

**Date of most recent action: October 6, 2010**

**Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter**

Done: Washington, London, Mexico City and Moscow December 29, 1972

Opened for signature: In accordance with Article XVI, the Convention was opened for signature by any State at London, Mexico City, Moscow and Washington from December 29, 1972 until December 31, 1973.

Entry into force: August 30, 1975

In accordance with Article XVII, the Convention shall be subject to ratification; instruments of ratification shall be deposited with the Governments of Mexico, the Russian Federation, the United Kingdom and the United States. In accordance with Article XVIII, the Convention shall be open for accession by any State after December 31, 1973; instruments of accession shall be deposited with the Governments of Mexico, the Russian Federation, the United Kingdom and the United States. In accordance with Article XIX, the Convention entered into force on the thirtieth day following the date of deposit of the fifteenth instrument of ratification or accession. For each Contracting Party ratifying or acceding to the Convention after the deposit of the fifteenth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such Party of its instrument of ratification or accession.

Note: This status list reflects actions at Washington only.

**Legend:** (no mark) = ratification; **A** = acceptance; **AA** = approval; **a** = accession; **d** = succession; **w** = withdrawal or equivalent action

| <b>Participant</b>     | <b>Signature</b>  | <b>Consent to be bound</b> |          | <b>Other Action</b> | <b>Notes</b> |
|------------------------|-------------------|----------------------------|----------|---------------------|--------------|
| Argentina              | May 15, 1973      | September 14, 1979         |          |                     |              |
| Australia              | October 10, 1973  | August 21, 1985            |          |                     | 1            |
| Bosnia and Herzegovina |                   | August 15, 1994            | <b>d</b> |                     | 2            |
| Brazil                 |                   | July 26, 1982              | <b>a</b> |                     |              |
| Canada                 | February 9, 1973  | November 13, 1975          |          |                     |              |
| Cape Verde             |                   | May 26, 1977               | <b>a</b> |                     |              |
| Chad                   | December 29, 1972 |                            |          |                     |              |
| China                  |                   | November 5, 1985           | <b>a</b> |                     | 3            |
| Cyprus                 |                   | June 7, 1990               | <b>a</b> |                     |              |
| Denmark                | December 29, 1972 | October 23, 1974           |          |                     | 4            |

|                    |                   |                   |          |  |    |
|--------------------|-------------------|-------------------|----------|--|----|
| Finland            | December 29, 1972 | May 3, 1979       |          |  |    |
| France             | May 22, 1973      | February 14, 1977 |          |  | 5  |
| Germany            | January 26, 1973  | November 8, 1977  |          |  | 6  |
| Haiti              |                   | August 28, 1975   |          |  | 7  |
| Hungary            | December 14, 1973 | February 5, 1976  |          |  |    |
| Italy              | December 29, 1972 | April 30, 1984    |          |  | 8  |
| Japan              | June 22, 1973     | October 15, 1980  |          |  |    |
| Jordan             | January 4, 1973   | November 11, 1974 |          |  |    |
| Kiribati           |                   | June 3, 1982      | <b>d</b> |  | 9  |
| Kuwait             | March 8, 1973     |                   |          |  |    |
| Lebanon            | December 29, 1972 |                   |          |  |    |
| Lesotho            | January 8, 1973   |                   |          |  |    |
| Liberia            | December 29, 1972 |                   |          |  |    |
| Malta              |                   | January 19, 1990  | <b>a</b> |  |    |
| Mexico             | December 29, 1972 | April 7, 1975     |          |  |    |
| Morocco            | June 22, 1973     | February 18, 1977 |          |  |    |
| Netherlands        | April 12, 1973    | December 2, 1977  |          |  | 10 |
| New Zealand        | May 30, 1973      | April 30, 1975    |          |  | 11 |
| Norway             | December 29, 1972 | April 4, 1974     |          |  |    |
| Oman               |                   | March 13, 1984    | <b>a</b> |  |    |
| Panama             | December 29, 1972 |                   |          |  |    |
| Papua New Guinea   |                   | March 10, 1980    | <b>a</b> |  |    |
| Philippines        | June 15, 1973     | August 10, 1973   |          |  |    |
| Poland             |                   | January 23, 1979  | <b>a</b> |  |    |
| Portugal           | December 29, 1972 |                   |          |  |    |
| Russian Federation | December 29, 1972 | December 30, 1975 |          |  | 12 |
| Saint Lucia        |                   | August 23, 1985   | <b>a</b> |  |    |
| Senegal            | December 29, 1972 |                   |          |  |    |
| Slovenia           |                   | August 20, 1992   | <b>d</b> |  | 13 |
| Suriname           |                   | November 12, 1980 | <b>a</b> |  |    |
| Sweden             | December 29, 1972 | February 21, 1974 |          |  |    |
| Tunisia            | March 5, 1973     | April 26, 1976    |          |  |    |
| United Kingdom     | December 29, 1972 | November 17, 1975 |          |  | 14 |
| United States      | December 29, 1972 | April 29, 1974    |          |  |    |

