

Geneva, October 26th, 1935.

LEAGUE OF NATIONS

COMMUNICATIONS AND TRANSIT ORGANISATION

POLLUTION OF THE SEA BY OIL

**REPORT ON THE SECOND SESSION OF THE COMMITTEE OF EXPERTS
(October 21st to 25th, 1935)**

AND

**DRAFT CONVENTION RELATING TO THE POLLUTION OF THE SEA
BY OIL**

The Committee was composed of the following :

- Mr. C. H. GRIMSHAW, Deputy Assistant Secretary, Board of Trade, United Kingdom of Great Britain and Northern Ireland, *Chairman* ;
- Mr. P. T. CULBERTSON, Assistant Chief, Division of Western European Affairs, Department of State, United States of America ;
- Colonel S. GIACCHETTI, Port Captain, Chief of Division, Mercantile Marine Department, Ministry of Communications, Italy ;
- Captain Y. ISHIKAWA, Engineer Commander ; assisted by M. K. NISHIMURA, Consul of Japan at Geneva ;
- Captain F. V. H. LAUB, General Manager of the Port of Copenhagen ;
- M. D. PAUST, Shipowner, Norway ;
- M. P. H. WATIER, Counsellor of State, Director of Navigable Waterways and Maritime Ports, Ministry of Public Works, France ; replaced by M. C. LEMOINE, Inspector-General of Roads and Bridges ;

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Secretary : Mr. L. C. TOMBS, Member of the Communications and Transit Section.

INTRODUCTION.

On July 19th, 1934, the United Kingdom Government addressed a letter to the Secretary-General of the League on the subject of the pollution of the sea by oil. The report of the Second Committee of the fifteenth ordinary Assembly (1934) provided for an initial enquiry to be undertaken by the Communications and Transit Organisation on the understanding that, after this enquiry, the Organisation would convene experts belonging to various countries to study the problem more closely. The Chairman of the Advisory and Technical Committee for Communications and Transit invited experts from certain countries to study the question, and the first session of the Committee of Experts was held at Geneva from November 19th to 23rd, 1934.

On December 8th, 1934, the Secretary-General communicated to the Council that, in pursuance of the work of the Committee of Experts, the Communications and Transit Organisation recommended the conclusion of an international convention on this subject, and submitted to the Council a memorandum adopted by the Committee explaining the object of such a convention, and the advantages to be derived therefrom. The Council approved the conclusions of the memorandum and adopted the following resolution on January 11th, 1935 (eighty-fourth session) :

“ The Council,

“ Authorises the Communications and Transit Organisation to make all necessary preparatory studies with a view to facilitating the future conclusion of an international convention in regard to the pollution of the sea by oil.”

With a view to giving effect to the resolution adopted by the Council, and in accordance with the request of the Chairman of the Advisory and Technical Committee for Communications and Transit, the Secretary-General addressed on January 23rd, 1935, a Circular Letter, with a subjoined questionnaire, to States Members of the League and non-member States.

In the report on the work of the Organisation for Communications and Transit between the fifteenth and sixteenth ordinary sessions of the Assembly (document A.47.1935.VIII), adopted by the Assembly, there is an account of the progress made by the Organisation in the technical examination of the problem, with particular reference to the replies to the questionnaire sent to Governments (document A.20.1935.VIII).

On September 24th, 1935 (sixteenth ordinary session), the Assembly adopted a resolution which reads, in part, as follows :

“ The Assembly :

“ Notes with satisfaction the work performed by the Communications and Transit Organisation between the fifteenth and sixteenth ordinary sessions of the Assembly ;

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“ Taking note of the admirable work performed by the Communications and Transit Organisation in investigating the problem of the pollution of the sea by oil, and of the replies received from Governments to the questionnaire addressed to them :

“ Considers that the subject of the pollution of the sea by oil is one suitable for solution by an international convention ;

“ Requests the Council to instruct the Communications and Transit Organisation to take, as rapidly as possible, and with the assistance of expert advice, if required, the necessary steps to complete the preparation of a draft convention and to submit that draft to Governments for consideration ;

“ Invites the Council, in the light of the observations received from Governments, to convene an international conference on oil pollution at an appropriate time.”

On September 27th, 1935 (eighty-ninth session), the Council adopted the following resolution :

“ The Council,

“ Having regard to the resolution adopted by the Assembly on September 24th, 1935, with respect to the question of the pollution of the sea by oil :

“ Recalls that at its eighty-fourth session it authorised the Communications and Transit Organisation to make all necessary preparatory studies with a view to facilitating the future conclusion of an international convention ;

“ Instructs the Communications and Transit Organisation to complete the preparation of a draft convention on this subject for the consideration of Governments, and to report to the Council when the observations from the Governments have been received.”

REPORT ON THE SECOND SESSION OF THE COMMITTEE OF EXPERTS

(October 21st to 25th, 1935).

1. In order to give effect to the above-mentioned resolutions of the Assembly and the Council, the Chairman of the Advisory and Technical Committee for Communications and Transit decided to convene the Committee of Experts. Accordingly, the second session of the Committee was held at Geneva from October 21st to 25th, 1935, with the object of preparing, in the light of the replies to the questionnaire (document A.20.1935.VIII), and of subsequent replies laid before the Committee, a draft convention for submission to Governments at an early date.

