

**THE RELATIONSHIP BETWEEN UNITED NATIONS
CONVENTION ON THE LAW OF THE SEA AND THE IMO
CONVENTIONS**

Anna Mihneva - Natova
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DISCLAIMER

The views expressed herein are those of the

Abbreviations

CLC	International Convention on Civil Liability for Oil Pollution Damage, 1969-1992
COLREG 1972	Convention on the International Regulations for Preventing Collisions at Sea, 1972
Commission	European Commission
Community	European Community
EEZ	Exclusive Economic Zone
EU	European Union
FAL	Convention on Facilitation of International Maritime Traffic, 1965
Fund Convention	

“The ocean, like the air, is the common birthright of mankind.”

Thomas Jefferson

Introduction

This paper is intended to provide a comprehensive overview of the work which was done during the six month research program at the Center for Oceans Law and Policy of the University of Virginia, Charlottesville, U.S.A, 15 March – 15 September 2005. The research program was supervised by professor John Norton Moore, Director of the University’s Center for Oceans Law and Policy, and the Center for National Security Law.

The topic of my research deals with the relationship between the 1982 Law of the Sea Convention (hereinafter refer as the Law of the Sea Convention) and the IMO Conventions. The research on the above-mentioned topic covers in details the following:

- I. Background and goals of the negotiating process of the Law of the Sea Convention*
- II. The system of the Conventions adopted by IMO*
- III. The relationship between the standard setting in the Law of the Sea Convention and the standard setting adopted by IMO and comparative analysis between the relevant provisions*
- IV. Contemporary challenges*

This paper includes comments and concepts of relevance in assessing the general legal framework relating the Law of the Sea Convention to the work of IMO and its Conventions. The study is focused only on the rules and standards contained in IMO Conventions and protocols. The resolutions of the IMO Assembly, the Maritime Safety Committee (MSC) and the Maritime Environment Protection Committee (MEPC), which incorporate recommendations on the implementation of technical rules and standards, are not included in this study. The paper also provides a detailed analysis of the relationship between the Law of the Sea Convention and various IMO Conventions and some views on contemporary challenges for European policy and the adherence of USA to the Law of the Sea Convention.

I. Background and Goals of the Negotiating Process of the Law of the Sea Convention

This part of the research focuses on two main questions:

- Why is IMO recognized as the only international organization responsible for establishing and adopting measures at the international level?
- Why did the drafters want the single settings of standards?

An intense treaty making activity was in progress at IMO well before the Third United Nations Conference on the Law of the Sea (UNCLOS) started its deliberations in 1973. By the end of these deliberations most of the main IMO treaties had been adopted

and some of them were considered as “generally accepted”. Since 1973 the Secretariat of IMO (formerly IMCO¹) actively contributed to the work of UNCLOS in order to ensure that the elaboration of IMO instruments conformed with the basic principles guiding the elaboration of the Law of the Sea Convention, 1982².

Overlapping or potential conflict between IMO’s work and that of UNCLOS have been avoided by the inclusion in several IMO conventions of provisions which state specifically that their text does not prejudice the codification and development of the law of the sea by UNCLOS or any present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction. The task of the negotiators was to prepare a new comprehensive legal order for the oceans which will accommodate and reconcile the many and varied interests in the oceans.

The IMO is explicitly recognized in only one provision of the Law of the Sea Convention as the legitimate international forum in which states are expected to develop new international standards and regulations or revise existing rules on these subjects (Article 2 of Annex VIII). Several provisions of the Law of the Sea Convention refer to the “competent international organization” in connection with the adoption of international shipping rules and standards in matters concerning maritime safety, efficiency of navigation and the prevention and control of marine pollution from vessels and by dumping.

There were strong reasons why such control should be international law, through the
International Maritime Organization (IMO) (international coastal state claim

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Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS PROT (amended) 1978)
Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 (SOLAS PROT (HSSC) 1988)
International Convention on Load Lines, 1966 (LOAD LINES 1966)
Protocol of 1988 relating to the International Convention on Load Lines, 1966 (LL PROT 1988)
Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended (COLREG)
International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW (amended) 1978)
International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F)
Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (SFV 1977)
Torremolinos Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 (SFV PROT 1993)
International Convention on Maritime Search and Rescue, 1979 (SAR 1979)

The second category of treaties embraces conventions relating to the field of combating and preventing marine pollution. Conventions in this category are:

International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 relating thereto (MARPOL (amended) 73/78)
International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 (INTERVENTION 1969) as modified by the Protocol 1973
International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC 1990)
Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, as amended (LC (amended) 1972)
Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1996 (LC PROT 1996)
Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances 2000 (OPRC/HNS PROT 2000)

