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**Decree No. (9) of 1990 approving the Protocol on Marine Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Protocol for the Protection of the Marine Environment against Pollution from Land-Based Sources**

We, Isa bin Salman Al Khalifa, Emir of the State of Bahrain.

Having reviewed Article (37) of the Constitution; Legislative Decree No. (17) of 1978 approving the Kuwait Territorial Convention on Cooperation for the Protection of the Marine Environment against Pollution and the Protocol attached thereto; The Protocol concerning Marine Pollution resulting from Exploration and Exploitation of the Continental Shelf, signed by the Government of the State of Bahrain in Kuwait City on 29 March 1989,

And the Protocol for the the Protection of the Marine Environment against Pollution from Land-Based Sources, signed by the Government of the State of Bahrain in Kuwait City on 21 February 1990, at the request of the Minister of Health;

And after the approval of the Council of Ministers.

**Hereby Decree the following:**

**Article One**

The Protocol concerning Marine Pollution resulting from Exploration and Exploitation of the Continental Shelf, signed by the Government of the State of Bahrain in Kuwait City on 29 March 1989, attached to this Decree, has been ratified.

**Article Two**

The Protocol for the Protection of the Marine Environment against Pollution from Land-Based Sources, signed by the Government of the State of Bahrain in Kuwait City on 21 February 1990 attached to this Decree, has been ratified.

**Article Three**

The Ministers- each within his jurisdiction- shall implement this Decree, and it shall come into force from the date of its publication in the Official Gazette.

**Emir of the State of Bahrain.**

**Isa bin Sulman Al Khalifa**

Promulgated at Riffa Palace:

On: 12 Ramadan 1410 A.H.

Corresponding to 7 April 1990

**Protocol concerning Marine Pollution resulting from Exploration and Exploitation of the Continental Shelf**

The Contracting States,

Being parties to the Kuwait Regional Convention for Cooperation on the Protection of the Marine Environment from Pollution (hereinafter referred to as the “Convention”) and to the Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency.

Being aware of the Articles (76, 197 and 208) of the United Nations Convention on the Law of the Sea of 1982,

Recognizing the danger posed to the marine environment and to human health by pollution from exploration and exploitation of the Continental Shelf, and the serious problems resulting therefrom in the Sea Area under their national jurisdictions,

Conscious of the need for further and more particular measures to prevent and control marine pollution from exploration and exploitation of the sea-bed and its subsoil; Being mindful of the their existing obligations under International Law, Article Seven, and Article Nineteen of the Convention,

Have agreed as follows:

**Article One**

For the purposes of this Protocol: 1- "Centre" means the Marine Emergency Mutual Aid Centre established under Article Three Paragraph (1) of the "Protocol concerning Regional Cooperation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency".

2- Certifying Authority means any person or body of persons authorized by the Contracting State to issue a certificate of safety and fitness for purpose.

3- "Chemical Use Plan" means a plan drawn by the operator of the offshore installation which shows

Hereby include the: a- The chemicals he intends to use in his operations b- the purpose or purposes for which he intends to use the chemicals.

c- The maximum concentrations of the chemicals he intends to use within any other substances, and maximum amounts he intends to use in any specified period.

d- The area within which the chemical may escape into the marine environment. provided that where there is no known danger of a chemical escaping into the marine environment, it need not be included in the plan 4- "Competent State Authority" means any Government department, Agency or other Authority in the Contracting State designated to exercise the power or discharge the function referred to in this Protocol, with such designation to be formally communicated to the Organization

5- "Contracting State" means any State which has become a party to this Protocol. 6- "Convention" means the Kuwait Regional Convention for Co-operation on the Protection of Marine Environment from Pollution.

7- "Council" means the organ of the Organization comprised of the Contracting States and established in accordance with Article sixteen, paragraph (b-1) of the Convention 8- "Garbage" means kitchen and domestic waste, refuse and solid wastes, other than any for which provision is made by any other Article of this Protocol, save for Article twelve.

9- "Guidelines" means only guidelines issued by the Organization and any amendments thereto in each case approved by the Council.

10- "License" means a licence, permit including work permit, or authorization, formally issued under the authority of a Contracting State for undertaking an offshore operation.

11. "Marine Pollution" shall have the meaning given to it in Article one (a) of the Convention.

12- "Offshore Installation" means any structure, plant or vessel, whether floating or fixed to or under the seabed, placed in a location in the Protocol Area (defined in Item 16 in this Article) for the purpose of offshore operations, including any tanker for the time being moored and used for the temporary storage of oil, and including any plant for treating, storing or regaining control of the flow of crude oil; and for the purposes of certification under Article six, an installation include sany integral part of the structure, plant, equipment or vessel, any attached lifting gear or safety mechanism, and any other part or equipment specified by the Contracting State as part of the installation.

13- "Offshore Operations" means any operation conducted in the Protocol Area for the purposes of exploring of oil or natural gas or for the purposes of exploiting those resources, including any treatment before transport to shore and any transport of the same by pipeline to shore. It includes also any work of construction, repair, maintenance, inspection or like operation incidental to the main purpose of exploration or exploitation.

14- "Operator" means any natural or juridical person who undertakes offshore operations as defined under Para (13) of this Article.