2. The replies to questions 1 and 2 of the questionnaire, which asked for information with regard to damage caused by oil pollution of the sea to birds, to fish and the fishing industry, to the amenities of beaches, and to harbours through the possibility of floating oil becoming



alight, do not require any mention in detail. They show that, while in some parts of the world the problem is not as yet acute, the pollution in many countries, even though there has been an improvement in some, is still of so serious a nature as to justify an international convention.

3. The remaining questions (3 to 8) were designed mainly to elicit information bearing on the three remedies for the evil of oil pollution which have, solely or in combination, entered into the discussions on the subject from the Washington Conference of 1926 onwards — viz., (I) the compulsory provision on board ship of separators — *i.e.*, appliances for separating oil from the ballast water which has sometimes, but not always, to be carried in the tanks of oil-burning and oil-carrying vessels; (II) the establishment of zones of so many miles in width from coasts within which deposit of oil and oily mixtures should be prohibited — the remedy embodied in the draft Washington Convention of 1926; and (III) the provision of appliances, such as separating-barges or receptacles, in ports for dealing with oily mixtures.

4. As regards remedy (I), the replies to question 3 show that the chief maritime countries — *i.e.*, those possessing a large mercantile marine — are, on the whole, against this remedy, so far as it involves the compulsory provision of separators on *existing* ships. The countries which are in favour of such a compulsory provision (some of them wish to except small coasting vessels and the like) are those which possess no mercantile marine or a comparatively small one. The main ground for the rejection of this remedy by the chief maritime countries is that it would involve a heavy additional financial burden on shipowners which they could not bear. Though the price of separators has, in some cases, been reduced, the total cost of supplying them to existing ships would still be very large, without regard to consequential costs, such as those involved in structural alterations, or to losses such as loss of cargo capacity, which would reduce earnings. A doubt is also expressed in some replies whether any beneficial results could be expected from such a compulsory requirement, and, therefore, whether it would be warranted.

5. The replies to question 5 show that separators are available in several countries for use on vessels. It is understood that these separators are efficient in that they are guaranteed to ensure a discharge containing not more than .05 of 1 per cent of oil, the standard of purity mentioned in Article II of the draft Washington Convention of 1926. They have an hourly capacity ranging for different types from 5 tons to 150 tons, and in one case (Italy) to 200 tons. The main reasons given for the doubt mentioned in paragraph 4 as to the value of separators as a remedy for the evil are as follows :

(a) No separator is available of a capacity sufficient to meet the reasonable requirement of average ocean-going " tankers " (*i.e.*, oil-carrying ships transporting various classes of oil in bulk and using the oil tanks also for water ballast) for an effective minimum discharge of 400 to 500 tons an hour ;

(b) Separators are unnecessary in the case of ships carrying fuel oil (1) in bunkers only, or (2) in bunkers and double-bottom oil tanks, but not using either bunkers or tanks for water ballast. The only risk of pollution in the case of such vessels would arise through oil leaking into the bilges and thence to the sea, a risk which is practically negligible ;

(c) Separators require care in operation and are not proof against the misuse of control valves ; they are not, therefore, an infallible guarantee against pollution ;

(d) Mud and sand find their way into tanks, even when separators have been installed, and, with the iron rust of oily sludge already there, form a persistent thick emulsion which defies efficient treatment in a separator ;

(e) Some oils shipped as bunker fuel have a specific gravity approaching that of unity, which makes them extremely difficult and, in some cases, impossible to separate from water.

While separators are therefore impracticable in the case of tankers and unnecessary for ships of the type mentioned in (b) above, they are useful in the remaining class of sea-going ships — viz., those carrying oil fuel in double-bottom tanks and using them when necessary for water ballast. In fact, they have been fitted in many vessels of this type. Some of the replies show, however, that shipowners contend that the utility of separators, even in this type, depends entirely on the class of vessel and the trade in which it is engaged, and that the question of fitting them should be left to the discretion of owners and should not be made compulsory. The separators which have been fitted are, in any case, subject to the inherent difficulties mentioned in (c) and (d) above, and the recovered oil cannot always be used again ; some owners find separators an economic proposition, but others do not.

Some replies describe the methods which tankers adopt to clean out the oily mixtures in their tanks; these methods, which involve treatment of the tanks in port or the discharge of the oily contents on the high seas, or at any rate beyond the fifty-mile limit voluntarily adopted by the shipowners of some nations since 1926, make, it is contended, the provision of a separator unnecessary, even if one were available of the required capacity. Similar methods are adopted by ships of these nations using fuel tanks for water ballast when they do not carry separators. It would be unfair to impose a compulsory requirement on these ships and not on tankers, especially as the quantity of oil carried by tankers is normally far larger than that carried by such ships, and the potential danger is therefore greater.

The Committee reached the conclusion that, as a requirement making compulsory the fitting of separators on existing ships would not be acceptable to the chief maritime nations, this remedy cannot be embodied in any convention which it can recommend at the present time.