The regime concerning marine pollution has been significantly enriched by the third category of conventions, those concerning liability. These are:

International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC 1969) as modified by the Protocol of 1992

International Convention on the Establishment of an International Fund for
Compensation for Oil Pollution Damage, 1971 as modified by the Protocols
of 1976, 1992, 2000, 2003
Convention relating to Ci

Conventions containing such rules and standards because it sets a clear limit to the

ships or ships carrying certain cargoes, when adopted and implemented in accordance with the guidelines and criteria developed by the Organization" (IMO). Paragraph (d) of regulation V/8 (V/10 in the text as amended by MSC 73 in 2000) acknowledges that the initiation of action for establishing a ships' routeing system is the responsibility of the Governments or Government concerned, which should take into account the guidelines and criteria developed by IMO.

Provisions on traffic separation schemes (TSS) are contained in COLREG, rules 1(d) and 10. These provisions define, respectively, the competence of IMO to adopt TSS and the main technical regulations to be followed in this regard. These regulations effectively institute restrictions on navigation in order to ensure safety.

While SOLAS Convention, Chapter V, Regulation 8 recognizes IMO as the only international body competent to prescribe traffic separation schemes, coastal States also have some competence in this area. The Law of the Sea Convention provides that in its territorial sea a coastal State may enact regulations relating to the navigation of foreign vessels exercising their right of innocent passage (Article 21), and adds that a coastal State prescribing a traffic separation scheme in its territorial sea must take into account any IMO recommendations and such factors as the special characteristics of particular ships and the density of traffic (Article 22).

In the same way as the coastal State has authority within the territorial sea, States bordering straits are entitled to designate sea lanes and traffic separation schemes or, as appropriate, substitute them in order to promote the safe passage of ships in straits used for international navigation (Article 41(1) and (2) of the Law of the Sea Convention). While in the case of the territorial sea coastal States are simply required to "take into account" the recommendations of IMO, the implementation of these regulations is made mandatory in the case of States bordering straits. In accordance with the Law of the Sea Convention, sea lanes and traffic separation schemes in straits used for international navigation "shall conform to generally accepted international regulations" (Article 41(3)) and must be referred to the IMO "with a view of their adoption" before being prescribed by the coastal State (Article 41 (4)). IMO regulations to be considered in this regard are contained in SOLAS (regulation V/8) for routeing measures other than TSS, COLREG 1972 (rules 1(d) and 10) for TSS.

In straits subject to the regime of transit passage, the Law of the Sea Convention provides that the coastal State's competence is more limited. States bordering straits may enforce TSS and regulations establishing sea lanes only after they have been formally adopted by IMO. However, IMO is empowered to adopt them only if agreed with the States concerned (Article 41(4)). Sea lanes and TSS established under Article 41 are mandatory for ships in transit passage (Article 41(7))⁷. Article 35(c) of the Law of the Sea Convention establishes that its provisions for straits used for international navigation do not affect "the legal regime in straits in which passage is regulated in whole or in part by long-standing international conventions in force specifically relating to such straits". This provision should be borne in mind in connection with paragraph (k) of SOLAS regulation V/8:

Nothing in this regulation nor its associated guidelines
and criteria shall prejudice the rights and duties of

Governments under international law or the legal regime of international straits.

With respect to sea lanes and traffic separation schemes through the waters of two or more States bordering straits, the States concerned are required to co-operate in formulating proposals in consultation with "the competent international organization" (IMO) (Article 41(5)). SOLAS regulation V/8(f) requires States to formulate joint proposals on the basis of an agreement between them which would be disseminated to the Governments concerned. It is also worth emphasizing that in the case of straits which are excluded from the regime of transit passage by virtue of Article 38 of the Law of the Sea Convention, or straits which lie between a part of the high seas or an EEZ and the

point of view of safety of life at sea. SOLAS imposes a general obligation on flag States to ensure, for the purpose of safety of life at sea, the appropriate manning of the ship. Thus, ships must be provided with an appropriate certificate as evidence of the minimum required safe manning (see regulation V/14).

Paragraph 7 of Article 94 of the Law of the Sea Convention provides that the flag State has the duty to conduct an investigation into every marine casualty or incident of navigation on the high seas involving a ship flying its flag. This duty applies if the casualty has caused loss of life or serious personal injury, or serious damage to ships, installations, or the marine environment. The investigation is to be held by, or before, suitably qualified persons. The Law of th

other sources of pollution : pollution from sea-bed activities and land based sources, are not subjects of this paper.