15- "Organization" shall have the meaning given to it in Article one (c) of the Convention

16- "Protocol Area" means all parts of the Continental Shelf of a Contracting State which fall within the Sea Area as defined in paragraph (a) of Article two of the Convention and all parts of its Continental Shelf contiguous therewith.

17- "Sewage" means:

drainage and other waste from any form of toilet, urinal or water closet.

Drainage from medical premises such as dispensary or sick bay, via wash-basins, wash-tubs and drains located in such premises.

c- Other waste waters when mixed with significant quantities of the drainage defined above

18- “Special Zone” means that part of the maritime area located north-west of the fixed direction line between Ras Al Hadd (30/22N - 48/59E) and located on two lines (04/25N - 25/61E)

**Article Two**

Contracting States shall require that all appropriate measures are taken to prevent, abate and control marine pollution from offshore operations in those parts of the Protocol Area within their respective jurisdictions taking into account the best available and economically feasible technology. Contracting States acting individually or jointly shall also take all appropriate steps to combat marine pollution from offshore operations within the parts of the Protocol Area under their jurisdiction. Such obligations shall be without prejudice to the more specific obligations accepted under this Protocol

**Article Three**

 Each Contracting State shall ensure that in the Protocol Area under its jurisdiction any offshore operation shall be conducted under a license, which may be granted subject to such conditions for the protection of the marine environment and coastal areas as the Competent State Authority sees fit to impose. The Competent State Authority shall require the operator to comply with relevant laws and regulations issued under the authority of the State, and shall have the power to take such measures as are necessary to enforce compliance therewith

**Article  Four**

1- Each Contracting State shall take measures to ensure the following: a) Before licensing any offshore operation which could cause significant risks of pollution in the Protocol Area or any adjacent coastal area, the Competent State Authority shall call for submission of an assessment of the potential environmental effects thereof. No such operation shall commence until a statement of those effects has been submitted, and no license shall be granted until the Competent State Authority is satisfied that the operation will entail no unacceptable risk of such damage in the Protocol Area or any adjacent coastal area. b) In deciding to call for an environmental impact statement, and in determining its scope, the Competent State Authority shall have regard to the Guidelines issued by the Organization

c) That the competent authority in the country, whenever it requests and receives a statement of environmental impacts, sends a summary of the potential environmental impacts referred to in that statement to the organization, and the organization must, within four days of its receipt of that summary, send copies thereof to all other contracting states, and the competent authority must The state may provide room for other contracting states to submit their observations to it through the organization within a specific period of time, taking into account the type of operation and the urgency in making the decision, and it must take those observations into account before authorizing the aforementioned operation. Regardless of the obligation to send the summary to the organization, the contracting state has the right In withholding information that may harm its national security. 2- If the Contracting State does not request an assessment of the environmental impacts of the proposed marine operation, it must consider the possibility of requesting a survey of the marine environment and the aquatic life present therein, before commencing the proposed operation. Survey work must be conducted by or under the direct supervision of an entity independent of the operator and approved by the competent authority in the country 3 - It must include the guidelines for environmental impact assessment issued by the organization. and the circumstances in which it would cause significant risk of pollution in the Protocol Area or any adjacent coastal area

**Article Five**

1- Each Contracting State shall endeavour to ensure that offshore operations within its jurisdiction shall not cause unjustifiable interference with lawful navigation, fishing or any other activity carried on under a bilateral or multilateral agreement or on the basis of international law, and that in setting up an installation, due regard shall be had to existing pipelines and cables. Regard shall also be had to the need for protecting sites of special ecological and cultural interests.

2- Each Contracting State shall take steps to ensure that, within the area of its jurisdiction, operators of offshore installations survey the sea-bed in the vicinity of their installations, and remove any debris resulting from their operations which might interfere with lawful fishing: a) In the case of a pipeline, or other sub-sea apparatus immediately following completion of the work of installation b) In the case of production platform, immediately following its removal c) In any case when the Competent State Authority might reasonably require survey and clean-up

**Article Six**

Each Contracting State shall take all practicable measures to ensure that every offshore installation to be used in that part of the Protocol Area within its jurisdiction is certified by a Certifying Authority or its designer that it is safe and fit for the purpose for which it is to be used so as to ensure that it will not cause accidental damage to the marine environment.

**Article Seven**

Each Contracting State shall take all practicable measures to ensure the following: 1- Operators shall at all times have available to their offshore installations, in good working order, equipment and devices to minimize the risk of accidental pollution and to facilitate prompt response to a pollution emergency, in accordance with good oilfield or other relevant industry practice

2- Any such plant or equipment, not included as part of an installation for the purposes of Article six, shall be subject to prior examination and approval by or on behalf of the Competent State Authority, and to periodic inspection, in accordance with good oilfield or other relevant industry practice

3- Blow-out preventers and other safety equipment shall be tested periodically by the operators or on his behalf, and exercise in their operations carried out periodically, in accordance with good oilfield or other relevant industry practice

4- Offshore installations above sea level shall carry lights and other warning instruments, in accordance with international maritime practice, maintained in good working order, and those light and instruments shall also be operated in accordance with international maritime practice.

