

**MEMORANDUM OF UNDERSTANDING (MOU) ON  
REGIONAL CO-OPERATION REGARDING PREPAREDNESS AND  
RESPONSE TO OIL SPILLS IN THE MARINE ENVIRONMENT  
OF THE NORTHWEST PACIFIC REGION**

The People's Republic of China, Japan, the Republic of Korea and the Russian Federation, hereinafter referred to as the NOWPAP Members:

**RECOGNISING** the serious threat posed to the marine environment by oil pollution incidents involving ships, offshore units, sea ports and oil handling facilities;

**MINDFUL THAT**, in the event of an oil pollution incident, prompt and effective action is essential in order to minimise the damage which may result from such an incident;

**RECOGNISING ALSO** the importance of mutual assistance and international co-operation through the exchange of information such as national contingency plans, reports on significant incidents and relevant research and development;

**BEARING IN MIND** the relevant provisions of the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC Convention) related to the promotion of bilateral or multilateral agreements for preparedness for and response to pollution incidents;

**TAKING ACCOUNT** of the "polluter pays" principle as a general principle reflected in the OPRC Convention;

**TAKING ACCOUNT ALSO** of the importance of international instruments on liability and compensation for oil pollution damage;

**TAKING ACCOUNT FURTHER** of the Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Northwest Pacific Region (NOWPAP) adopted at the First Intergovernmental Meeting

(Seoul, 14 September 1994), which agreed, *inter alia*, to maintain and promote regional co-operation in marine oil pollution preparedness and response;

**BEING AWARE** of the need to promote regional co-operation and to enhance existing national, and regional capabilities concerning preparedness and response to marine oil pollution incidents;

**RECOGNISING FURTHER** that regional oil pollution contingency plans specifying in advance operational procedures and administrative and financial conditions related to co-operation in cases of emergency, are necessary for a prompt and efficient response to marine oil pollution at regional level;

**ACKNOWLEDGING** the positive role played by the Marine Environmental Emergency Preparedness and Response Regional Activity Centre (MERRAC) and the support of the International Maritime Organization (IMO) and of the United Nations Environment Programme (UNEP) in promoting regional co-operation in preparedness for and response to marine oil pollution incidents in the NOWPAP region;

**HAVE REACHED THE FOLLOWING UNDERSTANDING:**

### **ARTICLE 1**

The NOWPAP Members decide, in accordance with the OPRC Convention and with their respective laws, and subject to their capabilities and availability of resources, to use the NOWPAP Regional Oil Spill Contingency Plan (annexed to this MOU, hereinafter referred to as “the Plan”) as a guideline for regional co-operation on major marine oil pollution emergencies and promote its implementation.

## **ARTICLE 2**

(1) In cases of major oil pollution incidents, the NOWPAP Members decide to co-operate, in taking individually and jointly, necessary response measures according to the Plan.

(2) Any NOWPAP Member requiring assistance to deal with a marine oil pollution incident may call for assistance from other Members. The NOWPAP Members so requested should use their best endeavours to render the assistance, in accordance with Article 1.

(3) Nothing in this Memorandum of Understanding should inhibit the NOWPAP Members from calling for assistance from outside the region if they judge it necessary.

(4) Each NOWPAP Member should consider how best to facilitate the prompt movement between the Members of personnel, equipment and other means to respond to oil spills.

## **ARTICLE 3**

(1) The NOWPAP Members, according to the Plan, should exchange information specified in the Plan, directly or through MERRAC.

(2) Each NOWPAP Member should provide MERRAC with up-to-date information which is relevant to the purpose of this Plan, and MERRAC should keep the Members informed accordingly and on a regular basis.

#### **ARTICLE 4**

- (1) This Memorandum of Understanding is without prejudice to rights and obligations under any international instrument.
- (2) This Memorandum of Understanding will come into effect for a NOWPAP Member on the date of its signature.
- (3) This Memorandum of Understanding is open for signatures by all NOWPAP Members.
- (4) This Memorandum of Understanding should be amended by mutual consent, at any time, upon the request of any NOWPAP Member, which have signed the MOU.
- (5) Any NOWPAP Member may withdraw from this Memorandum of Understanding by giving four months written notice to the other Members directly and through MERRAC. The NOWPAP Members should consult to determine how the outstanding matters should be dealt with.

#### **ARTICLE 5**

Any dispute in the interpretation or application of this Memorandum of Understanding will be resolved by consultations between the NOWPAP Members.

The foregoing represents the understanding reached between the NOWPAP Members.

This Memorandum of Understanding and the Plan do not create among NOWPAP Members any legally binding obligations.

The Memorandum of Understanding is signed at Beijing on October 28, 2004  
by the following representatives of respective NOWPAP Members.

For the People's Republic of China



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Name and title Zhang Chunxian, Minister of Communications

The Memorandum of Understanding is signed at Tokyo on 19 October 2004  
by the following representatives of respective NOWPAP Members.

For Japan

北 側 一 雄

Name and title Kazuo Kitagawa  
Minister of Ministry of Land, Infrastructure and Transport

The Memorandum of Understanding is signed at Seoul on 05 Oct. 2004  
by the following representatives of respective NOWPAP Members.

For the Republic of Korea

Seung Woo, Chang

Name and title Seung-Woo Chang, Minister of Ministry of Maritime  
Affairs and Fisheries.

The Memorandum of Understanding is signed at Moscow on 29 October 2004 by the following representative of respective NOWPAP Members.

For the Russian Federation (signature)



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Name and title

Levitin Igor,

Minister of Transport of the Russian Federation