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A/CONF.62/C.3/L.5

Israel: draft articles on the enforcement of provisions on the protection of the marine environment

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DOCUMENT A/CONF.62/C.3/L.5

Israel: draft articles on the enforcement of provisions on the protection of the marine environment

[Original: English]
[29 July 1974]

Article 1

OFFENCES

Every State undertakes to make the discharge of pollutants into the sea an offence punishable by adequate penalties.

Article 2

DOCUMENTARY EVIDENCE

Every State undertakes to make suitable provisions for the admission by its courts of law of documentary evidence, submitted by competent authorities of another State, concerning the commission by ships operating under its flag of an offence in respect of discharge of pollutants into the sea.

DOCUMENT A/CONF.62/C.3/L.6

Canada, Fiji, Ghana, Guyana, Iceland, India, Iran, New Zealand, Philippines and Spain: draft articles on a zonal approach to the preservation of the marine environment

[Original: English]
[31 July 1974]

These draft articles do not necessarily represent the full or final position of the sponsors, are without prejudice to declared national positions, and do not imply withdrawal of the proposals submitted, individually or jointly, by some of the above-named States or substitution of such proposals or national positions by the present draft articles.

Article 1

States have the obligation to protect and preserve the marine environment.

Article 2

1. States shall co-operate on a global basis and as appropriate on a regional basis, directly or through competent international organizations, global or regional, to formulate and elaborate treaties, rules, standards and recommended practices and procedures consistent with this Convention for the prevention of marine pollution, taking into account characteristic regional features, the economic capacity of developing countries and their need for economic development.

2. States with interests in the marine environment of a region or geographically common area should co-operate in formulating common policies and measures for the protection of such regions or areas. States should endeavour to act consistently with the objectives and provisions of such policies and measures.

Article 3

1. States shall take all necessary measures to prevent pollution of the marine environment from any source, using for this purpose the best practicable means in accordance with their capabilities, individually or jointly, as appropriate, and according to their own environmental policies.

2. States shall take all necessary measures to ensure that activities under their jurisdiction or control do not cause

damage to areas beyond their national jurisdiction, including damage to other States and their environment, by pollution of the marine environment.

3. The measures taken pursuant to these articles shall deal with all sources of pollution of the marine environment, whether air, land, marine, or any other sources. They shall include *inter alia*:

(a) In respect of land-based sources of pollution of the marine environment, including rivers, estuaries, pipelines and outfall structures, measures designed to minimize the release of noxious and harmful substances, especially persistent substances, into the marine environment, to the fullest possible extent;

(b) In respect of pollution from vessels, measures relating to the prevention of accidents, the safety of operations at sea and intentional or other discharges, including measures relating to the design, equipment, operation and maintenance of vessels, especially of those vessels engaged in the carriage of hazardous substances whose release into the marine environment, either accidentally or through normal operation of the vessel, would cause pollution of the marine environment;

(c) In respect of pollution from installations or devices engaged in the exploration and exploitation of the natural resources of the sea-bed and subsoil, measures for the prevention of accidents and the safety of operations at sea, and especially measures related to the design, equipment, operation and maintenance of such installations and devices; and

(d) In respect of pollution from dumping by vessels, aircraft and fixed or floating platforms, measures for prohibiting or regulating such dumping.

Article 4

In taking measures to prevent marine pollution, States shall guard against the effect of transferring damage or hazard from one area to another.