries, human health, recreational uses of beaches and other amenities.



Mindful of the special hydrographic and ecological characteristics of the marine environment of the Red Sea and Gulf of Aden and the particular vulnerability of its coral reefs where most biota exist.

Conscious of the need to ensure that the processes of urban and rural development and resultant land use should be carried out in such a manner as to preserve, as far as possible, marine resources and coastal amenities, and that such development should not lead to deterioration of the marine environment.

Convinced of the need to ensure that the processes of industrial development should not, in any way, cause damage to the marine environment, jeopardize its living resources or create hazards to human health.

Recognizing the need to develop an integrated management approach to the use of the marine environment and the coastal areas which will allow the achievement of environmental and development goals in a harmonious manner.

Recognizing also the need for a carefully planned research, monitoring and assessment programme in view of the scarcity of scientific information on marine pollution in the region.

Considering that the States of the Red Sea and Gulf of Aden have a special responsibility to protect the marine environment of the region.

Aware of the importance of co-operation and coordination of action on a regional basis with the aim of protecting the marine environment of the Red Sea and Gulf of Aden for the benefit of all concerned, including future generations.

Bearing in mind the existing international conventions relevant to the present Convention. Aiming to fulfil the objectives of the Charter of the League of Arab States, and the Charter and Constitution of the Arab League Educational, Cultural and Scientific Organization. Have agreed as follows:

Article I

DEFINITIONS:

For the purposes of this Convention and its Protocols, the following terms and expressions have the meanings indicated below, except when otherwise inferred from the text:

1. "Conservation" of the marine environment of the Red Sea and Gulf of Aden: Rational use by man of living and non-living marine and coastal resources in a manner ensuring optimum benefit for the present generation while maintaining the potential of that environment to satisfy the needs and aspirations of future generations. Such a definition of the term "conservation" should be construed as including conservation protection, maintenance, sustainable and renewable utilization, and enhancement of the environment.
2. "Sea Area": Sea Area as defined in article II of this Convention.
3. "Marine pollution": Introduction by man, directly or indirectly, of substances or energy into the marine environment which results or is likely to result in such deleterious effects as harm to living resources, hazards to human health hindrance to marine activities including fishing, impairment of quality for use of sea water and reduction of amenities.

4. "Ships and aircraft": Any waterborne or airborne or amphibious craft of any type whatsoever, including hydrofoil boats, air cushion vehicles submersibles, floating craft whether self-propelled or not, and fixed or floating platforms and any other structure.
5. "Oil": Petroleum in any form including crude oil, fuel oil, sludge, refined oil, gases and other oil products, whose introduction might impair the marine environment.
6. "Harmful substance": Any substance whose introduction or presence in the marine environment causes a danger threatening or impairing that environment.
7. "National Authority": The authority designated by each Contracting Party as responsible for the coordination of national efforts for implementing this Convention and its protocols.
8. "ALECSO": The Arab League Educational Cultural and Scientific Organization.
9. "Organization": The Regional Organization for the Conservation of the Red Sea and Gulf of Aden Environment established in accordance with article XVI of this Convention.
10. "Council": The Council established in accordance with article XVI of this Convention.
11. "General Secretariat": The organ of the Organization established in accordance with article XVI of this Convention.
12. "Action Plan": The Action Plan for the Conservation of the Marine Environment and Coastal Areas of the Red Sea and Gulf of Aden.

Article II

GEOGRAPHICAL COVERAGE

The present Convention shall apply to the entire sea area, taking into account integrated ecosystems of the Red Sea, Gulf of Aqaba, Gulf of Suez, Suez Canal to its end on the Mediterranean, and the Gulf of Aden as bounded by the following rhumb lines:

1. From Ras Dharbat Ali (lat. 16°39' N, long. 53°03.5' E), thence to a point (lat. 16°00' N, long. 53°25' E), thence to a point (lat. 12°40' N, long. 55°00' E) lying ENE of Socotra Island, thence to Ras Hafun (lat. 10°26' N, long. 51°25' E).
2. Any Contracting Party may request the Organization to include areas within that Party's national jurisdiction and lying adjacent to those described in paragraph 1 above within the area of application of this Convention or for the purposes of activities resulting therefrom.
3. The geographical coverage does not include internal waters of the Contracting Parties unless otherwise stated in this Convention or any of its protocols.