6. As regards new ships, the replies to question 4 show that some nations would be willing to agree to a compulsory requirement for the fitting of separators on such ships if all maritime nations would agree. Other nations object to such a requirement on similar grounds to those given in the case of existing ships. While it is true that the inherent difficulties in the use of separators would not be removed by limiting their compulsory use to new vessels, the technical difficulties connected with fitting separators on them would be less serious than for existing vessels and the question of cost would be less acute. The Committee is of opinion that there should be included in the Final Act of the international conference called by the League to conclude a convention on this subject a recommendation to be conveyed by Governments to shipowners that separators should be designed for and fitted on new vessels wherever practicable, and particularly on large vessels to be provided with oil tanks which are also to be used for water ballast.

7. The foregoing remarks relate principally to the larger types of sea-going vessels. Some of the replies call attention to the possible discharge of oily mixtures, which may not be serious in the case of each vessel, but, in the aggregate, may amount to a considerable quantity, by craft of limited bunker capacity operating, not only in harbours and estuaries, but also in coastal waters. The question of fitting separators in such small vessels involves serious and probably insurmountable difficulties, but, as these vessels are a potential source of oil pollution, the Committee recommends that any convention should contain a provision stipulating that such small craft should be required to take all necessary precautions to prevent pollution. The Committee also recommends that, when the convention it submits is circulated in draft for the observations of Governments, the latter should be invited to suggest, for consideration at the international conference to be called to conclude a convention on this subject, the maximum figure of bunker capacity in small vessels driven by oil of the nature mentioned in Article II of the draft Washington Convention — viz., crude, fuel or Diesel oil — in respect of which, in their view, special treatment might be accorded — *e.g.*, a reduction of any penalties which might be imposed for offences against the provisions of a convention. The Japanese expert, without raising any objection to the adoption of this course, reserves the opinion of his Government on the question of the inclusion of small craft as regards any obligations imposed by a convention on vessels generally.

8. The Committee agrees in principle with Article VI of the draft Washington Convention, which relates to certain concessions to be granted in the matter of tonnage measurement and payment of dues by vessels on which separators are fitted. As, however, it would be necessary, before any convention containing such an article could be ratified, to modify the legislation of certain countries in respect of port dues or their rules for the calculation of net tonnage, and, as such modifications would take a long time and it is desirable that a convention on this subject should be rapidly concluded, the Committee is of opinion that a recommendation embodying Article VI of the Washington draft should be included in the Final Act of the international conference rather than in the convention itself.

9. As regards remedy (II) — viz., the establishment of zones in the sea within which the deposit of oil and oily mixtures should be prohibited — question 8 was designed to elicit information on the important point of the distances to which oil and oily mixtures discharged from ships at sea may travel before reaching the coasts. The replies to the question show that not many nations have collected evidence on this point. Interesting information is given by Canada (observations of a drift of more than fifty miles in certain instances), Egypt (The Faculty of Science, Egyptian University, who produce evidence to indicate that oil was detected on the surface of the Red Sea five hundred miles away from the point of discharge), France (oil may drift for fairly considerable distances; in certain districts, however, a drift could probably take place only for a maximum distance of about thirty miles, having regard to the strength and running of tidal currents); and Italy (oil discharges in the Mediterranean do not appear to travel very long distances, since there are no continuous currents of any size there such as are found in the oceans).

The most elaborate investigations have been made by the United States of America and the United Kingdom. The former refer to experiments made at sea in 1926-1927, when the longest travel observed, in an experiment which had to be discontinued, was one of ninety miles in seventy-two hours. The conclusion arrived at by the United States Government upon these experiments is that, dependent on certain conditions, such as the nature and amount of the oil discharged, the prevailing wind and currents, the average surface condition of the sea, etc., oil mixtures, as commonly discharged from ships at sea, will film out to an invisible thinness within a hundred hours from the time of discharge. The replies from the United Kingdom (including the supplementary reply furnished to the Committee) show that the scientific investigations undertaken on behalf of the Government indicate that, subject to two qualifications, it is broadly true that the chemical and physical properties of fuel oils are such that they can float more or less indefinitely; the oil film in the open sea may disappear from sight in a few days, but it persists as an invisible film which will be liable ultimately to drift inshore, where it will adhere to the beaches and in time make them appreciably foul. The two qualifications are: (1) There are indications that an oil film on turbid water may pick up sufficient sand to constitute a mixture that is heavier than water and will eventually sink; and (2) the physical properties of oil discharges may also be modified as the result of entanglement with small marine organisms.

The distance to which oil will travel in tidal waters must be dependent on the strength of the permanent current to which it is exposed. Recent tidal stream observations for a lunar period at numerous light-vessels off the English coast show that there is a permanent surface set of about six miles a day from west to east in the English Channel under summer conditions (in winter, it would be greater), and that this set is continued into the North Sea, where it is sometimes reversed by strong northerly winds. A similar current sets southwards on the east shores of the Shetland and Orkney Islands, Scotland and Northern England. It turns east towards Denmark and then north along the Norwegian coast. These permanent currents are to be ascribed to the combined influence of tides, winds, differences of density and the difference between gain by permanent inset from the Atlantic Ocean, rain and rivers, and loss by evaporation.

