

## The Convention for the Protection of the Mediterranean Sea Against Pollution

Robert Ercole

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## E. Regulation of the Ecosphere

### THE CONVENTION FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION

The Convention for the Protection of the Mediterranean Sea Against Pollution<sup>1</sup> and its two accompanying protocols<sup>2</sup> entered into force on February 13, 1978,<sup>3</sup> receiving the necessary ratifications of six Mediterranean countries — Spain, Tunisia, Monaco, Lebanon, Malta and Yugoslavia.<sup>4</sup> It is now open for accession by any other state, subject to approval by three-fourths of the Contracting Parties.<sup>5</sup>

The Convention itself is only a general framework for the establishment and implementation of measures to control marine pollution. The two protocols provide more specific measures for controlling waste dumpage by ships and airplanes, and for reacting to pollution emergencies.<sup>6</sup>

The fundamental obligation of the Contracting Parties is to take appropriate individual or joint measures “to prevent, abate and combat pollution of the Mediterranean Sea Area and to protect and enhance the marine environment in that Area.”<sup>7</sup> To this end the Convention recites four sources of pollution to which the Contracting Parties “shall take all appropriate measures to prevent.” They are: pollution caused by dumping from ships and aircraft,<sup>8</sup> pollution from ships,<sup>9</sup> pollution resulting from

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1. 15 INT'L LEGAL MATS. 285-310 (1976) [hereinafter cited as Convention].

2. Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, 15 INT'L LEGAL MATS. 300-06 (1976) [hereinafter cited as Dumping Protocol] and Protocol Concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency, 15 INT'L LEGAL MATS. 306-10 (1976) [hereinafter cited as Emergency Protocol].

3. 17 INT'L LEGAL MATS. 790 (1978). The Convention was drawn up by the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region for the Protection of the Mediterranean Sea, held in Barcelona, Spain from February 2-16, 1976. The following countries were represented: Cyprus, Egypt, France, Greece, Israel, Italy, Lebanon, Libya, Arab Republic, Malta, Monaco, Morocco, Spain, Syrian Arab Republic, Tunisia, Turkey and Yugoslavia.

4. *Id.*

5. Convention, art. 26(2), *supra* note 1.

6. A third protocol, still in draft form and as yet unapproved, will control land-based pollution. See Report of Intergovernmental Consultation Concerning A Draft Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-Based Sources, 16 INT'L LEGAL MATS. 958 (1977).

7. Convention, art. 4(1), *supra* note 1.

8. *Id.* art. 5.

9. *Id.* art. 6.

exploration and exploitation of the continental shelf and the seabed and its subsoil,<sup>10</sup> and pollution from land-based sources.<sup>11</sup> The appropriate measures to prevent these sources of pollution, however, have been apparently left to protocols; the Convention mentions no further these four sources of pollution. So far, a protocol has addressed only one of these sources,<sup>12</sup> *viz.*, pollution caused by dumping from ships and aircraft.<sup>13</sup> The Dumping Protocol calls for measures which are not very stringent. It requires only that all dumping be regulated by licensing authorized by appropriate national authorities.<sup>14</sup> Furthermore, no sanctions for violations of this protocol have been created.

The Convention also recites general pledges to cooperate in pollution emergencies, to monitor the Mediterranean and to exchange scientific information.<sup>15</sup> The only other protocol to the Convention — an agreement on how to react to pollution emergencies<sup>16</sup> — provides for a regional oil combating center for the Mediterranean.<sup>17</sup> The objectives of the center are to facilitate cooperation among the Contracting Parties to combat spillages of oil, especially in emergency situations, and to assist the Contracting Parties in developing their own national capabilities to combat oil pollution.<sup>18</sup>

Although pollution of the seas requires cooperation at the international level, the geophysical features of a specific body of water may require prudent management by the littoral states at a regional level. To this end, the Mediterranean Convention is a worthy attempt at addressing the unique pollution problems of the Mediterranean Sea.<sup>19</sup> The task of managing marine and land-based pollution, however, is not an easy one. Consequently, the rather general framework of action which is laid down in the Convention needs further elaboration by the Contracting Parties in the form of more protocols.

*Robert Ercole*

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10. *Id.* art. 7.

11. *Id.* art. 8.

12. *But see supra* note 6.

13. Dumping Protocol, *supra* note 2.

14. In this respect the Convention is similar to the 1972 London Convention on the Prevention of Marine Pollution by Dumping Wastes and Other Matters, Dec. 29, 1972, 26 U.S.T. 2403, T.I.A.S. No. 8165.

15. Convention, arts. 9-11, *supra* note 1.

16. Emergency Protocol, *supra* note 2.

17. *Id.* art. 6.

18. *Id.*

19. *Cf.* Convention on the High Seas, Apr. 29, 1958, 13 U.S.T. 2312, T.I.A.S. No. 5200, 450 U.N.T.S. 82; Convention on the Continental Shelf, Apr. 29, 1958, 15 U.S.T. 471, T.I.A.S. No. 5578, 499 U.N.T.S. 311; 1969 Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, Nov. 29, 1969, 26 U.S.T. 765, T.I.A.S. No. 8068, *reprinted in* 9 INT'L LEGAL MATS. 25 (1970).