Comprehensive framework

The provisions on the protection and preservation of the marine environment constitute a substantial component of the Convention on the Law of the Sea. Indeed, the Law of the Sea Convention, which has been termed the most important and comprehensive international environmental agreement in existence¹⁰, has had a fascinating symbiotic relationship with the development of international environmental law adopted within the International Maritime Organization. In its work on environmental protection, IMO is one of the unsung heroes of our time. It has been towing steadily to tackle ship-source pollution since the late 1960s, with but a minimum of international publicity, relatively unknown outside the maritime field.¹¹

The essence of the established international legal regime is concentrated in Part XII of the Law of the Sea Convention. Article 192 sets forth the general obligation of States to protect and preserve the marine environment. The general obligation under Article 192 is augmented by the more specific measures to be undertaken by states – individually or jointly – to prevent, reduce and control pollution of the marine environment from any given source.

Pollution from vessels

The Law of the Sea Convention lays down in considerable detail the extent to which states have rights or duties to take protective measures as regards ship-source pollution. Separate rules exist for flag states, coastal states and port states. While the obligations of flag states are the same irrespective of the sea area concerned, coastal states' rights depend on whether the (foreign) ship is in the internal waters, territorial sea, exclusive economic zone of the coastal state or in the high seas. The regime for vessel-source pollution is among the most detailed set of provisions in the Law of the Sea Convention, and involves a very delicate balance between coastal and maritime interests, which is different for each maritime zone.

Article 211(1) of the Law of the sea Convention lays down a general obligation for States, acting through the competent international organization (IMO) or general diplomatic conference, to establish international rules and standards regarding vessel-sourced pollution, and to re-examine them from time to time as necessary. The expression “competent international organization” appears frequently in Part XII, in Articles 211,217,218,220 and 223. The need for global solutions in shipping is very clearly recognized in the Law of the Sea Convention, which, on the one hand, lays down the internationally agreed technical rules as the minimum standards for all flag states who

¹⁰ See, for example the statement that the LOS Convention is “the strongest comprehensive global

foreign vessels. If the violation is committed beyond the territorial sea, monetary penalties only may be imposed (article 230(1)). As an exception, non-monetary penalties are allowed in cases of violations committed by foreign vessels in the territorial sea causing a "wilful and serious act of pollution" (article 230(2)). In other words, there must be an act of wilful misconduct in the territorial sea, resulting in the introduction into marine environment of a polluting substances to authorize the imposition of a prison sentence. Violations to MARPOL rules resulting in substandard navigation without both wilful misconduct and polluting discharges can only be sanctioned with monetary penalty.

Pollution by dumping

The Law of the Sea Convention includes a definition of "dumping" in Article 1(5). Article 210 contains regulations specifically related to the prevention, reduction and control of pollution by dumping. The obligation for States to adopt laws and regulations and to take the additional measures that may be needed to prevent, reduce and control pollution of the marine environment by dumping is contained in paragraphs 1 and 2. In accordance with paragraph 6 such laws, regulations and measures shall be no less effective in preventing, reducing and controlling such pollution than the "global rules and standards".

In this connection, Article 210(4) imposes upon States the obligation to endeavour to establish global and regional rules and standards and recommended practices and procedures to prevent, reduce and control pollution by dumping. Such provisions should be adopted through "competent international organizations or diplomatic conference". The reference in the plural to international organizations indicates that in this case the task of IMO at global level can be complemented by regulatory activities undertaken under the sponsorship of other organizations. Cooperation between IMO and other organizations has been implemented, especially in connection with the adoption of regional agreements¹³.

The international global and regional framework which has been established in this regard consists of several treaties and agreements. At a global level, antipollution measures are contained in the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Convention, 1972), as periodically amended by decisions of its Contracting Parties. In 1996 the Contracting Parties to the London Convention adopted the Protocol to the Convention on the Prevention of Marine Pollution by the Dumping of Wastes and Other Matter, (1996 LC Protocol) which comprehensively and substantially amends the parent convention. Eventually, the 1996 Protocol will replace the Convention.

Article 216(1)(b) of the Law of the Sea Convention requires the flag State to enforce with regard to vessels flying its flag or vessels or aircraft or its registry the laws and regulations adopted in accordance with the Convention and applicable international rules and standards adopted through the competent international organizations or diplomatic conference for the prevention, reduction and control of pollution of the marine environment by dumping. The London Convention (Article VII(1)(a)) requires each Contracting Party to apply the measures required to implement the Convention to vessels

¹³ See *Implications of the United Nations Convention on the Law of the Sea, 1982 for the International Maritime Organization*, Study by the Secretariat of IMO, doc. LEG/MISC 4 (2004)

and aircraft registered in its territory or flying its flag.