One deduction from these investigations, made on behalf of the United Kingdom Government, is that a zone even of one hundred and fifty miles would not be likely to provide a complete remedy for the evil, though it would certainly mitigate it. The general result of the investigations is to confirm the opinion of the United Kingdom Government, as expressed in its previous reply to question 8 (document A.20.1935.VIII) — viz., that it is probable that, in any area up to a distance of 150 miles from land, where the resultant of current, tidal stream, and drift due to wind happens to produce a general onshore drift, discharged oil and oily mixtures will eventually reach coastal waters, and that, while a zone of 150 miles would probably result in a considerable reduction in the evils of oil pollution, a zone of fifty miles would be far less efficacious, except where the wind and current were such as to prevent the oil, etc., from drifting directly on shore.

The general conclusion from the replies to this question seems to be that, as so much depends on the strength and direction of such variable influences as the currents, tidal streams and prevailing winds in the locality in which discharge occurs, no general rule can be formulated as to the distance offshore at which oil, etc., may be safely discharged.

10. The Committee recommends that the convention should be based upon the remedy of "zones" and should embody provisions such as were contained in the draft Washington Convention of 1926, providing that the parties to the Convention may establish zones of this nature adjacent to their coasts. Under that draft Convention, zones were not to extend to more than fifty nautical miles from a coast, but in exceptional cases they might extend to distances not exceeding 150 nautical miles. Most of the chief maritime nations are, in fact, only prepared at the present time to accept a convention based on these provisions of the draft Washington Convention, and the Committee, with the exception of the Japanese expert, who reserves the opinion of his Government on the distances mentioned in that draft Convention, recommends that a trial should be given to them. The Committee, however, is of opinion that the provisions of that draft Convention should be supplemented by provisions defining the rights and obligations of the parties to the Convention with reference to the discharge of oil both inside and outside territorial waters within the limits of a zone. The Committee is also of opinion that, in view of the inherent difficulty of detecting offences within a zone, the Washington draft should be supplemented by a provision relating to the imposition of penalties for such offences.

It is recognised that the question of the amount of the penalties should properly be left to national legislation, but the Committee is of opinion that the penalties should be adequate enough to serve as a deterrent in connection with these offences, and that the Final Act of the international conference concluding a convention on the lines proposed should include a recommendation to this effect.

The Committee is also of opinion that, in order to avoid discrimination in the matter of penalties, the convention should contain a provision that each contracting party will undertake to secure that the penalties imposed for illegal discharges by vessels registered in,

or under the law of, any of his territories shall be, in the case of zones established by any other contracting party, not less than in the case of zones established by himself.

11. As regards remedy (III) — viz., the provision of appliances, such as separating-barges and receptacles, in ports for dealing with oily mixtures — the Committee would point out that, whilst the provision of such facilities would not in itself be an adequate remedy for oil pollution, the fact that the appliances were available for use in ports would afford vessels the necessary facility for observing a prohibition to discharge oily mixtures within a zone. The provision of such appliances would be required particularly where zones of over fifty miles in width were established. The safety of a ship should be the master's first consideration, and if he could not be certain of finding facilities of this kind at his port of destination and had to empty the tanks of his ship of their oily mixtures before entering a zone, the weather might be so bad as to affect the stability of the ship while crossing the zone. His difficulty would be greater with a zone of over fifty up to 150 miles, as in that case he would not be in so good a position, as in the case of a zone of fifty miles or under, to judge what weather he would be likely to encounter when traversing the zone.

12. The replies to questions 6 and 7 of the questionnaire show that, apart from the United Kingdom, where several ports have been supplied with appliances of this kind, the only other ports with apparatus available generally for commercial vessels are Le Havre, Rotterdam, Amsterdam and Bombay. There is an urgent need for the more general provision of these facilities in ports throughout the world, and some of the replies to these two questions call attention to this — several of them, in fact, even suggesting that the provision of the apparatus before a zone is established should be made compulsory in all important ports within the zone served by oil-burning and oil-carrying ships. The discussions in the Committee revealed that there would almost certainly be opposition on the part of some nations to the inclusion in a convention of a compulsory provision covering this suggestion. The Committee is, however, of opinion that, for the reasons given in the preceding paragraph (11) of this report, it is essential, in the interests of the safety of shipping, to ensure that the facilities in ports for separating oil and water are reasonably adequate before the establishment of any proposed zones of over fifty miles in width, and that any Convention should, at any rate, contain a provision relating to this point. Further, the Committee, in view of the fact that the replies to the questionnaire show that very few ports are equipped with separating appliances, is of opinion that the Final Act of the International Conference should include a recommendation to Governments to take whatever measures are practicable to increase the number of such appliances in ports frequented by oil-burning and oil-carrying ships throughout the world.

