

# Extract from “The Oslo and Paris Commissions: The First Decade”

## Chapter 1: The Birth of a Treaty

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Chairman of the Oslo Commission, 1978-80

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### **What happened in the Year 1971?**

1. It was at the end of the sixties that man became aware of the growing increase in the pollution of our world. Rachel Carson had already warned us in 1962 in her book “Silent Spring” that we were in danger of poisoning our environment by the use of huge quantities of toxic, persistent and bioaccumulating substances, such as DDT, pesticides and herbicides. Growing industrial activity, especially in the chemical industry, had also led to a rapid increase in the amounts of chemical waste.
2. Gradually, the pressure to improve the efforts leading to a decrease in the output of waste was felt by the West European industries. Many of them looked for new ways of disposal. One of these ways was dumping into the sea.
3. In 1968, for instance, several ships set sail from Dutch harbours carrying many drums of industrial waste on board with such destinations as the Sargasso Sea, the United Kingdom, or wherever. They returned after only a few hours, however, already without their cargo. In this way, tens of thousands of drums were dumped near the Dutch coast.
4. Furthermore, the International Council for the Exploration of the Sea (ICES) reported in 1968 that huge amounts of waste were being discharged into the North Sea. In April 1971 the London “Observer” newspaper wrote in an article under the heading “Big Business Moves into Sea Dumping” that a company intended to collect chemical effluents from West European ports for the purpose of dumping them at sea. This alarmed the Norwegian Government which informed the UK Government of its grave concern.
5. On a Norwegian initiative, the situation was discussed between government officials of Denmark, Finland, Iceland, Sweden and Norway at a meeting in Oslo in January 1971. The Nordic Ministers of Foreign Affairs decided in April that the Nordic countries should jointly approach all members of the North-East Atlantic Fisheries Convention, which included the Scandinavian countries, the five industrial West European countries, Spain, Portugal and Baltic countries like the USSR and Poland, in order to discuss the matter and to take action.
6. In the opinion of the Nordic countries there was conclusive evidence that increased dumping of substances injurious to marine life was taking place. The Scandinavian States had already decided to ban the dumping of persistent and harmful substances from their own ships completely. The Norwegian Government, for example, implemented such a ban on 11 June 1971. The intention of the Nordic countries was to propose to the other parties at a Conference to be convened by the Government of Norway in October 1971 that they accept a similar ban and, at a later stage, work out a convention regarding waste dumping.
7. The Scandinavian concern was shared by other countries. For example, in February 1971 the Government of the Federal Republic of Germany wanted to establish an international regulation for waste dumping and invited the countries concerned to discuss such a regulation. German industry was quite willing to accept restrictions and regulations on dumping but, of course, they did not wish to be the only

ones for reasons of competition. The same arguments were valid for the Governments and industries of the other North Sea countries, as one can imagine.

8. In the meantime, Sweden had invited the UK to hold its Conference on the Human Environment in 1972. Ocean dumping was one subject to be discussed in the framework of this Conference. An intergovernmental working group to prepare the ground for the Conference was established. The first meeting of this working group was convened from 14-18 June, 1971 in London. This was, in fact, the start of the London Dumping Convention.

9. A few days before, however, on 11 June, representatives of a number of West European countries assembled in London at the invitation of the UK Government. They discussed on an informal basis what should be done and, of course, expressed their opinions about the invitation of Norway for the following October. Already, during this meeting, it became clear that there were different approaches to the problem in the different countries. An absolute ban on dumping, as proposed by the Nordic countries, went too far in the opinion of the other participating countries.

10. But where to begin with the regulation of waste dumping? What were the substances which should not be dumped, and for which substances should dumping be regulated? There was no clear understanding about what conditions should be imposed on industry in the waste dumping permits in those cases when dumping of particular substances would be permitted.

11. France, Belgium, the Federal Republic, the Netherlands and the UK felt that they should come to a common viewpoint and for that reason they decided to meet in Paris on 23 July. A small group of about 10 to 12 people met in a large meeting room in the basement of the huge building of the Ministère des Affaires Etrangères at the Quai d'Orsay in Paris. Simultaneous translation in French and English was provided. The German delegation had brought their own interpreter and therefore the participants could listen to the version in the original language of the intervention, the translation thereof in their earphones and, besides that, to the whispering of the German interpreter. The atmosphere was far from enthusiastic.

12. The leader of the Dutch delegation, Mr. Rob van Schaik, asked in his opening statement to deal with the "Stella Maris affair". This was rejected by the meeting, however.