Article III

GENERAL OBLIGATIONS

1. The Contracting Parties shall, individually or jointly, take all appropriate measures, in accordance with the present Convention and those protocols in force to which they are party, for the conservation of the Red Sea and Gulf of Aden environment including the prevention, abatement and combating of marine pollution.
2. In addition to the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency, the Contracting Parties shall co-operate in the formulation and adoption of other protocols prescribing agreed measures, procedures and standards for the implementation of this Convention.
3. The Contracting Parties shall establish national standards, laws and regulations as required for the effective discharge of the obligation prescribed in paragraph 1 of this article, and shall endeavour to harmonize their national policies in this regard and for this purpose appoint the National Authority.
4. The Contracting Parties shall co-operate with the competent international, regional and sub-regional organizations to establish and adopt regional standards, recommended practices and procedures for the conservation of the Red Sea and Gulf of Aden environment, including the prevention, abatement and combating of pollution from all sources in conformity with the objectives of the present Convention, and to assist each other in fulfilling their obligations under the present Convention.
5. The Contracting Parties shall use their best endeavours to ensure that the implementation of the present Convention shall not cause transformation of one type or form of pollution to another which could be more detrimental to the environment.

Article IV

POLLUTION FROM SHIPS

The Contracting Parties shall take all appropriate measures in conformity with the present Convention and with generally recognized international rules to prevent, abate and combat pollution in the Sea Area caused by intentional or accidental discharges from ships and shall ensure effective compliance in the Sea Area with generally recognized international rules relating to the control of this type of pollution including load-on-top, segregated ballast and crude oil washing procedures for tankers.

Article V

POLLUTION CAUSED BY DUMPING FROM SHIPS AND AIRCRAFT

The Contracting Parties shall take all appropriate measures to prevent, abate and combat pollution in the Sea Area caused by dumping of wastes and other matter from ships and aircraft, and shall ensure effective compliance in the Sea Area with generally recognized international rules relating to the control of this type of pollution as provided for in relevant international conventions.

Article VI

POLLUTION FROM LAND-BASED SOURCES

The Contracting Parties shall take all appropriate measures to prevent, abate and combat pollution caused by discharges from land reaching internal waters and the Sea Area whether water-borne, airborne or directly from the coast including outfalls and pipelines.

Article VII

POLLUTION RESULTING FROM EXPLORATION AND EXPLOITATION OF THE BED OF THE TERRITORIAL SEA, THE CONTINENTAL SHELF AND THE SUB-SOIL THEREOF

The Contracting Parties shall take all appropriate measures to prevent, abate and combat pollution in the Sea Area resulting from exploration and exploitation of the bed of the territorial sea, the continental shelf and the sub-soil thereof, including the prevention of accidents and the combating of pollution emergencies resulting in damage to the marine environment.

Article VIII

POLLUTION FROM OTHER HUMAN ACTIVITIES

The Contracting Parties shall take all appropriate measures to prevent, abate and combat pollution in the Sea Area resulting from land reclamation (and associated suction dredging and coastal dredging) or resulting from estuarine or river dredging or from other human activities.

Article IX

CO-OPERATION IN DEALING WITH POLLUTION EMERGENCIES

1. The Contracting Parties shall, individually or jointly, take all necessary measures, including those to ensure that adequate equipment and qualified personnel are readily available, to deal with pollution emergencies in the Sea Area, whatever the cause of such emergencies, and to reduce or eliminate damage resulting therefrom.
2. Any Contracting Party which becomes aware of any pollution emergency in the Sea Area shall without delay, notify the Organization, and through the General Secretariat, any Contracting Party likely to be affected by such emergency.
3. The Contracting Parties shall co-ordinate their national plans for combating pollution in the marine environment by oil and other harmful substances in a manner that facilitates full co-operation in dealing with pollution emergencies.

Article X

SCIENTIFIC AND TECHNOLOGICAL CO-OPERATION

1. The Contracting Parties shall co-operate directly, or through competent international and regional organizations, in the fields of scientific research, monitoring, assessment and combating of pollution in the Sea Area, and shall exchange data as well as other scientific information for the purpose of the present Convention, its protocols and the action plan.
2. The Contracting Parties shall co-operate further to develop and co-ordinate national monitoring and research programmes concerning all types of pollution and pollution combating, as well as studies and research on the marine environment. They shall co-operate further to develop and co-ordinate necessary

supporting programmes, such as marine- meteorology programmes, and to establish, in cooperation with competent regional or international organizations, a regional network of such programmes to ensure compatible results. For this purpose, each Contracting Party shall designate the National Authority responsible for environmental research and monitoring and for marine meteorological monitoring within the areas under its national jurisdiction.