5- All persons engaged in offshore operations shall have had or be given training in accordance with good oilfield practice. Any person employed on an offshore installation for the first time shall undergo an induction course, and shall be given a manual which includes instruction on emergency procedures

**Article Eight**

Each Contracting State shall take all practicable measures to ensure the following:

1- No operator shall start work on any stage of his offshore operations within its jurisdiction until he has: a) prepared a Contingency Plan to deal with any event which may occur as a result of the operations, and which may cause significant pollution to the marine environment

b) had that plan approved by the Competent State Authority

c) shown to the satisfaction of that State Authority that he has available to him sufficient expertise and resources to put that plan fully into operation.

2- No Contingency Plan shall be approved unless it can be coordinated with any existing national or local Contingency Plans, and any Plans prepared by the Centre, and unless the operator can be required to participate in any exercise conducted in the implementation of such Contingency Plans.

3- Any person conducting offshore operations shall make and maintain arrangements to ensure that when an event occurs as a result of his operations which may cause significant pollution of the marine environment, a full report of that event is sent immediately to the State authority designated to receive such reports.

4- The respective roles and powers of the industry and the authorities shall be fully understood before an oil spill emergency, and shall be clearly defined in the operator's Contingency Plan, and in any national and local Contingency Plans.

**Article Nine**

1- Each Contracting State shall take all practicable measures to ensure, subject to paragraph (2) below, the following:

In that part of the Protocol Area which is a 'Special Area", no machinery space drainage from an offshore installation shall be discharged into the sea unless the oil content thereof does not exceed 15 mg. per litre whilst undiluted . Any Contracting state may impose a more restrictive level in any area under its jurisdiction. b) No other discharge from an offshore installation into the sea within the Protocol Area, except one derived from drilling operations, shall have an oil content, whilst undiluted, greater than that stipulated for the time being by the Organization. The oil content so stipulated shall not be greater than 40 mg. per litre as an average in any calendar month, and shall not at any time exceed 100 mg. per litre.

Discharge points for oily wastes shall be well below the surface of the sea as appropriate.

All necessary precautions shall be taken to minimize losses of oil into the sea from oil and gas collected or flared from well testing

2- Measures passed in compliance with paragraph (1) of this Article may provide that there is no breach of their requirements if, when the oil content of a discharge is greater than the permitted concentrations, that excess was due to some accident or other cause beyond the control of the operator and his employees, and that they took all reasonable precautions and exercised all due diligence to avoid such excess. Alternatively, a defence of equivalent effect may be provided.

3- Each Contracting State shall ensure that the operator may be required to conduct surveys of environmental conditions in the vicinity of his offshore installation, periodically or on such occasions as the Competent State Authority may reasonably require. The State itself may conduct or have conducted such a survey. If, without apparent reason, the result of that survey show a significant difference from the results of the operator's most recent survey, without prejudice to any other legal action, the State may charge the cost of its own survey to the operator

4- Each Contracting State shall pass measures necessary to ensure the following: a) Oil-based drilling fluids shall not be used in drilling operations in those parts of the Protocol Area within its jurisdiction except with the express sanction of the Competent State Authority. Such sanction shall not be given unless the Authority is satisfied that the use of such fluid is justified because of exceptional circumstances. If such fluid is used, the drill cuttings shall be effectively treated to minimize their oil content before being appropriately disposed off. Any wash waters shall not be discharged at any place from which they may be carried to mix with the same drill cuttings. The discharge point for the cuttings shall, as appropriate, be well below the surface of the water.

b) No oil based drilling fluid shall be discharged to any parts of the Protocol Area within its jurisdiction. c) Water-based drilling muds discharged from offshore operations must not contain persistent systemic toxins which may continue to pose an environmental threat after the initial drilling fluid discharge

**Article Ten**

Each Contracting State shall take all practicable measures to ensure the following:

a) Disposal into the sea of the following is prohibited:

1) All plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags

2) All other garbage, including paper products, rags, glass, metal, bottle, crockery, dunnage, lining and packing materials.

b) Disposal into the sea of food wastes shall be made as far as practicable from land, but in any case not less than twelve nautical miles from the nearest land.

c) When the garbage is mixed with other discharges having different disposal or discharge requirements the more severe requirements shall apply. d) Sewage shall not be discharged into the Protocol Area from an installation permanently manned by ten or more persons unless: 1) It has been committed and disinfected using a system approved by the Competent State Authority and is discharged at a distance of more than four nautical miles from the nearest land, or.

2) It is discharged at a distance of more than twelve nautical miles from the nearest land, or.

3) It has passed through a treatment plant approved by the Competent State Authority

and in any case the discharge does not produce visible floating solids or discolouration of the surrounding water.

Each Contracting State shall provide at convenient points on its coastline, reception facilities for general garbage from manned offshore installations operating in the area of its jurisdiction.

**Article Eleven**

Each Contracting State shall take all appropriate measures to ensure the following:

Each operator of an offshore installation shall prepare, and submit for approval by the Competent State Authority, a "Chemical Use Plan". Application for amendments to the Plan may be submitted subsequently and approved. If at any time he wishes to use a chemical outside the scope of his approved Plan, and that chemical may escape into the marine environment, he shall notify the Competent State Authority, except that in case of emergency to prevent the risk of injury to person or extensive damage to property, the notification need not be given prior to the use of the chemical.