The application of the London Convention to all sea areas is established by way of interpretation of the definition of "sea" included in Article 1 of the Convention, which makes the global rules and standards therein contained applicable to all marine waters other than the internal waters of States. Bearing in mind decisions which had already been taken and implemented by Contracting Parties, the 1996 Protocol extends the concept specifically to include the sea-bed and the subsoil thereof, to the exclusion of sub-seabed repositories accessed only from land.

According to the Law of the Sea Convention (Article 210(5)), dumping within the territorial sea and the EEZ or onto the continental shelf shall not be carried out without the express prior approval of the coastal State. The coastal State is required by Article 216(1) of the Law of the sea Convention to enforce laws and regulations adopted in accordance with the Convention and applicable international rules and standards established through the competent international organizations or diplomatic conference for the prevention, reduction and control of pollution of the marine environment by dumping. The Eleventh Consultative Meeting of Contracting Parties agreed that a Party could apply the London Convention 1972 not only in its territorial waters, as specifically stated in this Convention, but also in the EEZ. The London Convention contains specific regulations establishing the conditions which coastal States should follow in the granting of permits for dumping in

undertaken multilaterally either directly amongst States or within an international organization. Article 198 of the Law of the S

Enforcement

In connection with the enforcement of applicable antipollution measures, the Law of the Sea Convention and IMO Conventions contain regulations devoted to the establishment of international rules and standards with respect to the rights and duties of the flag State, the port State where the foreign vessel is admitted, and the coastal State. The provisions of the Law of the Sea Convention regarding enforcement measures, particularly in respect of vessel source of pollution, are marked by their detailed character. Section 7 of part XII of the Law of the Sea Convention contains several provisions which regulate the enforcement powers of both port and coastal States vis-à-vis flag States in connection with the institution of proceedings against foreign ships¹⁵.

The obligation for flag States to adopt and enforce antipollution laws and regulations in compliance with international rules and standards adopted by IMO is included in Articles 211(2) and 217 of the Law of the Sea Convention. The Law of the Sea Convention makes no change in the traditional competence of flag States to prescribe their legislation for their vessels which “at least have the same effect as that of generally charaacun the Sea

in the event of discharge in violation of international rules and standards are contained in Article 218. Paragraph 1 of th

framework for more detailed development in other more specialized treaties.

Article 235 (1) confirms the responsibility of States for the fulfillment their international obligations concerning the protection and preservation of the marine environment. Paragraph 2 requires States to ensure that the recourse is available in accordance with their legal systems for co

States, which have received a combined total of 450 million tons of contributing oil). The

in Article 10 the duty of a ship's master to render assistance to any person at sea in danger of being lost. It further requires States Parties to adopt the necessary measures to enforce this duty¹⁸.

Under Articles 18(2), 45 and 52 of the Law of the Sea Convention a ship may stop and anchor in the territorial sea of another State if it is necessary for the purpose of rendering assistance to persons or aircraft in danger or distress. Ships in transit passage through straits used for international naviga

SOLAS – chapter V (*Safety of Navigation*) – to add a definition of search and rescue services; to set an obligation to provide assistance, regardless of nationality or status of persons in distress, and mandate co-ordination and co-operation between States to assist the ship’s master in delivering persons rescued at sea to a place of safety; and to add a new regulation concerning master’s discretion.

SAR – Annex to the Convention – addition of a new paragraph to chapter 2 (*Organization and co-ordination*) relating to definition of persons in distress, new paragraphs to chapter 3 (*Co-operation between States*) relating to assistance to the master in delivering persons rescued at sea to a place of safety, and a new paragraph to chapter 4 (*Operating procedures*) relating to rescue co-ordination centres’ initiation of the process of identifying the most appropriate places to disembark persons found in distress at sea.

Illicit Acts

The Law of the Sea Convention (Article 108) imposes upon States the duty to co-operate in the suppression of illicit drug-trafficking engaged in by ships on the high seas. Article 58(2) makes this obligation applicable to the EEZ. The problem of drug-trafficking has been considered by IMO within the scope of the amendments introduced in 1990 to the 1965 Convention on Facilitation of International Maritime Traffic (FAL). The standards and recommended practices adopted by FAL are addressed to the public authorities of the Contracting Governments but are applicable only within the jurisdiction of the port State. Measures to suppress illicit traffic in narcotic drugs and psychotropic substances on the high seas and in the exclusive economic zone are addressed in article 108 of the Law of the Sea Convention.