3. The Organization and ALECSO shall cooperate in matters of common interest for the purpose of mutual co-ordination and exchange of technical assistance, information and documents.

Article XI

ASSESSMENT AND MANAGEMENT OF THE ENVIRONMENT

1. Each Contracting Party shall give due consideration to marine environmental effects when planning or executing projects, including an assessment of potential environmental effects, particularly in the coastal areas.
2. The Contracting Parties may, in consultation with the General Secretariat, develop procedures for dissemination of information on the assessment of the activities referred to in paragraph 1 of this article.
3. The Contracting Parties undertake to develop, individually or jointly environmental standards technical and other guidelines in accordance with standard scientific practice to assist the planning and execution of their projects in such a way as to minimize their harmful impact on the marine environment. In this regard international standards may be used where appropriate.

Article XII

TECHNICAL AND OTHER ASSISTANCE

The Contracting Parties shall co-operate, directly or through competent regional or international organizations, in the development of programmes of technical and other assistance, in fields relating to the marine environment and its conservation in coordination with the Organization.

Article XIII

LIABILITY AND COMPENSATION

The Contracting Parties undertake to co-operate in the formulation and adoption of appropriate rules and procedures for the determination of:

1. Civil liability and compensation for damage resulting from pollution of the marine environment bearing in mind applicable international rules and procedures relating to those matters; and
2. Liability and compensation for damage resulting from violation of obligations under the present Convention and its protocols.

Article XIV

SOVEREIGN IMMUNITY

1. Warships and other ships owned or operated by a State, and used only on government non-commercial service, shall be exempted from the application of the provisions of the present Convention.
2. Subject to paragraph 1 above, each Contracting Party shall, as far as possible, ensure that its warships or other ships owned or operated by that Party, and used only on government non-commercial service, shall comply with the provisions of the present Convention.

Article XV

DISCLAIMER

Nothing in the present Convention shall prejudice or affect the rights or claims of any Contracting Party with regard to the nature or extent of its maritime jurisdiction which may be established in conformity with international law.

Article XVI

REGIONAL ORGANIZATION FOR THE CONSERVATION OF THE RED SEA AND GULF OF ADEN ENVIRONMENT

1. A Regional Organization for the Conservation of the Red Sea and Gulf of Aden Environment, the permanent headquarters of which shall be located in Jeddah, Saudi Arabia, is hereby established.
2. The Organization shall consist of the following organs:
 - a. A Council comprised of a representative of each Contracting Party;
 - b. A General Secretariat;

- c. A Committee for the Settlement of Disputes whose composition, terms of reference and rules of procedure shall be decided by the Council.
3. The Organization shall enjoy, in the territory of each Contracting Party, all legal qualifications necessary for the discharge of its duties and the performance of all activities concerned with the achievement of its aims.

Article XVII

THE COUNCIL

1.
 - a. Membership of the Council shall be made up of the Contracting Parties, each Contracting Party having one vote in the meetings of the Council.
 - b. Meetings of the Council shall be attended by the Director General of ALECSO or his delegate.
2. The Council shall hold one ordinary meeting every year, and may hold extraordinary meetings in accordance with its rules of procedure. Meetings shall be convened at the headquarters of the Organization or at any place as prescribed by its internal regulations or by the Council. The Chairmanship of the Council shall be given to each Contracting Party, in turn, in the Arabic alphabetical order starting with the Depositary State. The term of office of the Chairman shall be one year.
3. Two thirds of the Council membership shall constitute a quorum for its meetings.
4. The voting procedure in the Council shall be as follows:
 - a. Decisions on important matters shall be taken by a unanimous vote of the Contracting Parties present and voting;
 - b. Decisions on procedural matters shall be taken by a two-thirds majority vote of the Contracting Parties present and voting.