The Competent State Authority has a power to prohibit, limit or regulate the use of a chemical or product and to impose conditions on its storage and its use, for the purpose of protecting the marine environment. In exercising that power, the Authority shall have regard to any Guidelines issued by the Organization

2- Each Contracting State shall take appropriate measures to ensure that seismic operations in the Protocol Area shall take into account the Guidelines issued by the Organization.

**Article Twelve**

Each Contracting State shall require that, for offshore operations in any part of the Protocol Area within its jurisdiction, the operator shall:

1- provide adequate system for collection and proper disposal of all unwanted substances or articles 2- give proper instructions on their use

3- endeavour to provide for penalties for improper disposal

**Article Thirteen**

1- Each Contracting State shall ensure that the Competent State Authority has the power to require the operator of an offshore installation: a) In the case of a pipeline:

1 - to flush and remove any residual pollutants from the pipeline, and to bury the pipeline , or remove part and bury the remaining parts thereof, so as to eliminate for the foreseeable future any risk of hindrance to navigation or fishing , taking all circumstances into account.

in the case of platforms and other sea-bed apparatus and structures: to remove the installation in whole or in part to ensure the safety of navigation and in the interests of fishing. Each Contracting State shall also take all practicable measures to ensure that the operator has sufficient resources to guarantee that any such requirements can be met. 2- Where Contracting States have a common interest in fishing grounds in the Protocol Area, they shall endeavour to adopt a common policy on the removal of installations. In determining any case whether or not installations must be removed, Contracting States shall have regard to any Guidelines issued by the Organization. Whether pipelines are removed or not, they shall be flushed to remove residual pollutants.

Contracting States shall pass, and take all practicable steps to enforce, measures to ensure that no offshore installation which in use has floated at or near the sea-surface, and no equipment from an offshore installation, shall be deposited on the sea-bed of the continental shelf when it is no longer needed.

**Article Fourteen**

The provisions of the Convention relating to Protocols shall apply to this Protocol.

Procedures for amendments to Protocols and their Annexes adopted in accordance with Articles twenty and twenty-one of the Convention shall apply to this Protocol.

- The Rules of Procedure and Financial Rules adopted pursuant to Article twenty-Two of the Convention, and amendments thereto, shall apply to this Protocol.

**Article Fifteen**

This Protocol shall be subject to rating, acceptance, approval or accession by the States parties to the Convention. Instruments of rating, acceptance, approval or access shall be deposited with the Government of Kuwait which shall assume the functions of the Depository.

This Protocol is subject to ratification, acceptance, approval or accession by the States Parties to the Convention. Instruments of ratification, acceptance, approval or accession shall be deposited with the Government of the State of Kuwait, which performs the functions of the depositary State in accordance with Article 30 of the Kuwait Regional Agreement for Cooperation in the Protection of the Marine Environment from Pollution of 1978

This Protocol shall enter into force on the ninetieth day following the date of deposit of at least five instruments of ratification, acceptance, approval or accession to the Protocol by the countries referred to in Paragraph (2) of this Article

In WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized by their respective Governments, have signed this Protocol

DONE AT KUWAIT this twenty-ninth day of March, in the year one thousand nine hundred and eighty-nine in the Arabic, English and Persian languages, the texts being equally authentic.

**For the Government of the STATE of BAHRAIN**

**For the Government of the STATE of BAHRAIN**

**For the Government of the Islamic Republic of Iran**

**For the Government of the Islamic Republic of Iran**

**For the Government of the REPUBLIC OF IRAQ**

**For the Government of the REPUBLIC OF IRAQ**

**For the Government of STATE OF KUWAIT**

**For the Government of the STATE OF KUWAIT**

**For the Government of the SULTANATE OF OMAN**

**For the government of the Sultanate of Oman**

**For the Government of the STATE OF QATAR**

**For the Government of the STATE OF QATAR**

**For the Government of the KINGDOM OF SAUDI ARABIA**

**For the Government of the KINGDOM OF SAUDI ARABIA**

**For the Government of the UNITED ARAB EMIRATES**

**For the Government of the UNITED ARAB EMIRATES**

**Protocol for the protection of the marine environment against pollution from land based sources**

The Contracting States,

BEING PARTIES to the Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution.

RECOGNIZING the danger posed to the marine environment and to human health by pollution from land-based sources and the serious problems resulting therefrom in coastal waters of many Contracting States, principally due to the release of untreated, insufficiently treated and/or inadequately disposed of domestic or industrial discharges.

Noting the need to strengthen measures in place to prevent, reduce and control pollution resulting from discharges from land-based sources at the national and regional levels, and considering as Articles 194, 207, 212 and 213 of the United Nations Convention on the Law of the Sea 1982, and the Montreal Guidelines for the Protection of the Marine Environment from Pollution resulting from Sources on Earth for the year 1985, and motivated by the desire to strengthen Paragraph (b) of Article Three and Article six of the Convention

Have agreed as follows:

**ARTICLE One DEFINITIONS**

For the purposes of this Protocol:

"Combined Treatment": means common treatment of industrial effluents along with domestic sewage.

2- "Competent State Authority": means the Authority designated by the Contracting State for the purpose of this Protocol

3- "Contracting State": means any State which has become a party to this Protocol.