<sup>1</sup> The Ambassador of Australia to Washington addressed a note, dated October 10, 1973, to the Secretary of State which reads as follows:

“The Ambassador of Australia presents his compliments to the Secretary of State and, on the occasion of the signature in Washington of the Convention for the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, has the honour to make the following declaration on instructions from the Australian Government:

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“The Australian Government considers that the provisions of the present Convention in no way detract from the rights of a coastal State to take action in areas under its jurisdiction, and in particular, from the right of a coastal State to take action for the purpose of protecting the resources of its continental shelf”.

The Ambassador of Australia avails himself of this opportunity to renew to the Secretary of State the assurances of his highest consideration.”

<sup>2</sup> Date of receipt of notification of succession to the Convention by Bosnia and Herzegovina. The former Socialist Federal Republic of Yugoslavia had acceded to the Convention on June 25, 1976.

<sup>3</sup> The Republic of China signed the Convention on December 29, 1972. On November 5, 1985, the People’s Republic of China deposited an instrument of accession to the Convention which included a statement that the “signature [of the Convention] by the Taiwan authorities in the name of China on December 29, 1972, is illegal, and therefore null and void.”

The Ambassador of the People’s Republic of China to Washington addressed a note, dated June 6, 1997, to the Secretary of State, an English translation of which reads as follows:

“Your Excellency,

“In accordance with the Joint Declaration of the Government of the People’s Republic of China and the Government of the United Kingdom of Great Britain and Northern Ireland on the Question of Hong Kong signed on 19 December 1984, the People’s Republic of China will resume the exercise of sovereignty over Hong Kong with effect from 1 July 1997. Hong Kong will, with effect from that date, become a Special Administrative Region of the People’s Republic of China and will enjoy a high degree of autonomy, except in foreign and defense affairs which are the responsibilities of the Central People’s Government of the People’s Republic of China.

“In this connection, I am instructed by the Minister of Foreign Affairs of the People’s Republic of China to make the following notification:

“The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other [Matter] on 29 December 1972 (and 1978 Amendments to Annexes I and II Concerning Incineration at Sea; 1980 Amendments to Annexes I and II concerning Lists of Substances; and 1989 Amendments to Annex III) (hereinafter referred to as the Convention and Amendments) to which the Government of the People’s Republic of China deposited its instrument of accession on [5] November 1985, will apply to the Hong Kong Special Administrative Region with effect from 1 July 1997. The Government of the People’s Republic of China also makes the following declaration:

“In accordance with Article 6 of the Convention, it designates the Environment Protection Department of the Government of the Hong Kong Special Administrative Region as the appropriate authority for issuing permits in the Hong Kong Special Administrative Region.