Article XVIII

DUTIES AND FUNCTIONS OF THE COUNCIL

The Council shall have the duties and functions necessary to achieve the objectives of this Convention and its protocols, and in particular:

- a. To adopt its internal regulations;
- b. To keep under review the implementation of the Convention and its protocols, and the action plan adopted for the achievement of the purposes of this Convention and its protocols;
- c. To make recommendations regarding the adoption of any additional protocols or any amendments to the Convention or to its protocols;
- d. To adopt, review and amend, as required, the annexes to this Convention and to its protocols;
- e. To adopt and conclude agreements with States or with organizations with similar purposes or interests within the aims of this Convention and for the achievement of its purposes and which the Council deems necessary for the discharge of its duties;
- f. To review and evaluate the state of the marine environment and coastal areas on the basis of reports provided by the Contracting Parties, or by the international organizations concerned;
- g. To establish subsidiary bodies and ad hoc working groups, as required, to consider any matters related to this Convention and its protocols or related to the annexes of this Convention and its protocols or related to the action plan;
- h. To consider reports submitted by the Contracting Parties and reports prepared by the General Secretariat on questions relating to the Convention and to matters relevant to the administration of the Organization and to decide upon them;
- i. To endeavour to settle any differences or disputes between the Contracting Parties as to the interpretation or implementation of this Convention or its protocols or annexes;
- j. To appoint the Secretary General;
- k. To adopt and issue its rules of procedure, administrative and financial regulations guided by the constitution and regulations of ALECSO. The Council may adopt or amend any other regulations necessary for the discharge of its duties;
- l. To adopt the financial rules which determine, in particular, the contributions of the Contracting Parties;
- m. To adopt the financial budget of the Organization;
- n. To adopt the projects and budgets for the Organization activities;
- o. To approve a report on the work and activities of the Organization to be submitted for information to the ALECSO General Conference;
- p. To define and develop relations between the Organization and Arab organizations or bodies;

- q. To perform any additional functions necessary for the achievement of the purposes of this Convention and its protocols or which the Council deems necessary for the discharge of its duties.

Article XIX

THE GENERAL SECRETARIAT

1. The Secretary General shall head the General Secretariat and perform the functions necessary for the management of the Convention and its protocols, annexes, the action plan and the work of the General Secretariat;
2. The General Secretariat shall have the duties and powers necessary to achieve the purposes of this Convention and its protocols and to execute the action plan, according to decisions of the Council, and in particular:
 - a. To prepare for and convene the meetings of the Council and its subsidiary bodies and ad hoc working groups;
 - b. To transmit to the Contracting Parties notifications, reports and other information received;
 - c. To consider inquiries by, and information from, the Contracting Parties and to consult with them on questions relating to this Convention and its protocols, annexes and the action plan;
 - d. To prepare and submit reports on matters relating to this Convention, its protocols, annexes and the action plan or relating to the administration of the Organization;
 - e. To establish, maintain and disseminate an up-to-date collection of national laws concerning the conservation of the marine environment of all Contracting Parties;
 - f. To provide technical assistance and advice for the drafting of appropriate national legislation for the effective implementation of this Convention and its protocols;
 - g. To organize and co-ordinate training programmes in areas related to the implementation of this Convention, its protocols and the action plan;
 - h. To perform such other functions as may be assigned to it by the Council for the implementation of this Convention, its protocols and the action plan.

Article XX

BUDGET AND FINANCIAL RESOURCES OF THE ORGANIZATION

1. The Organization shall have its own budget.
2. The financial resources of the Organization shall consist of:
 - a. Contributions by the Contracting Parties;
 - b. ALECSO contribution;
 - c. Other contributions accepted by the Council.
3. Reports on the budget of the Organization shall be transmitted to the ALECSO General Conference for information.

Article XXI

ADOPTION AND AMENDMENTS OF THE CONVENTION AND ITS PROTOCOLS

The Council, or any Contracting Party may propose amendments to this Convention, its protocols or annexes. Amendments of importance shall be adopted by a unanimous vote of the Contracting Parties. Other amendments shall be adopted by a two-thirds majority. Any matter is considered important if so requested by one Contracting Party. Amendments shall enter into force when adopted by the Contracting Parties in accordance with articles XXVI and XXVII of this Convention.

Article XXII

REPORTS

Each Contracting Party shall submit to the General Secretariat reports on measures taken for the implementation of this Convention and its protocols, in such form and at such intervals as may be determined by the Council.

Article XXIII

COMPLIANCE CONTROL

The Contracting Parties shall co-operate in the development and implementation of procedures for the effective application of the Convention and its protocols, including detection of violations, using all appropriate and practicable measures of detection and environmental monitoring, including adequate procedures for reporting and accumulation of evidence.