4- "Convention": means the Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution.

5- "Council": means the organ of the Organization as referred to in sub paragraph (i) of paragraph (b) of Article sixteen of the convention. 6- "Freshwater Limit": means the place in watercourses where, at low tide and in a period of low freshwater flow, there is an appreciable increase in salinity due to the presence of sea-water

7- "Joint Pretreatment/Treatment": means common pretreatment/treatment of the effluent from more than one industrial source.

8- "Land-based Sources": means municipal, industrial or agricultural sources, both fixed and mobile on land, discharges from which reach the Marine Environment, as outlined in Article three of this Protocol.

9- "Marine Environment": means the Protocol Area as defined in Article two of this Protocol 10- "Organization": means the Regional Organization for the Protection of the Marine Environment established in accordance with Article sixteen of the convention

11- "Pollution":  means "Marine Pollution" as defined in paragraph (a) of Article one of the Convention

**Article Two**

**AREA OF APPLICATION**

The area to which this Protocol applies (hereinafter referred to as the "Protocol Area"): shall be the Sea Area as defined in Article two, paragraph (a) of the Convention, together with the waters on the landward side of the baselines from which the breadth of the territorial sea of the Contracting States is measured and extending, in the case of watercourses, up to the freshwater limit and including intertidal zones and salt-water marshes communicating with the sea

**Article Three**

**Sources Of Pollution**This Protocol shall apply to discharges reaching the Protocol Area from land-based sources within the territories of the Contracting States, in particular:

from outfalls and pipelines discharging into the sea.

through rivers, canals or other watercourses, including underground watercourses.

c) from fixed or mobile offshore facilities serving purposes other than exploration and exploitation of the sea bed, its subsoil and the continental shelf d) from any other land-based sources situated within the territories of the Contracting States, whether through water, through the atmosphere or directly from the coast

**Fourth Article**

**Source control** 1- The Contracting States undertake to implement the action programmes based on source control as outlined in Annex (1) to this Protocol. To this end, they shall develop and implement, jointly or individually, as appropriate, the necessary programmes and measures. 2- The programmes and measures and the timetables for their implementation aimed at reducing pollution from land-based sources, shall be fixed by the Contracting States and periodically reviewed and revised, if necessary every two years, in accordance with the provisions of Article fourteen of this Protocol

**Fifth Article**

**Joint and/or combined effluent treatment**

1- The Contracting States in their endeavour not to inhibit the development of new industries, and especially that of small industrial operations, and recognizing the economic and technical difficulties often encountered by such operations in properly treating their effluent individually undertake to implement, to the extent possible, industrial location planning programmes as outlined in Annex II to this Protocol. To this end, they shall develop and implement, jointly and/or individually, as appropriate, the necessary programmes and measures. 2- The Regional guidelines and criteria along with programmes and measures and the time-tables for their implementation, aimed at reducing pollution from land- based sources through joint and/or combined effluent treatment, shall be fixed by the Contracting States and periodically reviewed and revised, if necessary every two years, in accordance with the provisions of Article fourteen of this Protocol.

**Article Six**

**Regional and local regulations/permits for release of wastes**

1- The Contracting States shall work gradually, as specified in Appendix No. (3) of the Protocol. To develop, adopt and, where necessary, cooperate with competent regional and international organizations on the following:

Regional guidelines, standards or criteria, as appropriate, for the quality of sea-water used for specific purposes that is necessary for the protection of human health, living resources and ecosystems. b) Regional regulations for the waste discharge and/or degree of treatment for all significant types of land-based sources.

c) Stricter local regulations for waste discharge and/or degree of treatment for specific sources based on local pollution problems and desirable water usage considerations. Stricter regulations for specific sources serve the purpose of preserving the quality of seawater required for the intended use. In developing such regulations the local ecological, geographical and physical characteristic, as well as, the level of existing pollution in the Marine Environment shall be taken into consideration.

2- When adopting programs to implement the previous measures, the costs of those measures and the ability to modify existing facilities must be taken into account when applying them gradually. The economic capacity of the contracting countries and their need for sustainable development 3- The polluter must obtain a license from the competent authorities regarding discharges, and these licenses must allow reviewing and amending the discharge conditions that reflect the periodic updating of the regulations.

4- Guidelines, standards or criteria, as well as, regulations, programmes and measures shall be developed and adopted in accordance with the provisions of Article fourteen of this Protocol and periodically updated, if necessary every two years, to reflect the increasing information through the monitoring programme described in Article seven of this Protocol, the changes in the industrial and other human activities and possible advances in Science and the pollution control technologies. **Article Seven**

**Monitoring and data management**

The Contracting States, within the framework of the provisions of Article of the Convention, shall carry out monitoring activities, if necessary in co-operation with the competent Regional and International Organizations, in order to: . a) collect data on natural conditions of the Protocol Area as regards its physical, biological and chemical characteristics. b) collect data on inputs of substances or energy that cause or potentially cause pollution from land-based sources, including information on the distribution of sources and the quantities of pollutants introduced to the Protocol area.