13. What was this case? A few days before, on 16 July 1971, the coaster "Stella Maris" left the port of Rotterdam. The captain informed the harbour authorities that in accordance with a contract with a chemical company the ship would dump 650 tonnes of chlorinated hydrocarbons in the northern part of the North Sea, at a position indicated by the Dutch state authorities. The waste in question consisted of 5% dichlorethane, 50% trichlorethane and the rest consisted of tar products. The company concerned had the intention of making regular trips to dump this waste which resulted from their production of vinyl chloride.

14. The Dutch authorities were not absolutely confident that the waste would be dumped at the suggested place. Therefore, a ship of the Royal Dutch Navy followed the coaster until it was north of the Dutch part of the continental shelf. At that moment the Dutch authorities informed the Norwegian Shipping Directorate – ie, the Norwegian contact address for oil pollution abatement – that the intention of the "Stella Maris" was to dump its waste at a place indicted at about 180 nautical miles off the Norwegian coast. This caused enormous public agitation in Norway. The Norwegian Government took diplomatic steps and demanded that the Dutch Government prevent this dumping. As there were no legal instruments to act on, however, the Dutch Government in its turn asked the chemical company involved to voluntarily reconsider the dumping.

15. The company then decided to choose another dumping site, this time in the Atlantic Ocean a thousand miles from both the Icelandic and Irish coasts. But when the "Stella Maris" entered the port of Torshavn on the Faeroe Islands, the people of this Danish archipelago prevented the coaster from bunkering oil for the

trip to the Atlantic and so the ship had to leave harbour. Now the Governments of both Iceland and Ireland protested against the dumping at the new spot, which was in the neighbourhood of the dumping area of United States industry. The UK Government also expressed its concern about the proposed action. Finally on 25 July the ship returned to Rotterdam and unloaded its cargo in order to avoid further negative publicity. Later on a Belgian firm took care of the cargo.

16. Numerous stories have been told about this journey of the “flying Dutchman”, as the British newspaper the Daily Mail called the ship. It was said that a mistake had been made in the telex that was sent to the Norwegian authorities indicating that the waste would be dumped only 30 miles off the Norwegian coast. That would have caused much consternation in Norway, but probably this story is not true. The direct consequence was that several Governments were urged by public opinion to do something about waste dumping in the seas and oceans.

17. But at the meeting in Paris, in spite of an excellent lunch offered by the French Government, the delegations present could not reach agreement as to what line of action they should follow. The general opinion was that the five countries involved should await further action by the Scandinavians before they reacted.

18. At that stage in the discussions Mr. Van Schaik again raised the subject of the “Stella Maris”, which at that very moment was sailing to its second dumping destination somewhere in the Atlantic. He concluded that, as none of the governments represented seemed to have any intention of cooperating in negotiating an international regulation on waste dumping, they would not object to any further dumping by the “Stella Maris”. This marked the turning point in the negotiations since no delegation could agree with this statement. The Dutch delegate invited the other parties to send their experts to the Hague on 16-17 September, 1971, to prepare specific proposals for a regulation. This invitation was accepted.

19. Indeed, during the meeting in Holland the concept of “black and grey lists” was expounded for the first time. The experts succeeded in preparing a list of substances for which dumping had to be forbidden – the “black” list. The “grey” list was an enumeration of the substances which, under certain precautions, were allowed to be dumped. In a third list, the experts indicated the characteristics of the waste, of the dumping sites and of the method of disposal that should be investigated and considered before waste dumping could be permitted.

20. These ideas remained practically unchanged and were finally adopted in the Oslo Convention. In the following years, with only minor changes, they were used in other similar conventions, such as the London Dumping Convention.

21. At a meeting in London in the beginning of October 1971 the same 5 countries assembled once more, pooled their ideas and prepared a draft convention. In the meantime the Norwegian Government had also prepared a draft convention, which had been revised and agreed upon by the Nordic States at a meeting in the beginning of September. It was distributed to the countries that had been invited to the Oslo Conference, which took place in Oslo from 19-22 October, 1971.

22. That's to the preparatory work both among the Nordic countries and the “Group of Five”, the Chairman, Ambassador J. Boyesen of Norway, could conclude on the first day of the Conference that the 12 States present had already reached a common viewpoint with regard to the goals of the Convention. The general debate also showed that there was no major disagreement between the Nordic States, the “Group of Five” and the other States present. The two draft conventions were merged, and the 12 delegations present succeeded in preparing a single agreed Draft Convention in only 4 days. After some “brushing up” at a meeting of experts in international law in December 1971 in Paris, the final text was determined and, on 15 February 1972, the Oslo Convention was signed.