“The Government of the People’s Republic of China will assume responsibility for the international rights and obligations arising from the application of the above Convention and Amendments to the Hong Kong Special Administrative Region.

“It would be appreciated if the contents of this Note could be placed formally on record and brought to the attention of the other Parties to the Convention and Amendments.

“Please accept, Your Excellency, the assurances of my highest consideration.”

<sup>4</sup> The Danish Embassy in Washington addressed a note, dated October 23, 1974, to the Department of State in connection with the deposit of an instrument of ratification of the Convention by Denmark which reads as follows:

“The Royal Danish Embassy presents its compliments to the Department of State of the United States of America and has the honor to transmit herewith the instrument of ratification of Denmark relative to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter. Pursuant to Article XVII of the Convention, instruments of ratification shall be deposited with the Governments of Mexico, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

“The Embassy has the honor to inform the Department of State that under Danish law in force, the matters regulated by the Convention constitute a special Faroese affair and that the provisions relating to implementation of the Convention have not yet been adopted in so far as the Faroe Islands are concerned.

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The ratification of Denmark is therefore, until further notice, subject to reservation with regard to the obligation of the Faroe Islands under the Convention.

“The Royal Danish Embassy avails itself of this opportunity to renew to the Department of State the assurances of its highest consideration.”

The Danish Embassy in Washington addressed a note, dated November 4, 1976, to the Department of State which reads as follows:

“The Royal Danish Embassy presents its compliments to the Department of State of the United States of America and with reference to its Note of October 23, 1974, with which was transmitted the instrument of ratification of Denmark relative to the Convention of December 29, 1972, done in London, Mexico City, Moscow and Washington, on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, has the honor to communicate to the State Department that on August 24, 1976, the local Faroese authorities announced the passing of the legislation requisite to the entry into force of the Convention. Consequently the reservation made in the above cited Note relative to the Faroese obligations pursuant to the Convention shall be repealed with effect from November 15, 1976.”

<sup>5</sup> The signature of the Convention by France was accompanied by a declaration and a reservation, a Department of State English translation of which reads as follows:

“The French Government considers that, in the present state of international law and bearing in mind the work in preparation in this field, no provision of this Convention can be interpreted as conferring on a coastal State the right to control dumping beyond the conditions generally accepted by international law. “It also considers that this Convention cannot be interpreted as in any way modifying the present state of international law with regard to the principles of responsibility.  
“In cases where the provisions of this Convention would be interpreted as presenting an obstacle to activities which it considered necessary for its national defense, the French Government would not apply the said provisions to those activities.”

The instrument of ratification of the Convention by France repeats the above declaration and reservation.

<sup>6</sup> The signature of the Convention by the Federal Republic of Germany was accompanied by the following declaration:

“The Government of the Federal Republic of Germany reserves the right to formulate, on the occasion of its ratification of the present Convention, its attitude in respect of statements made by other States on the occasion of signature or ratification of the present Convention and to make reservations or statements on its part. In particular, it is of the opinion that at the present state of international law, the provisions of the present Convention cannot be interpreted as granting the right to a coastal state to assume by unilateral action control over zones of the High Sea beyond the limits provided by international law.”

The Ambassador of the Federal Republic of Germany to Washington addressed a note to the Secretary of State, dated November 8, 1977, on the occasion of the deposit of an instrument of ratification of the Convention, an English translation of which reads as follows:

“My dear Mr. Secretary:

“In connection with the deposit today of the instrument of ratification to the Convention of December 29, 1972 concerning the Prevention of Marine Pollution by Dumping of Wastes and other Matter, I have the honor to declare on behalf of the Government of the Federal Republic of Germany that the said Convention shall also apply to Berlin (West) with effect from the date on which it enters into force for the Federal Republic of Germany.

“Accept, Excellency, the expression of my highest consideration.”

The German Democratic Republic acceded to the Federal Republic of Germany on October 3, 1990. The former German Democratic Republic had previously deposited an instrument of accession to the Convention on August 20, 1976.