c) assess systematically the levels of pollution within their internal and territorial waters, in particular with regard to the substances that may have a potential significant impact on the Marine Environment. For the selection of the sampling locations and substances to be measured, information available, inter alia, from source inventories, discharge outfalls and marine environment characteristics shall be considered; and d) evaluate the effectiveness of measures taken under this Protocol in meeting the environmental objectives 2- Contracting States shall collaborate jointly or collectively to establish comparable monitoring programmes, as well as analytical quality control programmes and to promote data storage, retrieval and exchange

**Article Eight**

**Environmental impact assessment**

The Contracting States shall require on priority basis an assessment of the potential environmental impacts during the planning and implementation stages of selected development projects within their territories, particularly in the coastal areas, which may cause significant risks of pollution from land-based sources to the Protocol Area, in order to ensure that appropriate measures are taken to prevent or mitigate such risks

2- The Contracting States shall develop, with the assistance of the Organization, technical and other guidelines concerning the assessment of the potential environmental impacts of development projects referred to in paragraph (1), including possible trans-boundary effects. The assessment should, where appropriate, contain inter alia the following:

A description of the geographical location of the activities to be carried out.

A description of the initial ecological state of the marine environment and the coastal area which may be affected by the activities

c) An indication of the nature, aims and scope of the proposed activities d) A description of the methods, installations and other means to be used e) A description of the foreseeable direct and indirect long-term and short-term effects of the activities on the Marine Environment, including fauna, flora and the ecological balance. f) A statement setting out the measures proposed to reduce to the minimum the risk of pollution by carrying out the activities and, in addition, possible process and pollution abatement alternatives to such measures. g) An indication of the measures to be taken for the protection of the Marine Environment from pollution during and, as appropriate, at the end of the proposed activities

h) Definition of commitments to ongoing environmental management and monitoring

i) Cost-benefit analysis as appropriate

j) A brief summary of the assessment 3- The implementation of the selected projects referred to in paragraph (1) should be made subject to a prior written authorization from the Competent State Authorities which takes fully into account the findings of the environmental impact assessment.

4- The Contracting States shall co-operate with the Organization to develop procedures for the dissemination to all Contracting States of the reports on the results of such assessment with a view to enable the Contracting States which may be affected by the environmental impacts of the development projects to consult with the Contracting State concerned.

**Article Nine**

**Scientific and technological co-operation**

The Contracting States, in conformity with Article X of the Convention, shall co-operate in scientific and technological fields related to pollution from land-based sources, particularly research on inputs, pathways and effects of pollutants and on the development of new methods for their treatment, reduction or elimination. To this end, the Contracting States shall, in particular, endeavour to:

exchange scientific and technical information

co-ordinate their research programmes of common nature

**Article Ten**

**Scientific, technical and other assistance**

1- The Contracting States shall, directly or with the assistance of the Organization or competent Regional and International organizations, co-operate with a view to formulate and implement programmes of assistance, particularly in the fields of science, education and technology, for the prevention, reduction and control of pollution from land-based sources.

2- Such technical assistance shall include, in particular, the training of scientific and technical personnel, as well as the acquisition, utilization, maintenance and production of appropriate equipment

**Article Eleven**

**Watercourses shared by states**

1- If discharges from a watercourse which flows through the territories of Contracting States are likely to cause pollution of the Protocol Area. The Contracting States in question, in accordance with the provisions of this Protocol in so far as each of them is concerned, are called upon to co-operate with a view to ensuring its full application.

2- A Contracting State shall not be responsible for any pollution originating on the territory of a non-Contracting State. However, the Contracting State shall endeavour to co-operate with such State so as to make possible full application of the Protocol

**Article Twelve**

**Exchange of Information**

1- The Contracting States shall inform one another directly or through the Organization of measures taken, of results achieved and, if the case arises, of difficulties encountered in the application of this Protocol. Procedures for the collection and submission of such information shall be determined by the Council

Such information shall include inter alia:

Relevant statistical data in accordance with Articles six and of this Protocol

Data resulting from monitoring as provided for in Article seven of this Protocol

c) Quantities of pollutants discharged or emitted from their territories

d) Measures taken in accordance with Articles four, five and six of this Protocol.

**Article Thirteen**

**Responsibility and liability for damage**

Contracting States shall ensure that recourse is available in accordance with their legal systems for prompt and adequate compensation or other relief in respect of damage caused by pollution of the Marine Environment by natural or juridical persons under their jurisdiction

Contracting States shall formulate and adopt appropriate procedures for the determination of liability for damage resulting from pollution from land-based sources.

**Article Fourteen**

**Institutional arrangements**

The Council, in accordance with Article seventeen of the Convention, shall be responsible for keeping under review the implementation of this Protocol. To this end, the Council shall, inter alia: a- consider the efficacy of the measures adopted and the advisability of adopting any other measures, in particular in the form of annexes

b- revise and amend any annex to this Protocol, as appropriate

C - Preparing, establishing and reviewing programs and procedures in accordance with Articles Four, Five, Seven, Nine and Ten of the Protocol D- Adopting regional guidelines, standards or standards in accordance with Articles Four, Five and Six of the Protocol E - Establish procedures for exchanging information in accordance with Articles Eight and Twelve of the Protocol

F- Study the information provided by the Contracting States under Articles Eight and Twelve of the Protocol G - Exercising any other tasks, as necessary, to implement the Protocol h- Prepare any administrative arrangements as necessary to achieve the objectives of the Protocol