23. It is perhaps exceptional in the history of preparing and entering into force of international regulations that a convention of such importance was prepared within the space of 8 months. Of course this could only be achieved because there was basically agreement among all the countries concerned, although there were small differences of opinion about the best way to proceed. The cooperation between the experts in international law and the experts in marine pollution was really excellent. Certainly the technical experts were sometimes irritated because, as they saw it, the lawyers were hair-splitting about simple words. The experts in international law would, without doubt, have regarded their scientific colleagues as too naïve and simple-minded. As we now know, however, the result was a big step forwards in the prevention of marine pollution – and that is what counts!

## Chapter 2: The Oslo and Paris Commissions: History and Progress (1974-1984)

Author: The Secretariat

### 1. Origin of the Conventions

1.0.1. The Oslo and Paris Conventions are not the first regional Conventions with the declared aim of protecting the marine environment in this part of the globe; a notable forerunner was the Agreement for Cooperation in dealing with Pollution of the North Sea by Oil, known as the Bonn Agreement, signed in 1969. However, the Conventions denoted an important development in the growing general awareness of the danger of sea pollution to the extent that the Bonn Agreement is not, strictly speaking, an agreement to prevent pollution but rather an agreement providing the mechanism for assistance and help and its scope was limited, at least in the first version, to pollution resulting from oil spills.

#### 1.1 Oslo Convention

1.1.1 This growing awareness was first of all directed towards dumping operations at sea and led to the negotiation and then to the signing of the Oslo Convention. This achievement is undoubtedly linked with the particular nature of dumping at sea. At the end of the sixties no international measures existed to control this type of activity which developed alarmingly, especially in the North Sea and resulted in the spring of 1971 in the Scandinavian countries forbidding the dumping of dangerous substances from their ships. It was also the intention of the Scandinavian countries to ask the other countries bordering the North Sea and the north-eastern Atlantic to take similar action, and this resulted in the Norwegian Government convening a conference in October 1971 in order to achieve this aim. An intergovernmental working party on dumping also met in London in June 1971 to prepare the work for the United Nations Conference on the Marine Environment planned for Stockholm in 1972. It is certain that the time the rigid requirement of a total ban envisaged by the Scandinavian countries made no allowance for problems of any kind.

1.1.2 It was for this reason that the representatives of the Federal Republic of Germany, Belgium, France, the Netherlands and the United Kingdom agreed to exchange views in preparation for the meeting organised by the Norwegian Government. Meetings were therefore held in Paris, The Hague and London, during which representatives of the countries concerned succeeded in reaching a compromise solution, the Scandinavian countries of course being kept informed of the progress of the discussions. As is often the case on such occasions, a concrete example reminded the countries concerned of the importance of the problem, if indeed such an example were needed. This example was provided by a Dutch ship, the "Stella Maris" which, having sailed from the port of Rotterdam on 16 July 1971 to dump chlorinated waste in the North Sea, was obliged to return to port on 25 July (without carrying out her mission) because of the combined weight of public opinion and of the Governments of Norway, Iceland, Ireland, the Netherlands and the United Kingdom.

1.1.3 The result of these negotiations therefore allowed the Conference, which met as planned in Oslo on 19-22 October 1971, to draft a Convention approved by the participants as well as the countries of the Iberian Peninsula. A version of this draft was then prepared by a group of legal experts in Paris and the final text of the Convention was signed in Oslo on 15 February 1972. Under the circumstances attention must be drawn to the speed with which this Convention was drafted, in spite of its complex nature and the many compromises necessary to reconcile the various often-conflicting interests. This shows the firm desire to find a solution to a situation caused by an unpardonable “laissez-faire” attitude. (A full account of these first negotiations is contained in Chapter 1).

1.1.4 The Oslo Convention came into force on 6 April 1974, thirty days after the deposit of the seventh instrument of ratification with the Norwegian Government.

## **1.2 Paris Convention**

1.2.1 At the time the Oslo Convention was signed, it was felt necessary to draw up a similar document, dealing this time not with the prevention of the pollution of the marine environment by dumping, but with the prevention of marine pollution by discharges of dangerous substances from land-based sources, watercourses or pipelines. After the signing of the Oslo Convention, international opinion in environmental matters was favourably disposed towards the conclusion of agreements to establish rules for the prevention of pollution. The United Nations Conference held in Stockholm in 1972 led to the establishment of the United Nations Environment Programme, which was later to be instrumental in preparing the Barcelona Convention for the protection of the Mediterranean and the development of the Regional Seas Programme, and negotiations were in progress within the Council of Europe for the conclusion of the Strasbourg Convention with the aims of protecting the quality of international watercourses.