13. The Committee is of opinion that, as stated in the memorandum laid before the Council of the League in December 1934, no measures that could be taken by international agreement based on any of the three remedies under consideration could obviate pollution due to involuntary causes, such as the stranding or collision of vessels having oil on board, or the pouring of oil on the sea by vessels during storms and when assisting other vessels in distress. There is evidence that the large volumes of oil occasionally released by vessels involved in casualties, especially those affecting oil-carrying vessels, are the real cause of the serious pollution along some stretch of coast which is reported now and then. On the other hand, these cases of pollution, when unavoidable in the interests of life and property, ought not to be regarded as infringements of any convention relating to zones. Such a convention, in the opinion of the Committee, should contain a provision to the effect that the discharge of oil or oily mixtures as the result of stress of weather or of a casualty, or to avoid a casualty, whether to the discharging vessel or to another vessel, need not be regarded as illegal.

14. As none of the three remedies for the evil of oil pollution referred to in this report can, in the Committee's opinion, be regarded as without disadvantages, the Committee recommends that efforts should be encouraged to discover a remedy which may be more completely effective. It understands, *e.g.*, that it has been suggested in the United Kingdom that it may be possible to devise a remedy involving the chemical or physical treatment of the asphaltic and other residues in some of the oils affected. It is assumed that, if it can be established that it is the presence of these residues in certain oils which is the cause of injurious pollution, it may be possible to secure the adoption of an inexpensive way of treating the oils containing these elements before they are taken on board or discharged from oil-carrying and oil-burning vessels, so as to eliminate or reduce the risk of pollution. It is recognised that any possible methods may be found to be too costly for adoption, or that they may destroy the value of the oils for use in boilers or for other purposes. In view of investigations of this kind, and of other experiments which may result — *e.g.*, in improvements in separators — the Committee is of opinion that any convention should contain an article inviting the Secretary-General of the League of Nations to receive and circulate to Governments all data of this kind relating to the means for dealing with oil pollution, and that the article should state in terms that such data should include, *inter alia*, information relating to the nature, capacity and cost of separators which may become available in various countries for use on board ship and in port, and also to chemical and physical processes, such as are mentioned above,

for treating the asphaltic and carbon residues in oil. The consideration of such data may alter the situation and for this reason the Committee recommends the inclusion in the convention of an article, similar to one which has been included in previous Conventions concluded under the auspices of the League, making it possible for the convention, at the request of Governments affected, to be revised after a certain period.

15. The draft Convention appended is in " Heads of States " form, and is based on the draft Washington Convention of 1926, with certain amendments and additional articles.

Article I (1) is based on Article V of the Washington draft. The criterion adopted for defining vessels to which the Convention applies is that they shall be " registered in, or under the law of, any of the territories to which the Convention applies ". Unregistered vessels owned by nationals of the contracting parties are brought in by Article I (2).

Other formulæ have been suggested — viz. :

(a) " Flying the flag " of a contracting party (see Article V of the Washington draft). This is inappropriate because the British mercantile flag is flown by vessels registered in more than one part of the British Commonwealth, and it would not be possible for one member of the British Commonwealth to bring in, by its acceptance of the convention, vessels registered in the territories of another member.

Further, it is not desired that the convention should have the appearance of applying to vessels registered in colonies, etc., to which it had not been specifically applied under Article X.

(b) " Registered in the ports of territories to which the Convention applies ". This is inappropriate because (i) some countries, like Austria, have vessels but no ports, and (ii) some British vessels are registered at Shanghai, which is not a port in any British territory.

The corresponding article of the Washington draft has also been amended so as to make it clear that the contracting parties will take the necessary measures to render discharge of oil, etc., within " zones " illegal and punishable by adequate penalties. The last sentence of Article I (1) is the provision recommended at the end of paragraph 10 of this report.

Article I (2) has been drafted in this form so as to cover the small vessels mentioned in Article I (3), which are often unregistered and not compelled to fly a national flag.

Article I (3) is based on the second part of Article III of the Washington draft, and covers the small vessels referred to in paragraph 7 of this report.

Article I (4) is new, and is designed to cover the point mentioned at the end of paragraph 13 of this report.

Article II, Paragraphs (1) to (3) reproduce, in essentials, Article I of the Washington draft, with some amendments, and the addition of the second sentence in each of paragraphs (1) and (2). The substitution of " shall reach an agreement with ", in the first sentence of paragraph (2), for " shall inform " in Article I (b) of the Washington draft, is regarded as important.

Paragraph (4) is the new provision mentioned in paragraph 12 of this report.

Article III (1) reproduces Article II of the Washington draft. Paragraph (2) of this article is new and seems to be self-explanatory.

Article IV is based on the first part of Article III of the Washington draft, with the substitution of " vessels commissioned in their naval services " for " vessels classed as war vessels ".

Article V reproduces Article IV of the Washington draft, with a similar substitution.

Articles VI and VII are new, and may be read together, with reference to the remarks in paragraph 10 of this report relating to the desirability of including in the convention provisions defining the rights and obligations of the parties to the convention with reference to the discharge of oil both inside and outside territorial waters within the limits of a zone.

Article VIII is based on Article VII of the draft Washington Convention. It has been extended so as to detail certain important particulars relating to the means for dealing with oil pollution which the Secretary-General of the League of Nations is, under the article, to be invited to receive — see paragraph 14 of this report.

