

# **Third United Nations Conference on the Law of the Sea**

1973-1982

Concluded at Montego Bay, Jamaica on 10 December 1982

Document:-

**A/CONF.62/C.3/L.4**

## **Greece: draft articles on the enforcement of the provisions on the protection of the marine environment**

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume III (Documents of the Conference, First and Second Sessions)*

*Article 20*

States shall disseminate as soon as possible the data and information obtained on the risks and effects of pollution on the marine environment to States likely to be affected and to the Authority, as well as to UNEP and to other concerned international organizations, with a request to disseminate such data and information.

## REGULATIONS

*Article 21*

Acting through competent international or regional organizations, States shall establish international standards for the prevention of pollution of the marine environment from all sources under their jurisdiction taking into account, *inter alia*, available scientific evidence, geographical, ecological and economic factors. States shall, individually and to the extent possible, endeavour to adopt these standards within the limits of their national jurisdiction.

*Article 22*

The Authority individually or in collaboration with other competent international or regional bodies shall formulate and adopt rules and regulations for the preservation of the marine environment and prevention of pollution arising from the air space, the exploration and exploitation of the marine resources of the sea-bed, subsoil and the water column beyond the limits of national jurisdiction.

*Article 23*

States, acting through competent international or regional bodies, shall establish and adopt international standards for the prevention of pollution from vessels. In establishing these standards due regard shall be given to the need for appropriate standards for special situations.

*Article 24*

The United Nations Environment Programme shall endeavour to ensure that standards formulated by States, the Authority and other competent international or regional bodies with respect to any sector of the marine environment are complementary and in accordance with established environmental principles and objectives.

## ENFORCEMENT

*Article 25*

States shall take appropriate measures to give effect to these articles in respect of land-based and atmospheric sources of marine pollution.

*Article 26*

Coastal States shall enforce their national or adopted international regulations against pollution of the marine environment on all vessels whether in their ports or in transit, or engaged in the exploration or exploitation of the marine resources within the limits of their national jurisdiction.

*Article 27*

Coastal States shall enforce national or adopted international measures against pollution of the marine environment originating from the exploration and exploitation of the marine areas within the limits of their national jurisdiction.

*Article 28*

The Authority shall ensure that measures against all sources of pollution of the marine environment beyond the limits of national jurisdiction are implemented.

## RESPONSIBILITY OF STATES AND OF THE AUTHORITY

*Article 29*

States shall be responsible for damage caused by their activities, those of their nationals, physical or juridical and others under their control or registration to any part of the marine environment.

*Article 30*

The Authority shall be responsible for damage caused by pollution to the marine environment by its activities or by the activities of those whom the Authority permits to undertake exploration and exploitation of the marine resources in areas beyond the limits of national jurisdiction.

## COMPENSATION FOR DAMAGE

*Article 31*

## SETTLEMENT OF DISPUTES

*Article 32***DOCUMENT A/CONF.62/C.3/L.4****Greece: draft articles on the enforcement of the provisions on the protection of the marine environment**

[Original: English]  
[23 July 1974]

## ENFORCEMENT

## A. POLLUTION FROM LAND-BASED SOURCES

*Article 1*

Regulations adopted in accordance with the provisions of this Convention for the protection and preservation of the marine environment from land-based sources of pollution shall

be enforced by the State within the territory which is the source of pollution.

## B. POLLUTION FROM THE EXPLORATION AND EXPLOITATION OF THE SEA-BED

*Article 2*

Regulations adopted in accordance with the provisions of this Convention for the protection and preservation of the

marine environment from pollution arising from the exploration and exploitation of the sea-bed shall be enforced by the coastal State within the areas under its national jurisdiction and by the flag State.

#### C. POLLUTION FROM DUMPING AT SEA

##### *Article 3*

Regulations adopted in accordance with the provisions of this Convention for the protection and preservation of the marine environment from dumping at sea shall be enforced:

- (a) By any State within its territory;
- (b) By the flag State on vessels and aircraft registered in its territory or flying its flag;
- (c) By the coastal State on vessels and aircraft engaged in dumping within areas under its national jurisdiction;
- (d) By the port State on vessels and aircraft loading in its ports or offshore terminals matter which is to be dumped.

