OSPAR Convention on the Protection of the Marine Environment of the North-East Atlantic

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The OSPAR Commission (“OSPAR”) is the means by which the countries of the North-East Atlantic cooperate in protecting their seas. It was created by the Convention for the Protection of the Marine Environment of the North-East Atlantic, which was opened for signature in Paris on 22 September 1992, and entered into force on 25 March 1998.

This paper sets out to cover five aspects of the question of how the OSPAR Commission ensures compliance with the obligations and commitments that the Contracting Parties enter into under the OSPAR Convention for the Protection of the Marine Environment of the North-East Atlantic: to set the scene about the origins of the OSPAR Convention’s predecessors, and the approach to compliance that was initially adopted; to describe the way in which practice on compliance developed in the first twenty years of operating the OSPAR system; to explain the changes that were made in 1992; to describe the way in which those changes have been implemented; to set out what has been achieved as a result.

I. Scene-setting

1. The Origins of the Commission

OSPAR is the latest stage in developments which began in the late 1960s. In 1967, the oil tanker Torrey Canyon ran aground on the Seven Stones reef to the south-west of England. This led to the release of 117 000 tonnes of oil into the sea, with disastrous consequences for the environment. These events proved to be a pivotal point for international cooperation to combat marine pollution in the North-East Atlantic. It ultimately stimulated the signature, in 1969, of the Agreement for Cooperation in Dealing with Pollution of the

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North Sea by Oil (the “Bonn Agreement”), a sister organisation of the OSPAR Commission, which shares the same secretariat.

At the same time, concern about the effects of chemicals on the environment was leading to stricter controls over chemical waste. One reaction was the rapid growth in the dumping of such waste at sea. In 1968 the International Council for the Exploration of the Sea (ICES) drew attention to the vast quantities of waste which were being disposed of in this way.

Several initiatives by Governments resulted. The Nordic States met in January 1971, and agreed both to adopt bans on dumping toxic and persistent substances from their own ships, and to set up an international conference to consider an international agreement on the subject. The German Government was considering a similar initiative. Preparations were in hand for the 1972 United Nations Stockholm Conference on the Human Environment, and a meeting was organised in London in June 1971 to prepare material for that conference on the issue of dumping at sea.

Events then precipitated international action. A Dutch ship, the Stella Maris, sailed from the port of Rotterdam on 16 July 1971 to dump 650 tonnes of chlorinated chemical waste in the North Sea. The combined weight of public opinion and the views of the Governments of many North-East Atlantic countries obliged her to return to port on 25 July without carrying out the planned dumping. While this was happening, a meeting between Belgium, France, the Federal Republic of Germany, the Netherlands and the United Kingdom started on 23 July 1971 in Paris, as a result of the London meeting in June 1971, to develop a common position on the issue of dumping. The coincidence of the events led to agreement to develop international rules to control dumping at sea. In cooperation with the Nordic States, the Oslo Convention\(^1\) was negotiated and signed on 15 February 1972 - within eight months of these events. It entered into force on 6 April 1974.

In June 1972, the UN Stockholm Conference on the Human Environment adopted a declaration setting out the Stockholm Principles. Principle 7 states that “States shall take all possible steps to prevent pollution of the seas by substances that are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.”

To give effect to this principle for the North-East Atlantic, the French Government organised a diplomatic conference in Paris in December 1972. There was ready agreement to draw up an international agreement dealing with the prevention of marine pollution by discharges of dangerous substances from land-based sources, watercourses or pipelines, but the details

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\(^1\) Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft, Oslo, 15 February 1972 (“the Oslo Convention”).