<sup>7</sup> Haiti signed the Convention at Mexico City December 29, 1972.

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<sup>8</sup> The signature of the Convention by Italy was accompanied by a statement, an unofficial English translation of which reads as follows:

“The Italian Government considers that at the present state of International Law and in view of all the work being undertaken in this field, the provisions of the present Convention can not be interpreted as attributing to coastal countries any right in Dumping Control outside the conditions generally admitted by International Law.

“It also considers that the present Convention can not be interpreted as modifying in any way the present state of International Law concerning the principles of Responsibility.”

<sup>9</sup> Date of receipt of notification of succession to the Convention by Kiribati.

<sup>10</sup> Ratified for the Kingdom in Europe and the Netherlands Antilles.

The Royal Netherlands Embassy in Washington transmitted to the Department of State a diplomatic note, dated January 9, 1986, which reads as follows:

“The Royal Netherlands Embassy presents its compliments to the Department of State and has the honor to request the Department’s attention for the following with respect to the Department’s capacity of depository of [the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter].

“Effective January 1, 1986 the island of Aruba – formerly part of the Netherlands Antilles – obtained internal autonomy as a country within the Kingdom of The Netherlands. Consequently the Kingdom of The Netherlands as of January 1, 1986 consists of three countries, to wit: the Netherlands proper, the Netherlands Antilles and Aruba.

“Since the abovementioned event concerns only a change in internal constitutional relations within the Kingdom of The Netherlands, and as the Kingdom as such, under international law, will remain the subject with which treaties are concluded, the aforementioned change will have no consequences in international law with regard to treaties concluded by the Kingdom, the application of which (treaties) were extended to the Netherlands Antilles, including Aruba.

“These treaties, thus, will remain applicable for Aruba in its new status as autonomous country within the Kingdom of The Netherlands effective January 1, 1986.

“Consequently the [Convention] to which the Kingdom of the Netherlands is a Party, and which [has] been extended to the Netherlands Antilles will as of January 1, 1986 apply to all three countries of the Kingdom of The Netherlands.

“The Embassy would appreciate if the other Parties concerned would be notified of the above.

“The Royal Netherlands Embassy avails itself of this opportunity to renew to the Department of State the assurance of its highest consideration.”

The Royal Netherlands Embassy in Washington transmitted to the Department of State a diplomatic note, dated October 6, 2010, which reads in pertinent part as follows:

“The Kingdom of the Netherlands currently consists of three parts: the Netherlands, the Netherlands Antilles and Aruba. The Netherlands Antilles consists of the islands of Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba.

“With effect from 10 October 2010, the Netherlands Antilles will cease to exist as a part of the Kingdom of the Netherlands. From that date onwards, the Kingdom will consist of four parts: the Netherlands, Aruba, Curaçao and Sint Maarten. Curaçao and Sint Maarten will enjoy internal self-government within the Kingdom, as Aruba and, up to 10 October 2010, the Netherlands Antilles do.

“These changes constitute a modification of the internal constitutional relations within the Kingdom of the Netherlands. The Kingdom of the Netherlands will accordingly remain the subject of international law with which agreements are concluded. The modification of the structure of the Kingdom will therefore not affect the validity of the international agreements ratified by the Kingdom for the Netherlands Antilles; these agreements will continue to apply to Curaçao and Sint Maarten.

“The other islands that have until now formed part of the Netherlands Antilles – Bonaire, Sint Eustatius and Saba – will become part of the Netherlands, thus constituting ‘the Caribbean part of the Netherlands’. The

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agreements that now apply to the Netherlands Antilles will also continue to apply to these islands; however, the Government of the Netherlands will now be responsible for implementing these agreements.”

<sup>11</sup> The signature of the Convention by New Zealand was accompanied by the following statement: “The New Zealand Government takes the view that the provisions of the present Convention cannot be interpreted as restricting the right of a coastal state to take measures to control marine pollution and in particular to control dumping in areas under its jurisdiction.”