#### D. POLLUTION FROM SHIPS

##### *Article 4*

###### PRIMARY OBLIGATION

1. Regulations adopted in accordance with the provisions of this Convention for the protection and preservation of the marine environment from pollution from ships shall be primarily enforced by the flag State which has a right and obligation to this effect.

2. At the documented request of any State the flag State has an obligation to institute proceedings against the owner or master of any ship registered within its territory or flying its flag for the alleged violation of such regulations and inform the requesting State of the action taken upon such request.

3. After appropriate inspection the flag State has the obligation to issue a certificate that a ship registered in its territory or flying its flag complies with the regulations referred to in paragraph 1 of this article. Such a certificate duly issued under the authority of a party to this Convention shall be accepted by other parties as having the same validity as a certificate issued by them.

##### *Article 5*

###### INSPECTION

1. The flag State has the right and the obligation to inspect ships registered in its territory or flying its flag anywhere at such regular intervals as provided for by regulations adopted in accordance with this Convention and at any other time when deemed appropriate.

2. The coastal State has within areas under its national jurisdiction the right to inspect a ship registered in the territory or flying the flag of another State where serious pollution has been caused by such ship in the above areas.

3. The port State has the right to inspect any ship while in its ports or at its offshore terminals.

4. The periodical inspection by the flag State shall, and any other inspection by such State may, refer to the actual condition of the ship. Inspection by coastal or port State shall be limited to verifying that there is on board a valid certificate unless there are clear grounds that the condition of the ship

does not correspond substantially with the particulars in that certificate.

##### *Article 6*

###### PROCEEDINGS

1. Where a violation of regulations concerning discharge of pollutants at sea is committed by a ship within the internal waters or the territorial sea of a contracting State proceedings against such ship may be instituted by the flag State, the coastal State or, at their documented request, by any port State.

2. Where a violation of regulations concerning discharge of pollutants at sea is committed by a ship within the economic zone of a contracting State, proceedings shall be instituted by the flag State on the documented request of the coastal State within the economic zone in which the violation occurred. If no action is taken by the flag State within six months from the receipt of such request proceedings shall be instituted by the coastal State or, at its documented request, by any port State.

3. Where a violation of regulations concerning discharge of pollutants at sea is committed by a ship in the area beyond the limits of national jurisdiction proceedings shall be instituted by the flag State on its initiative or at the documented request of any contracting State.

4. Where a violation of regulations concerning ship design, construction, equipment, manning or any matter other than discharge has been committed by a ship, proceedings shall be instituted by the flag State on its initiative or at the documented request of any contracting State within the area of national jurisdiction in which such violation resulted in pollution or serious danger of such pollution.

#### E. NON-DUPLICATION OF PROCEEDINGS

##### *Article 7*

Where proceedings have been initiated by a contracting State against a ship in accordance with preceding articles 2, 3 or 6, no other contracting State shall start proceedings against the same ship for the same violation.

#### F. ENFORCEMENT OF SENTENCES

##### *Article 8*

Where a sentence is issued in accordance with the provisions of articles 2, 3 or 6 it shall be enforced by any port State at the request of the State the appropriate authorities of which issued such sentence.

#### G. UNDUE DELAY TO SHIPS

##### *Article 9*

1. In the exercise of rights and obligations under articles 2, 3 and 6 of this Convention all possible efforts shall be made to avoid undue detention or delay of a ship.

2. A ship shall be entitled to compensation for any loss or damage suffered from undue detention or delay under articles 2, 3, 5, 6 or 8 of this Convention or caused by other wrongful application of this Convention.

3. The owner of such ship may bring an action for damages before the courts of the State liable under paragraph 2 above or, in case such State is not the flag State, initiate the proceedings provided for in articles . . . of this Convention for the settlement of disputes.