Terrorism

A variety of acts of terrorism have also threatened the safety of ships and the security of their passengers and crews. IMO has addressed the request of the General Assembly of the United Nations to contribute to the progressive elimination of international terrorism. The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988 and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988 (SUA Convention and Protocol) deal with unlawful acts that fall outside the crime of piracy as defined in article 101 of the Law of the Sea Convention.

The terrorist attacks of 11 September 2001 on the United States of America prompted a concerted response from IMO, reflected in IMO Assembly resolution A.924(22) on *Review of Measures and Procedures to Prevent Acts of Terrorism which Threaten the Security of Passengers and Crews and the Safety of Ships*. In the resolution the Assembly request the revision of legal and technical measures and considers new ones to prevent and suppress terrorism against ships and to improve security aboard and ashore, in order to reduce the risk to passengers, crews and port personnel on board ships and in port areas and to the vessels and their cargoes.

In response to resolution A.924(22) the Legal Committee of IMO began a comprehensive review of the SUA treaties. In addition to the amendments to SUA treaties a completely new regulatory safety regime designed to prevent ships and their cargoes becoming the targets of terrorist activities was considered and adopted at a diplomatic conference in December 2002. The new measures are centred around a proposed International Ship and Port Facility Security Code. The Code provides the framework for co-operation between governments, government agencies, local administrations and the shipping and port industries to detect security threats and take preventive measures against security incidents affecting ships or port facilities used in international trade.

The most far-reaching of these amendments consists in the introduction of a new

suppressed. It is the wide, effective and uniform implementation of the new measures that will ensure shipping does not become the soft underbelly of the international transport system¹⁹.

VII. Contemporary challenges

This part of the research is focused on the process of the United States adherence to the Law of the Sea Convention as one of the contemporary challenges and the new developments in the European maritime policy.

United States Adherence to the Law of the Sea Convention

According to the United States Constitution, the President “shall have Power, by and with the advice and consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur”. The function of the Senate, as viewed by the framers of the Constitution, is to both protect the rights of the States and to serve as a check against the President in taking excessive or undesirable treaty actions.

Senate Action on the Law of the Sea Convention

When the 1982 United Nations Convention on the Law of the Sea was submitted to the U.S. Senate for its advice and consent, the President's transmittal letter noted: "Early adherence by the United States to the Convention and the Agreement is important to maintain a stable legal regime for all uses of the sea."

In an effort to make the Convention palatable to not only the United States but to the other major industrialized nations, the George H.W. Bush administration spearheaded a negotiating initiative that resulted in the 1994 Implementing Agreement that addressed initial concerns with the Law of the Sea Convention, particularly those voiced by President Ronald Reagan, who nonetheless stated that the United States should become a party to the Law of the Sea Convention.

The Republican George W. Bush administration has strongly supported the treaty from the outset and through its ambassador to the United Nations declared in November 2001, "...that the administration of President George W. Bush supports accession of the United States to the Convention."

In October 2003, the Republican-majority Senate Foreign Relations Committee held hearings on the Law of the Sea Convention and invited testimony from more than a dozen witnesses and had numerous other supporting documents submitted for the record. In the end, the committee voted 19-0 to send the Convention to the full Senate for ratification.

In 2004, the Chairman of the Joint Chiefs of Staff, General Richard Myers, called the United Nations Convention on the Law of the Sea a "top national-security priority." In its September 2004 report to the President and the Congress, the U.S. Commission on

¹⁹ Hartmut Hesse and Nicolaos L. Charalambous, New Security Measures for the International Shipping Community Maritime Safety Division, International Maritime Organization, WMU Journal of Maritime Affairs, 2004, Vol. 3, No.2, 123-138

Oceans Policy recommended "The United States of America immediately accede to the United Nations Law of the Sea Convention. Time is of the essence if the United States is to maintain its leadership role in ocean and coastal activities."

The December 2004 presidential response to the Oceans Policy Commission report stated "As a matter of national security, economic self-interest, and international leadership, the Bush administration is strongly committed to U.S. accession to the U.N. Convention on the Law of the Sea."

Senate advice and consent to the 1982 Law of the Sea Convention is strongly in the national interest of the United States. Ratification of the Convention will restore United States oceans leadership, protect United States oceans interests, and enhance United States foreign policy.

Why should United States of America should adhere to the Law of the Sea Convention?