Article XXIV

SETTLEMENT OF DISPUTES

1. In case of a dispute as to the interpretation or application of this Convention, its protocols or its annexes, the Contracting Parties concerned shall seek a settlement of the dispute through amicable means.
2. If the Contracting Parties concerned cannot settle the dispute, the matter shall be referred to the Council for its consideration.
3. If the Council does not reach a settlement of the dispute, it shall be submitted to the Committee for the Settlement of Disputes referred to in paragraph 2(c) of article XVI of this Convention.

Article XXV

SIGNATURE

The present Convention together with the attached Protocol shall be open for signature in Jeddah by Governments of the States of the Red Sea and Gulf of Aden invited to the Jeddah Regional Conference of Plenipotentiaries on the Conservation of the Marine Environment and Coastal Areas in the Red Sea and Gulf of Aden convened from 19 to 21 Rabie Althani A.H. 1402, corresponding to 13 to 15 February 1982.

Article XXVI

RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION

1. The present Convention together with the attached Protocol shall be subject to ratification, acceptance, approval or accession by the States referred to in article XXV of this Convention. Any Contracting Party which has ratified, accepted, approved or acceded to the present Convention shall be considered as having ratified, accepted, approved or acceded to the attached Protocol.
2. Any State member of the Arab League has the right to accede to the present Convention and its protocols.

Article XXVII

ENTRY INTO FORCE

1. The present Convention and the attached Protocol shall enter into force on the ninetieth day following the date of deposit of at least four instruments of ratification, acceptance or approval of, or accession to, the Convention.
2. Any other protocol to this Convention, except as otherwise provided in such protocol, shall enter into force on the thirtieth day following the date of deposit of at least four instruments of ratification acceptance or approval of, or accession to such protocol.
3. This Convention or any such protocol shall enter into force with respect to any Contracting Party on the thirtieth day following the date of deposit by that Contracting Party of its instrument of ratification, acceptance, approval or accession.

Article XXVIII

WITHDRAWAL

1. At any time after five years from the date of entry into force of this Convention, any Contracting Party may withdraw from this Convention by giving written notification of withdrawal to the Depositary.
2. Except as may be otherwise provided in any other protocol to this Convention, any Contracting Party may, at any time after five years from the date of entry into force of such protocol, withdraw from such protocol by giving written notification of withdrawal to the Depositary.
3. Withdrawal shall take effect twelve months after the date on which notification of withdrawal is received by the Depositary.
4. Any Contracting Party which withdraws from the Convention shall be considered as also having withdrawn from any protocol to which it was a party.
5. Any Contracting Party which withdraws from the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency shall be considered as also having withdrawn from this Convention.

Article XXIX

RESPONSIBILITIES OF THE DEPOSITARY

1. The Depositary shall receive instruments of ratification of this Convention and its protocols.
2. The Depositary shall call the first meeting of the Council when this Convention enters into force after ratification by four Contracting Parties.

3. After the first meeting of the Council the General Secretariat shall assume all technical and administrative responsibilities and duties. The original of this Convention, of any protocol thereto, of any annex to the Convention or to a protocol, or of any amendment to this Convention, to a protocol or to an annex of the Convention or of a protocol shall be deposited with the Depositary, the Government of the Kingdom of Saudi Arabia, which shall send certified copies thereof to the Contracting Parties and shall also deposit certified copies of the Convention, its protocols and annexes with the General Secretariat of the League of Arab States in accordance with article 17 of the Arab League Charter and with the Secretary-General of the United Nations in accordance with Article 102 of the Charter of the United Nations.

In witness whereof the undersigned Plenipotentiaries, being duly authorized by their respective Governments, have signed the present Convention.

Done at the City of Jeddah on Sunday the twentieth of the month Rabie Althani of the year A.H. 1402, corresponding to 14 Shabat (February) of the year A.D. 1982.

Date of ratification of the Convention and its Protocol by Member States

State Date of Application Focal Point

Djibouti 2-3-1998 Ministere de L'Environnement du Tourisme et de L'Artisanat

Egypt 31-5-1990 Council of Ministers, Environmental Affairs Agency, Cairo

Jordan 7-9-1988 Ministry of Municipalities and Rural Affairs, Division of Environment

Saudi Arabia 22-5-1985 Meteorology and Environmental Protection Administration, Jeddah

Somalia 1-3-1988 Ministry of Fisheries and Marine Transportation, Mogadishu

Sudan 5-6-1984 National Council for Research, Khartoum

Yemen 29-5-1982 University of Sana'a, Sana'a

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