The remaining articles are more or less in the common form adopted in “ Heads of States ” Conventions for articles of this nature and do not require special comment, with the exception of Article XV. This meets the suggestion in paragraph 14 above and provides for a possible revision of the convention, after it has been in force for two years, on receipt by the Secretary-General of the League of requests from three contracting parties for such a revision.

16. The Committee also appends a draft of a Final Act of the international conference to be called to consider the draft convention. This contains drafts of the recommendations mentioned in paragraphs 6, 8, 10 and 12 of this report, in the form in which the Committee suggests that they should be adopted.

**DRAFT CONVENTION
RELATING TO THE POLLUTION OF THE SEA BY OIL**

[Heads of States]
desiring to take action by common accord to prevent pollution of the sea by oil or oily mixtures discharged from vessels, have resolved to conclude a Convention for this purpose and have appointed as their plenipotentiaries :
who, having communicated their full powers, found in good and due form, have agreed as follows :

Article I.

(1) The High Contracting Parties agree, each in respect of vessels of the classes specified in Article IV registered in, or under the law of, any of their territories to which the present Convention applies, to take the necessary measures to render illegal and punishable by adequate penalties the discharge by such vessels of oil or oily mixtures, as defined in Article III (1), within any zone established as provided in Article II. Each High Contracting Party undertakes to secure that the penalties imposed by such measures for illegal discharges by vessels registered in, or under the law of, his territories shall be, in the case of zones established by any other High Contracting Party, under Article II, not less than in the case of zones established by himself under that article.

(2) Vessels owned by the nationals of a High Contracting Party which are unregistered shall, for the purposes of this Convention, be deemed to be registered in, or under the law of, the territory of that High Contracting Party in which the owners are resident.

(3) The measures referred to in paragraph (1) of this article may include special provisions to meet the case of small vessels of limited bunker capacity, these provisions to be applied by each High Contracting Party to such small vessels registered in, or under the law of, any of his territories. Nevertheless, such provisions shall not exclude the obligation for such vessels to take all necessary precautions to prevent oil pollution.

(4) The unavoidable discharge of oil or oily mixtures, as the result of an accident, a casualty or a collision, or to prevent an accident or a casualty, whether to the vessel in question or to any other vessel, or by reason of stress of weather, need not be rendered illegal under the measures provided for in paragraph (1) of this article. It shall be provided, however, that in those cases the master of a vessel shall make a detailed statement in the vessel’s log of the circumstances and the reasons for his action, in addition to the entries in the log prescribed by Article III (2).

Article II.

The High Contracting Parties may establish zones in the sea adjacent to the coasts of any of their territories to which the present Convention applies within which discharge from the vessels specified in Article IV of oil or oily mixtures as defined in Article III (1) shall be prohibited in accordance with the following principles :

(1) Such zones shall not extend more than fifty nautical miles from the coasts, except that, if such extent is in particular instances found insufficient because of peculiar configuration of the coast-line or other special conditions, such zones may be extended to a width not exceeding 150 nautical miles. In establishing zones, each High Contracting Party shall take into consideration that vessels desiring to discharge oil should not be obliged to deviate too much from their normal route before reaching their port of destination.

(2) In any case where any High Contracting Party desires to prescribe a zone, any part of which may be within fifty nautical miles of the coasts of the territory of another State, such High Contracting Party shall reach an agreement with such other State before

the zone is prescribed. When, however, the coasts of a territory of one High Contracting Party are less than 100 nautical miles from the coasts of a territory of another State, such High Contracting Party shall have the right, without the consent of the other State, to establish a zone to the middle of the channel — *i.e.*, to a line approximately equidistant between such coasts.

(3) Six months' notice of the establishment of any zone or zones, and of any change thereof, shall be given, preferably in the form of charts exhibiting the limits of such zone or zones, by the High Contracting Party establishing or changing such zone or zones to the Secretary-General of the League of Nations. The Secretary-General of the League shall forthwith transmit the information to the Governments of all the High Contracting Parties to this Convention and to the Governments of all Members of the League of Nations and of all non-member States referred to in Article XI (1).

(4) A High Contracting Party, desiring to establish a zone more than fifty miles in width, shall, in giving such six months' notice, furnish particulars of the appliances for separating oil and water which are then available in the ports frequented by oil-carrying and oil-burning ships included in the zone.

Any other High Contracting Party may, within this period of six months, make representations, through the Secretary-General of the League of Nations or directly, to the High Contracting Party proposing to establish the zone as to the advisability of providing the above-mentioned ports with such appliances, or of improving the existing appliances.

The Secretary-General of the League of Nations shall forthwith transmit a copy of such representations, if received by him, to the High Contracting Party in question, with a request that the latter should give such representations immediate consideration.

If that High Contracting Party decides to accede to such representations, the zone may be established as from the expiry of the period of six months' notice, or of such longer period as may be necessary to enable effect to be given to the representations; but, if the High Contracting Party declines to accede to the representations, in whole or in part, the zone shall not be established until an agreement has been reached between that High Contracting Party and the High Contracting Party or Parties making the representations, or until the dispute has been settled in accordance with the procedure set out in Article IX of this Convention.

Article III.