1.2.2 It is nonetheless true that nothing was planned to prevent pollution of land-based origin which might affect the zone already covered by the Oslo Convention. For this reason, the action taken by the French Government to convene a diplomatic conference in December 1972 to solve the problem was very favourably received. The participants were the States who were signatories to the Oslo Convention, and countries situated upstream of watercourses discharging their effluents into the maritime zone under consideration. In spite of the manifest willingness to reach an agreement as quickly as possible, three conferences had to be held between December 1972 and June 1974 before the Paris Convention was open for signature. This delay must nevertheless be considered as relatively short if account is taken firstly of the innovative nature of the Convention and secondly of the complexity of the problems to be solved.

1.2.3 The Convention entered into force on 6 May 1978, thirty days after the date of depositing the seventh instrument of ratification, approval or acceptance with the French Government. The European Economic Community became a Party to the Convention by adding its signature on 23 June 1975. This signature needed no ratification. The other signatory to the Convention is the Grand Duchy of Luxembourg.

*Please note: Chapter is not complete*

A2 : DATES OF SIGNATURE,  
RATIFICATION AND ENTRY  
INTO FORCE

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1972 Convention

1. The Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft was opened for signature at Oslo on 15 February 1972. In accordance with Article 21, the Convention is subject to ratification, the Government of Norway being the Depositary Government.
2. In accordance with Article 23, the Convention entered into force on 6 April 1974, the thirtieth day following the date of deposit of the seventh instrument of ratification. For those States ratifying the Convention after the deposit of the seventh instrument of ratification, the Convention entered into force on the thirtieth day after deposit by such State of its instrument of ratification.
3. The dates of ratification, of deposit of the instrument of ratification to the Government of Norway, and of entry into force for each of the Contracting Parties are listed in the following table.

1983 Protocol

4. A Diplomatic Conference was convened by the Depositary Government on 2 March 1983 and adopted a Protocol to amend the 1972 Convention by including Rules on Incineration at Sea as a new Annex IV.
5. The Protocol was subject to ratification, acceptance, approval or accession. All Contracting Parties have deposited instruments of ratification, acceptance, approval or accession with the Depositary Government and the Protocol entered into force on 1 September 1989. The dates of signature and of deposit of each instrument are set out in the following table.

1985 Modification of the Annexes

6. At its Eleventh Meeting (Mariehamn, 1985) the Commission decided unanimously in accordance with Article 18(2) to amend Annexes I and II to the Convention. The Commission adopted OSCOM Decision 85/1 of 13 June 1985 (OSCOM 11/13/1, § 3.13 and Annex 4).
7. The modifications enter into force after unanimous approval by the Governments of the Contracting Parties. All Contracting Parties have notified the Norwegian Government of their approval and the modifications to the Annexes entered into force on 11 May 1990. The dates of deposit of the notifications of approval are set out in the following table.

1989 Protocol

8. A Diplomatic Conference was convened by the Depositary Government on 5 December 1989 and adopted a Protocol to amend the 1972 Convention (as amended by the 1983 Protocol) to include dumping in internal waters within the scope of the Convention. This Protocol will enter into force only when it has been ratified, accepted, approved or acceded to by all Contracting Parties to the Convention. The dates of signature and of deposit are set out in the following table.