At present the Law of the Sea Convention is in force; and with 148 States parties it is one of the most widely adhered conventions in the world. Parties include all permanent members of the Security Council but the United States, and all members of NATO but the United States and Turkey. According to professor John Norton Moore²⁰ "The Convention unequivocally and overwhelmingly meets United States national interests indeed, it is in many respects a product of those interests". Professor Moore briefly explored reasons for United States adherence to the Law of the Sea Convention in his testimony before the Senate Foreign Relations Committee, (October,14, 2003). He summarized the most important reasons, supporting United States adherence to the Law of the Sea Convention, under three powerful ones. Reasons rooted in restoring U.S. oceans leadership, protecting U.S. oceans interests, and enhancing U.S. foreign policy.

European Maritime Safety Policy

Overview

The enlargement of the European Union (EU) to 25 Member States has made it a major maritime power: EU-15's share of the world fleet rose from 16% to 25% after enlargement (28% for the European Economic Area). It is therefore essential that strict rules should be imposed in order to ensure the exemplary quality of European flags. Whilst many flag States and owners are meeting their international obligations, their efforts are constantly undermined by those
ing the

most of them laid down in the Law of the Sea Convention and the Conventions developed within the IMO.

Considering the existing loopholes in the IMO Conventions, the important degree of discretion left to flag States and the existing possibilities to derogate from safety rules for ships in international voyages, the European Community became involved in maritime safety.

With the strategic importance of shipping to the EU economy - 2 billions tonnes of freight are loaded and unloaded in EU ports every year - and the increase of the maritime traffic going through EU waters - every year 1 billion tonnes of oil are transiting through EU ports and EU waters – the EU is constantly developing and intensifying its maritime safety policy which the aim to eradicate substandard shipping essentially through a convergent application of internationally agreed rules.

Although at Community level a few legislative decisions were taken in the period 1978-1992, maritime safety policy actually started in 1993 with the adoption of the Commission's first communication on maritime safety: "A Common Policy on Safe Seas".

This breakthrough was a reaction to accidents at sea which occurred in 1992 and 1993 with the oil tankers "Aegean Sea" which ran aground outside La Coruña harbour (Spain) on 3 December 1992 and "Brear" which grounded off the Shetland Island on 5 January 1993. In addition, the change from the unanimity to the qualified majority rule for maritime decision making on 1 November 1993 also provided an appropriate incentive to develop a comprehensive action on maritime safety.

In the framework of the first communication and the implementation of the detailed action programme attached to it, several important legislative acts were proposed and adopted within 5 years. They are still the core of EU's maritime safety policy.

However, as new disasters occurred in European waters, additional actions focussing on specific shortcomings had to be initiated. After the "Estonia" tragedy, a Ro-Ro passenger ferry which sunk on 28 September 1994, the Community adopted a comprehensive set of rules for the protection of passengers and crew sailing on ferries operating to and from European ports, as well safety standards for passenger ships operating on domestic voyages within the Community.

In the meantime, EU's new maritime strategy gave particular attention to «Quality Shipping». A Charter on «Quality shipping» signed by key players of the maritime sector and the «EQUASIS» system are concrete results of the efforts to promote quality.

Promoting Safety at Sea

The ERIKA- I and ERIKA- II packages of measures

Following the "Erika" accident off the Spanish Atlantic coast in December 1999 which caused exceptional high cost damages to the environment, fisheries and tourism, the European Commission prepared measures in record time designed to increase maritime safety. On 21 March 2000, the Commission adopted a first set of proposals (the Erika I package) which was followed by a second set of measures in December 2000 (the Erika II package). The Erika I package provides an immediate response to shortcomings highlighted by the Erika accident. Under the new measures, the inspection regime has been substantially reinforced in order to increase the number of ships subjected to

expanded inspections and to ensure that ships which have been inspected and declared

establishing a European Maritime Safety Agency responsible for improving enforcement of the EU rules on maritime safety entered into force in August 2002.

With the adoption Directive 2002/59/EC which entered into force on 5 February 2005 a surveillance and information system to improve vessel monitoring in European waters has been established. Ships sailing in EU waters have to be fitted with identification systems which automatically communicate with the coastal authorities, as well as voyage data recorders (black boxes) to facilitate accident investigation. The directive improves the procedures for exchanging data on dangerous cargoes and allows the competent authorities to prevent ships from setting sail in very bad weather. It also requires each maritime Member State to draw up contingency plans for accommodating ships in distress in places of refuge.