The instrument of ratification of the Convention by New Zealand contains a declaration that the ratification does not extend to the Cook Islands, Niue and Tokelau Islands.

<sup>12</sup> The Convention was signed and ratified by the former Union of Soviet Socialist Republics. By a note dated January 13, 1992, the Russian Federation informed the United States Government that it “continues to perform the rights and fulfil the obligations following from the international agreements signed by the Union of Soviet Socialist Republics.”

<sup>13</sup> Date of receipt of notification of succession to the Convention by Slovenia. The former Socialist Federal Republic of Yugoslavia had acceded to the Convention on June 25, 1976.

<sup>14</sup> The British Ambassador to Washington addressed a note, dated December 29, 1972, to the Secretary of State on the occasion of the signature of the Convention by the United Kingdom which reads as follows: “Her Majesty’s Ambassador presents his compliments to the Secretary of State and, on the occasion of the signature in Washington of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, has the honour to make the following declaration on instructions from Her Majesty’s Government: ‘The United Kingdom Government considers that in the light of existing international law and taking into account the work being prepared in this field, the provisions of the present Convention cannot be interpreted as recognising any right in a coastal state to control dumping beyond that which it has under generally accepted principles of international law.’”

The instrument of ratification of the Convention by the United Kingdom states that the Convention is ratified “in respect of:

The United Kingdom of Great Britain and Northern Ireland

The Bailiwick of Guernsey

The Bailiwick of Jersey

The Isle of Man

Belize

Bermuda

British Indian Ocean Territory

British Virgin Islands

Cayman Islands

Falkland Islands and Dependencies

Gilbert Islands

Hong Kong

Montserrat

Pitcairn, Henderson, Ducie and [Oeno] Islands

Saint Helena and Dependencies

Seychelles

Solomon Islands

Turks and Caicos Islands

Tuvalu

United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus”.

The instrument of ratification of the Convention by the United Kingdom was also accompanied by a note, dated November 10, 1975, from the Principal Secretary of State for Foreign and Commonwealth Affairs

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declaring “that the Convention shall not enter into force for the Bailiwick of Jersey until the thirtieth day following the date on which the Government of the United Kingdom shall have notified the other depositary Governments that the measures required to implement the provisions of the Convention in the Bailiwick of Jersey have been taken.”

By a note dated March 5, 1976, the British Ambassador to Washington informed the Secretary of State that “the measures required to implement the provisions of the Convention in the Bailiwick of Jersey have been taken. The Convention will therefore enter into force for the Bailiwick of Jersey on 4 April 1976.”

The British Ambassador to Washington addressed a note, dated June 11, 1997, to the Secretary of State which reads as follows:

“Secretary of State

“I am instructed by Her Britannic Majesty’s Principal Secretary of State for Foreign and Commonwealth Affairs to refer to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter done at London on 29 March 1972; 1978 Amendments to Annexes I and II Concerning Incineration at Sea; 1978 Amendments Concerning Settlement [of] Disputes; 1980 Amendments to Annexes I and II Concerning Lists of Substances; and 1989 Amendments to Annex III (hereinafter referred to as the “Convention and Amendments”) which apply to Hong Kong at present.

“I am also instructed to state that, in accordance with the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People’s Republic of China on the Question of Hong Kong signed on 19 December 1984, the Government of the United Kingdom will restore Hong Kong to the People’s Republic of China with effect from 1 July 1997. The Government of the United Kingdom will continue to have international responsibility for Hong Kong until that date. Therefore, from that date the Government of the United Kingdom will cease to be responsible for the international rights and obligations arising from the application of the Convention and Amendments to Hong Kong.

“I should be grateful if the contents of this Note could be placed formally on record and brought to the attention of the other Parties to the Convention and Amendments.

“I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.”