1985 Modification  
of the Annexes

1983 Protocol

1972 Convention

1989 Protocol

	Date of Ratification	Date of deposit	Date of entry into force	Date of Signature	Date of deposit	Date of deposit	Date of Signature	Date of Deposit
Norway	26.05.1972	02.06.1972	06.04.1974	02.03.1983	02.03.1983(r)	24.03.1986	05.12.1989	05.12.1989(r)
Denmark	13.06.1972	28.07.1972	06.04.1974	02.03.1983	11.04.1984(r) (1)	16.09.1987	05.12.1989	
Sweden	16.06.1972	13.07.1972	06.04.1974	06.04.1983	06.04.1983(r)	26.03.1986	05.12.1989	
Portugal	30.12.1972	30.01.1973	06.04.1974	02.03.1983	11.08.1987(r)	11.05.1990		
Spain	19.02.1973	14.06.1973	06.04.1974		04.07.1989(ad)	21.05.1989	02.03.1990	
Iceland	07.06.1973	27.06.1973	06.04.1974	02.03.1983	16.07.1987(r)	30.05.1989	05.12.1989	
France	20.02.1974	07.03.1974	06.04.1974	02.03.1983	06.03.1984(ap)	29.04.1987	05.12.1989	
UK	23.06.1975	30.06.1975	30.07.1975	02.03.1983	15.05.1987(r) (2)	12.03.1986	05.12.1989	
Netherlands	28.08.1975	29.09.1975	29.10.1975	02.03.1983	17.10.1983(ac)	05.06.1986	05.12.1989	
FR Germany	03.09.1977	23.11.1975	23.12.1977	02.03.1983	10.02.1987(r) (3)	24.10.1986(3)	05.12.1989	
Belgium	09.02.1978	28.02.1978	30.03.1978	02.03.1983	14.06.1989(r)	16.06.1989	02.03.1990	
Finland	23.03.1979	02.05.1979	01.06.1979	02.03.1983	31.05.1985(r)	19.03.1986	14.02.1990	
Ireland	22.12.1981	25.01.1982	24.02.1982		05.11.1984(ac)	27.06.1986		

Notes: r = by ratification; ac = by acceptance; ad = by accession; ap = by approval

(1) Excluding Faroe Islands and Greenland

(2) Including Guernsey, Jersey and Isle of Man

(3) Including Land Berlin



**A2 : DATES OF SIGNATURE,  
RATIFICATION AND ENTRY  
INTO FORCE**

# PARIS COMMISSION: PROCEDURES AND DECISIONS MANUAL

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## Dates of Signature, Ratification and Entry into Force

### 1974 Convention

1. The Convention for the Prevention of Marine Pollution from Land-Based Sources was opened for signature at Paris on 4 June 1974. In accordance with Article 23, the Convention is subject to ratification, acceptance or approval, the Government of France being the Depositary Government.
2. In accordance with Article 25, the Convention entered into force on 6 May 1978, the thirtieth day following the date of deposit of the seventh instrument of ratification, acceptance, approval or accession. For those States ratifying the Convention after the deposit of the seventh instrument of ratification, the Convention entered into force on the thirtieth day after deposit by such State of its instrument of ratification, acceptance, approval or accession.
3. The European Economic Community became a Party to the Convention by signature on 23 June 1975. This signature is not subject to ratification.
4. The date of ratification, acceptance, approval or accession, the date of deposit of the instrument of ratification, acceptance, approval or accession to the Government of France, and the date of entry into force for each of the Contracting Parties are listed in the following table.
5. The Grand Duchy of Luxembourg, which was a Signatory to the Convention in 1974, has indicated that it does not intend to ratify the Convention in the near future.

### 1986 Protocol

6. A Diplomatic Conference was convened by the Depositary Government on 26 March 1986 and adopted a Protocol amending the 1974 Convention to include within its scope pollution of the maritime area through the atmosphere.
7. The Protocol was subject to ratification, acceptance or approval. All Contracting Parties have deposited instruments of ratification, acceptance or approval with the Depositary Government and the Protocol entered into force on 1 September 1989. The date of deposit of each instrument is set out in the following table.

	1974 Convention			1986 Protocol
	Date of ratification	Date of deposit	Date of entry into force	Date of deposit of instrument of ratification
EEC			06.05.1978	09.02.1987
Kingdom of Denmark	17.12.1975	01.03.1976	06.05.1978	22.06.1989
Kingdom of Sweden	12.07.1976	30.07.1976	06.05.1978	13.06.1986
French Republic	19.01.1977	25.01.1977	06.05.1978	25.08.1986
Kingdom of Norway	15.02.1977	06.04.1977	06.05.1978	01.06.1988
Kingdom of the Netherlands	13.10.1977	10.11.1977	06.05.1978	24.04.1987
United Kingdom of Great Britain and Northern Ireland	03.03.1978	06.04.1978	06.05.1978*	14.10.1987*
Portuguese Republic	17.03.1978	10.05.1978	09.06.1978	25.07.1989
Kingdom of Spain	27.02.1980	17.04.1980	17.05.1980	20.01.1988
Republic of Iceland	27.05.1981	19.06.1981	19.07.1981	26.08.1987
Federal Republic of Germany	18.09.1981	02.03.1982	01.04.1982	21.06.1989
Kingdom of Belgium	07.09.1983	12.01.1984	11.02.1984	19.06.1989
Republic of Ireland	29.06.1984	29.08.1984	28.09.1984	16.09.1988
* Isle of Man			15.02.1990	15.02.1990