The Commission also proposed within the Erika II package a mechanism to improve compensation for victims of oil spills (COPE Fund) and, in particular, raise the upper limits on the amounts payable in the event of major oil spills in European waters to €1 billion from the current ceiling of €36 million. The Council of Ministers has not yet seen fit to adopt this proposal and Member States preferred to refer the discussion to the IMO in order to obtain an agreement applicable worldwide. As a result, a Protocol to the Fund Convention, modelled on Europe's COPE Fund, was adopted in May 2003 to create a supplementary fund. In future, the amount available for compensation for victims in the States covered by this new Fund will be €72 million for each accident occurring after the Protocol enters into force. The Protocol entered into force in 2005.

The Prestige accident

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criminal law framework for the enforcement of the law against ship-source pollution. The Directive establishes that marine pollution by ships is an infringement. Sanctions will be applicable to any party - including the master, the owner, the operator, the charterer of a ship or the classification society - who has been found to have caused or contributed to illegal pollution intentionally or by means of serious negligence. The Framework Decision provides that in the most serious cases

Parties to UNCLOS to the expressions "take acc

Annex I

LIST OF IMO CONVENTIONS

As at 31 October 2005

The table, which can be found on the IMO website (www.imo.org), provides data for each instrument on the number of States which have signed or accepted, including the number of Member States which have not yet deposited the necessary instruments in each case.

(1)(a) International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS (amended) 1974)

Entry into force:	25 May 1980
1981 amendments (MSC.1(XLV)) (subdivision, machinery and electrical installations, fire protection, radio-communications, navigation, carriage of grain)	1 September 1984
1983 amendments (MSC.6(48)) (subdivision, electrical installation, fire protection, life-saving appliances, radiocommunications, carriage of dangerous goods, IBC and IGC Codes)	1 July 1986
1988 amendments (MSC.11(55)) (ro-ro passenger ship door indicators and television surveillance)	22 October 1989
1988 amendments (MSC.12(56)) (passenger ship damage stability)	29 April 1990
1988 amendments (GMDSS) (Conference resolution 1)	1 February 1992

1992 amendments (MSC.24(60)) (existing passenger ship fire protection)	1 October 1994
1992 amendments (MSC.26(60)) (existing ro-ro passenger ship damage stability)	1 October 1994
1992 amendments (MSC.27(61)) (fire protection, life-saving appliances radiocommunications)	1 October 1994
1994 amendments (MSC.31(63))	
Annex 1 (ship reporting systems, emergency towing arrangements on tankers)	1 January 1996
Annex 2 (protection of fuel lines, navigation bridge visibility)	1 July 1998
1994 amendments (Conference resolution 1)	
Annex 1 (new chapter X - Safety measures for high speed craft, (HSC Code), new chapter XI - Special measures to enhance maritime safety)	1 January 1996
Annex 2 (new chapter IX - Management for the safe operation of ships, (ISM Code))	1 July 1998
1994 amendments (MSC.42(64)) (cargo information, loading, stowage and securing)	1 July 1996
1995 amendments (MSC.46(65)) (ships' routing)	1 January 1997
1995 amendments (Conference resolution 1) (ro-ro passenger ship safety)	1 July 1997
1996 amendments (MSC.47(66)) (construction, subdivision and stability, life-saving appliances, (LSA Code), carriage of cargoes, authorization of recognized organizations)	1 July 1998
1996 amendments (MSC.57(67)) (construction; machinery and electrical installations; fire protection, fire detection and fire extinction (FTP Code); carriage of dangerous goods)	1 July 1998
1997 amendments (MSC.65(68))	1 July 1999

(passenger ship subdivision and stability;
vessel traffic services)

1997 amendments (Conference resolution 1)

1 July 1999

989 (Annex V) amendments (MEPC.36(28)) (designation of the North Sea as a special area)	18 February 1991
1990 (Annexes I and II) amendments (MEPC.39(29)) (harmonized system of survey and certification)	3 February 2000
1990 (Annexes I and V) amendments (MEPC.42(30)) (designation of the Antarctic area as a special area)	17 March 1992
1991 (Annex I) amendments (MEPC.47(31))	4 April 1993

of new regulation 16 to Annex II)

2000 (Annex III) amendments (MEPC.84(44))
(deletion of clause relating to tainting of sea food)

1 January 2002

2000 (Annex V) amendments (MEPC.89(45))
(amendments to regulations 1, 3, 5 and 9 to
the Record of Garbage Discharge)

1 March 2002

2001 (Annex I) amendments (MEPC.95(46))

1 September 2002

1987 amendments (FAL.1(17))