(1) The discharges which shall be prohibited in any zone prescribed pursuant to Article II are :

(a) Crude, fuel or Diesel oil, or

(b) Any mixture containing more than .05 of 1 per cent of such oil, or having a content of such oil sufficient to form a film on the surface of the sea visible to the naked eye in daylight in clear weather.

(2) The High Contracting Parties agree to take the necessary measures to ensure that entries shall be made in a vessel's log whenever oil or oily mixtures are discharged. Such entries shall state as nearly as possible the position where the discharge took place and be signed by the master and one of the vessel's officers.

In the case of a vessel fitted with a separator for the purpose of separating oil from ballast water, the vessel's log shall contain a statement of the period during which such separator has been used, and this statement shall be similarly signed.

Article IV.

The vessels to which the provisions of Article I apply are all sea-going vessels, other than vessels commissioned in the naval services of the High Contracting Parties, carrying crude, fuel or Diesel oil, in bulk as cargo, or as fuel for boilers or engines.

Article V.

The High Contracting Parties agree to take the necessary measures to ensure that all vessels commissioned in their respective naval services shall take every possible precaution to prevent oil pollution.

Article VI.

(1) Nothing in the present Convention shall be deemed to limit the rights under general international law of any High Contracting Party to prescribe measures with regard to the discharge of oil and oily mixtures in his territorial waters and to enforce such measures against all vessels.

(2) Outside his territorial waters, and in the zones prescribed by him in accordance with this Convention, a High Contracting Party shall possess the right to watch over the discharge

of oil and oily mixtures by vessels not registered in, or under the law of, any of his territories and to note offences, but shall not possess the right to stop or interfere with any such vessels.

Article VII.

(1) Jurisdiction in regard to the discharge of oil in the waters of the zones established as provided in Article II, outside territorial waters, shall belong to the authorities of the High Contracting Party in or under the law of whose territory the vessel is registered.

(2) The Government of the High Contracting Party in or under the law of whose territory a vessel is registered may be informed through the diplomatic channel of any offence committed outside territorial waters by such a vessel against measures prescribed in accordance with Article I by the Government of the High Contracting Party which has established the zone, or inside territorial waters if the vessel has sailed outside those territorial waters without measures having been enforced against her. On receipt of such information, the former High Contracting Party shall investigate the matter, and, where the circumstances justify it, take steps for the punishment of the offence for breach of regulations laid down by that High Contracting Party.

Article VIII.

(1) The Secretary-General of the League of Nations is invited to receive, co-ordinate and circulate to the Members of the League and all non-member States referred to in Article XI (1) information relating to the system of zones established under the terms of this Convention, the working of that system, and other data pertaining to the problem of oil pollution of the sea and the means of dealing with that problem, such as (a) particulars of the nature, capacity and cost of apparatus for separating oil from water which may become available for use on existing vessels and in ports, or have been designed for and fitted on new vessels, and (b) particulars of the nature and cost of any processes for the chemical or physical treatment, before shipment on or discharge from vessels, of oil and oily mixtures, as defined in Article III (1), so as to render them less injurious as regards pollution.

(2) The High Contracting Parties undertake to forward to the Secretary-General of the League of Nations, in addition to the data specified in paragraph (3) of Article II hereof, all other information which they consider appropriate for the purposes of the preceding paragraph, including the charges which are levied, or are proposed to be levied, for the use of separating apparatus in ports.

Article IX.

If there should arise between any of the High Contracting Parties a dispute of any kind relating to the interpretation or application of the present Convention, and if such dispute cannot be satisfactorily settled by diplomacy, the dispute shall be referred to arbitration or judicial settlement. In the absence of agreement on the choice of another tribunal, the dispute shall, at the request of any one of the Parties, be referred to the Permanent Court of International Justice, if all the Parties to the dispute are Parties to the Protocol of December 16th, 1920, relating to the Statute of that Court, and, if any of the Parties to the dispute is not a Party to the Protocol of December 16th, 1920, to an arbitral tribunal constituted in accordance with The Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes. Provided always that before resorting to arbitration or judicial settlement the Parties may by common agreement submit the dispute to the Advisory and Technical Committee for Communications and Transit of the League of Nations, which shall make recommendations for an amicable settlement.

Article X.

Any High Contracting Party may, at the time of signature, ratification or accession, declare that, in accepting the present Convention, he does not assume any obligation in respect of all or any of his colonies, protectorates, overseas territories, or territories under his suzerainty or mandate.

Any High Contracting Party may at any time subsequently give notice to the Secretary-General of the League of Nations that he desires that the present Convention shall apply to all or any of the territories which have been made the subject of a declaration under the preceding paragraph, and the Convention shall apply to all territories named in such notice ninety days after its receipt.

Any High Contracting Party may at any moment after the expiry of the period of two years mentioned in Article XVI declare by a notification addressed to the Secretary-General of the League of Nations that he desires that the present Convention shall cease to apply to all or any of his colonies, protectorates, overseas territories or territories under his suzerainty or mandate, and the Convention shall cease to apply to the territories named in such declaration. Such notification will take effect one year after its receipt by the Secretary-General of the League of Nations.

The Secretary-General shall communicate to the Members of the League and to all non-member States referred to in Article XI (1) all declarations, notices and notifications received under the present article.