**Article fifteen General provisions**

1- The provisions of the Convention relating to any Protocol shall apply to this Protocol. 2- The procedures for amending the protocols and their annexes adopted in accordance with Articles twentieth and twenty-first of the Convention shall apply to this protocol

3- The procedural and financial rules adopted and their amendments pursuant to Article Twenty-Two of the Convention shall apply to this Protocol

4- The Annexes form an integral part of this Protocol unless expressly provided otherwise thereto

**Article sixteen Final provisions**

1- This Protocol shall be submitted for signature in Kuwait from the twenty-first of February of the year one thousand nine hundred and ninety to the twenty-first of May of the year one thousand nine hundred and ninety by any state party to the Kuwait Regional Agreement for Cooperation in Environmental Protection. marine pollution

2- This Protocol is subject to ratification, acceptance, approval or accession by the States Parties to the Convention. Instruments of ratification, acceptance, approval or accession shall be deposited with the Government of Kuwait, which shall act as the depository in accordance with Article 30 of the Kuwait Regional Agreement for Cooperation in the Protection of the Marine Environment from Pollution for the year 1978

3- This Protocol shall enter into force on the ninetieth day following the date of deposit of at least five instruments of ratification, acceptance, approval or accession to the Protocol by the countries referred to in Paragraph (2) of this Article

In WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized by their respective Governments, have signed this Protocol

DONE AT KUWAIT this twenty-first day of February, in the year one thousand nine hundred ninety in the Arabic, English and Persian languages, the texts being equally authentic.

**Annex (1) Pollution abatement through source control**

With regard to the issue of pollution abatement through source control referred to in Article four of this Protocol, consideration should be given to the control and progressive replacement of products, installations and industrial or other processes causing significant pollution to the Marine Environment. In this regard, particular attention will be given, but not limited, to the following factors: 1- Curtailment and/or regulation of import, transportation, manufacturing or processing of certain harmful substances 2- Change of raw materials

3- Change of manufacturing processes

4- Good operating and housekeeping practices 5- Segregation of waste streams and minimization of pollutant dilution prior to treatment.

6- Recovery, re-use and recycling

The programmes, measures and the timetables required for the implementation of source control will be developed and priorities allocated on the basis of the results of on-going assessment studies. Problem areas of Regional interest, where cost effective measures can be implemented, will receive attention for the purpose of establishing general management schemes. Such areas are, for example, the collection, treatment, and proper disposal of spent lubricating oils, blood and paunch from slaughterhouses, the control of fuel combustion processes and the implementation of source control in selected processes within large industries.

**Annex (2)**

**Promotion of joint and/or combined effluent treatment**

Without undue prejudice to the multifaceted constraints that often governs the selection of the location of new industries, a programme will be undertaken, as referred to in Article six of this Protocol, to promote:

Without undue prejudice to the multifaceted constraints that often governs the selection of the location of new industries, a programme will be undertaken, as referred to in Article six of this Protocol, to promote::

agglomeration of industries in a way that enhances the possibility of joint effluent pretreatment and/or treatment, as the need may be

location within the limits of city sewer systems of certain types of industry so as to enhance combined treatment of industrial and domestic wastes. The development of combined and/or mixed waste treatment, if planned appropriately, may significantly reduce treatment, monitoring and implementation costs in addition to increasing the feasibility of treatment. For this purpose, guidelines and standards have been developed that address topics of common interest such as:

The compatibility of effluent from different sources

Pretreatment requirements prior to discharge into domestic and/or industrial sewer systems

Cost sharing for the construction and operation of treatment plants. Such guidelines and criteria will assist Contracting States in developing their own specific programmes and measures. While initial plans may deal with the location problem of new industries, the end objective will be the progressive attraction of existing selected small industries as the infrastructure and facilities are developed in the designated areas

**Annex (3) Guidelines, regulations and permits for the release of wastes**

1- With a view to guidelines, standards or criteria, as well as to regulations, programmes, measures, and discharge permits for release of wastes referred to in Article six of this Protocol, particular attention will be given, inter alia, to the following factors:

Regional regulations for the waste discharge and/or degree of treatment should be specific for each kind of source and, if necessary, may be different between existing and new sources. Their development should be based on treatment technology, cost and nature of pollutants considerations, as well as on an overview of the state of environment in the Protocol Area

Regional guidelines and, as appropriate, standards or criteria should be developed for the quality of sea water used for specific purposes

For areas where the water quality standards for the intended use cannot be achieved through the implementation of the above regional regulations, stricter local regulations for the waste discharge and/or degree of treatment should be developed. Such local regulations will apply to the specific sources in the areas under consideration

Regional regulations along with the programmes, measures and the timetables required for the implementation should be developed on a priority basis, inter alia, for the following types of wastes:

Ballast water, slops, bilges and other oily water discharges generated by land-based reception facilities and ports through loading and repair operations

Brine water and mud discharges from oil and gas drilling and extraction activities from land-based sources.

(c) Oily and toxic sludges from crude oil and refined products storage facilities.

(d) Effluents and emissions from petroleum refineries.