Article XI.

(1) The present Convention, of which the English and French texts shall be equally authentic, shall bear this day's date. It shall remain open until the (date) for signature on behalf of any Member of the League of Nations and of any non-member State represented at the Conference at Geneva or to which the Council of the League of Nations shall communicate a copy for this purpose.

(2) The present Convention shall be ratified. The instruments of ratification shall be deposited with the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League and all non-member States referred to in paragraph (1) of this article.

Article XII.

As from the . . . day of . . . (*i.e.*, date when signature closes under Article XI (1)), the present Convention may be acceded to on behalf of any Member of the League of Nations and of any non-member State referred to in Article XI (1).

The instruments of accession shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all Members of the League of Nations and to the non-member States referred to in Article XI (1).

Article XIII.

(1) Any ratification of or accession to the present Convention may be expressed to be conditional on the ratification or accession of one or more other Members of the League of Nations or non-member States.

(2) Ratifications or accessions, which are made conditional under the preceding paragraph, shall be deemed to be received on the day on which these conditions are fulfilled.

(3) The present Convention shall come into force on the ninetieth day following the receipt by the Secretary-General of the League of Nations of ratifications or accessions on behalf of eight Members of the League of Nations or non-member States.

Article XIV.

Ratifications or accessions received after the entry into force of the Convention under Article XIII (3) shall take effect as from the ninetieth day after their receipt by the Secretary-General of the League of Nations.

Article XV.

(1) At any time after the expiry of two years from the entry into force of this Convention under Article XIII (3), the Government of any High Contracting Party may address a request for revision to the Secretary-General of the League of Nations.

(2) As soon as three such requests have been received, the Secretary-General will notify the Council of the League of Nations to this effect.

(3) The Secretary-General will inform the Governments of all Members of the League of Nations and of all the non-member States referred to in Article XI (1) of any request for revision received under the first paragraph of this article.

Article XVI.

(1) After the expiry of two years from its entry into force under Article XIII (3), the present Convention may be denounced by notification in writing addressed to the Secretary-General of the League of Nations. The denunciation shall take effect six months after its receipt by the Secretary-General and shall operate only as regards the Members of the League or non-member States on whose behalf it has been deposited.

(2) The Secretary-General shall notify all Members of the League of Nations and all non-member States mentioned in Article XI (1) of any denunciations received.

(3) If as the result of denunciations the number of Members of the League and non-member States bound by the Convention is reduced to less than eight, the present Convention shall cease altogether to be in force.

Article XVII.

The present Convention shall be registered by the Secretary-General of the League of Nations on the day of its entry into force.

IN FAITH WHEREOF the above-mentioned plenipotentiaries have signed the present Convention.

DONE at Geneva this . . . day of . . . in a single copy, which shall remain deposited in the archives of the Secretariat of the League of Nations and certified true copies of which shall be delivered after (day) to the Members of the League of Nations and all the non-member States referred to in Article XI (1).



DRAFT FINAL ACT OF THE INTERNATIONAL CONFERENCE
RELATING TO THE POLLUTION OF THE SEA BY OIL

The Governments of
[List of Governments at Conference]

having received the invitation extended to them by the Council of the League of Nations to participate in a Conference for the examination of a draft Convention on this subject,
Have in consequence appointed the following delegations :

[List of plenipotentiaries]

Who accordingly assembled at Geneva.

The Council of the League of Nations appointed as President of the Conference.

The secretarial work was entrusted to

In the course of a series of meetings between . . . the Convention of (date) was concluded.

The Conference also adopted the following recommendations :

(1) That :

(a) No penalty or disability of any kind whatever in the matter of tonnage measurement or payment of dues should be incurred by any vessel by reason only of the fitting of any device or apparatus for separating oil from water ;

(b) Dues based on tonnage should not be charged in respect of any space rendered unavailable for cargo by the installation of any device or apparatus for separating oil from water ;

(c) The term " device or apparatus for separating oil from water " as used in paragraphs (a) and (b) above should include any tank or tanks of reasonable size used exclusively for receiving waste oil recovered from the device or apparatus, and also the piping and fittings necessary for its operation.

(2) That the High Contracting Parties should recommend to shipowners that separators should be designed for and fitted on new vessels wherever practicable, particularly on large vessels to be provided with oil tanks which are also to be used for water ballast, and that the High Contracting Parties should encourage shipowners, as regards vessels to be registered in, or under the law of, their respective territories, so to act by any administrative or financial measures that the former may judge to be necessary.

(3) That in view of the inherent difficulty of enforcing the provisions relating to zones contained in the Convention and of detecting offences within them, the High Contracting Parties should seriously consider the question of imposing penalties which will be sufficient to act as a deterrent in connection with such offences.

(4) That in view of the fact that, according to the replies to the questionnaire despatched by the Secretary-General of the League of Nations on January 23rd, 1935, to States Members of the League and to non-member States, it appears that few ports are equipped with appliances for separating oil and water, Governments are recommended to take whatever measures are practicable to increase the number of such facilities in ports frequented by oil-burning and oil-carrying vessels throughout the world, and to keep as low as possible the charges for the use of such facilities.