(e) Effluents and emissions from petrochemical and fertilizer plants

(f) Toxic effluents and emissions from industries such as chlor- alkali, primary aluminum production, pesticides, insecticides, and lead recovery plants

(g) Emissions from natural gas flaring and desulfurization plants

(h) Dust emissions from major industrial sources, such as cement, lime, asphalt and concrete plants

(i) Effluent and emissions from power and desalination plants (j) Wastes generated from coastal development activities which may have a significant impact on the Marine Environment.

(k) Sewage and solid waste

5) As the diagram attached to this appendix shows, combating and reducing pollution is a process with overlapping and linked aspects. Pollution reduction work must start from the highest priority measures, which must be chosen so that they are a process with a return equivalent to its costs, and address the most important environmental problems in relation to the current situation. The monitoring programs specified in Article Seven of this Protocol shall provide the necessary support by creating a database that can be used to evaluate the effectiveness of the programs being implemented and to evaluate the existing environmental situation and its trends in order to correct the course and redirect efforts by periodically updating regulations, programs and procedures and reviewing the conditions of permits or licenses. Disposal in accordance with the provisions of Articles 4 and 6 of this Protocol.

2- Provisions for establishing criteria governing the issue of permits for the discharging of waste matter in the Marine Environment, should also take into consideration inter alia the following: a- Characteristics and Composition of Waste:

Type and size of waste source, e.g. industrial process

- Type of waste (origin, average composition)

Form of waste (solid, liquid, sludge, slurry).

Total amount (volume discharged, e.g. per year)

Discharge pattern (continuous, intermittent, seasonally variable, etc.).

Concentrations with respect to major constituents

Properties: Physical (such as solubility and density), chemical, biochemical (such as demand for oxygen and nutrients), and biological (such as the presence of viruses, bacteria, yeasts, and parasites).

Toxicity

Persistence: physical, chemical and biological

Accumulation and bio transformation in biochemical materials or sediments

Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials

Probability of producing taints or other changes reducing marketability of resources, e.g. fish, shellfish... etc b) Characteristics of Discharge Site and Receiving Marine Environment:

1- Hydrographic, meteorological, geological, biological and topographical characteristics of the discharge site

2- Location and type of the discharge (outfall, canal, outlet, etc.) and its relation of other areas, e.g. amenity areas, spawning, nursery and fishing areas, shellfish grounds and exploitable resources.

3- The rate of waste discharge for specific periods of time, such as (quantity per day, per week, or per month).

4- Initial dilution achieved at the point of discharge into the receiving marine environment

5- Methods of packaging and containment, if any 6- Dispersion characteristics such as effects of current, tides and wind on horizontal transport and vertical mixing

7 - Water characteristics such as temperature, pH coefficient, salinity, differences in layers, and oxygen indicators indicating pollution such as dissolved oxygen, chemical demand for oxygen, and chemical demand.

Bio-active oxygen and nitrogen present in organic or mineral form, including: Ammonia, suspended matter, other nutrients and productivity

8- Existence and effects of other discharges which have been made in the discharge site, e.g. heavy metal background levels and organic carbon content c) Availability of Waste Technologies:

The methods of waste reduction and discharge for industrial effluent as well as domestic sewage should be selected taking into account the availability and feasibility of:

Alternative treatment processes

Re-use or elimination methods

On-land disposal alternative

Appropriate low-waste technologies

d) General Considerations and Conditions: 1) Possible effects on amenities, e.g. presence of floating or stranded materials, turbidity, objectionable odour, discolouration and foaming. 2) Effects on human health through pollution impact on: Edible marine organisms, bathing waters, aesthetics;, etc. etc.). 3) Impacts on marine ecosystems, especially living resources, endangered species, and the most sensitive environments. 4) Potential impacts on other uses of the sea, such as spoiling the quality of water suitable for industrial uses, corrosion of underwater facilities, obstructing the operation of ships due to floating materials, obstructing fishing operations or navigation due to the dumping of waste and solid materials on the seabed, and protecting areas of special importance for scientific purposes. And preserve the environment

Establish Water Quality

Criteria, Guidelines and Standards for Various Water Uses

Based on Current Information and Perceived State of Environment

Develop Priority Action Programmes and Measures

Continue Monitoring

Implement Action Programmes

Have the program’s objectives been achieved in ensuring that water specifications are within objective limits and specifications?

Yes

No

Modify Regional and/or Local Discharge Regulations as required Develop Action Programmes and Measures

**Diagram (1) Environmental Management Scheme**

**For the Government of the STATE of BAHRAIN**

**For the Government of the STATE of BAHRAIN**

**For the Government of the Islamic Republic of Iran**

**For the Government of the Islamic Republic of Iran**

**For the Government of the REPUBLIC of IRAQ**

**For the Government of the REPUBLIC of IRAQ**

**For the Government of STATE of KUWAIT**

**For the Government of the STATE of KUWAIT**

**For the Government of the SULTANATE of OMAN**

**For the government of the Sultanate of Oman**

**For the Government of the STATE of QATAR**

**For the Government of the STATE of QATAR**

**For the Government of the KINGDOM of SAUDI ARABIA**

**For the Government of the KINGDOM of SAUDI ARABIA**

**For the Government of the UNITED ARAB EMIRATES**

**For Government of the UNITED ARAB EMIRATES**