1 January 1989

- (10) International Convention on Tonnage Measurement of Ships, 1969
(TONNAGE 1969)
- Entry into force: 18 July 1982
- (11) International Convention relating to Intervention on the High Seas in Cases of Oil
Pollution Casualties, 1969 (INTERVENTION 1969)
- Entry into force: 6 May 1975
- (12) Protocol relating to Intervention on the High Seas in Cases of Pollution by
Substances other than Oil, 1973, as amended
(INTERVENTION PROT (amended) 1973)
- Entry into force: 30 March 1983
- 1991 amendments (list of substances) (MEPC.49(31)) 24 July 1992
- 1996 amendments (list of substances) (MEPC.72(38)) 19 December 1997
- 2002 amendments (lists of substances) (MEPC.100(48)) 22 June 2004
- (13) International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC
1969)
- Entry into force: 19 June 1975
- (14) Protocol to the International Convention on Civil Liability for Oil Pollution
Damage, 1969 (CLC PROT 1976)
- Entry into force: 8 April 1981
- (15) Protocol of 1992 to amend the International Convention on Civil Liability for
Oil Pollution Damage, 1969 (CLC PROT 1992)
- Entry into force: 30 May 1996
- 2000 amendments (LEG.1(82)) 1 November 2003
(amendments of limitation amounts)
- (16) Special Trade Passenger Ships Agreement, 1971 (STP 1971)
- Entry into force: 2 January 1974
- (17) Protocol on Space Requirements for Special Trade Passenger Ships, 1973
(SPACE STP 1973)
- Entry into force: 2 June 1977

(23) Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 (PAL 1974)

Entry into force: 28 April 1987

(24) Protocol to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 (PAL PROT 1976)

Entry into force: 30 April 1989

(25) Protocol of 1990 to amend the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974 (PAL PROT 1990)

Not yet in force

(26) Convention on the International Maritime Satellite Organization (INMARSAT), as amended (INMARSAT C (amended))

Entry into force: 16 July 1979

1985 amendments
(aeronautical-satellite communications) 13 October 1989

1989 amendments
(land mobile-satellite communications) 26 June 1997

1994 amendments
(change of title, Council composition) not yet in force

1998 amendments
(restructuring of the Organization) 31 July 2001

(27) Operating Agreement on the International Maritime Satellite Organization (INMARSAT), as amended (INMARSAT OA (amended))

Entry into force: 16 July 1979

1985 amendments
(aeronautical-satellite communications) 13 October 1989

1989 amendments
(land mobile-satellite communications) 26 June 1997

1994 amendments
(change of title, Council composition) not yet in force

1998 amendments
(restructuring of the Organization) 31 July 2001

(28) Convention on Limitation of Liability for Maritime Claims, 1976
(LLMC 1976)

Entry into force: 1 December 1986

(29) Protocol of 1996 to amend the Convention on Limitation of Liability for
Maritime Claims, 1976 (LLMC PROT 1996)

Entry into force: 13 May 2004

(30) Torremolinos Protocol of 1993 relating to the Torremolinos International
Convention for the Safety of Fishing Vessels, 1977 (SFV PROT 1993)

Not yet in force

(31)(a) International Convention on Standards of Training, Certification and
Watchkeeping for Seafarers, 1978, as amended (STCW (amended) 1978)

Entry into force: 28 April 1984

1991 amendments (GMDSS and trials) (MSC.21(59)) 1 December 1992

1994 amendments (MSC.33(63))
(special training requirements
for personnel on tankers) 1 January 1996

1995 amendments (Conference resolution 1)
(revised Annex to Convention, (STCW Code)) 1 February 1997

1997 amendments (MSC.66(68))
(training and qualification requirements for
personnel on passenger ships) 1 January 1999

(32) International Convention on Standards of Training, Certification and
Watchkeeping for Fishing Vessel Personnel, 1995 (STCW-F)

Not yet in force

(33) International Convention on Maritime Search and Rescue, 1979 (SAR 1979)

Entry into force: 22 June 1985

1998 amendments (MSC.70(69))
(revised Annex) 1 January 2000

(34) Convention for the Suppression of Unlawful Acts against the Safety of Maritime
Navigation (SUA 1988)

Entry into force: 1 March 1992

(35) Protocol of 2005 for the amendment of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation

Not yet in force

(36) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (SUA PROT 1988)

Entry into force: 1 March 1992

(37) Protocol of 2005 for the amendment of the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf

Not yet in force

(38) International Convention on Salvage, 1989 (SALVAGE 1989)

Entry into force: 14 July 1996

(39) International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC 1990)

Entry into force: 13 May 1995

(40) International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (HNS 1996)

Not yet in force

(41) Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, as amended (LC (amended) 1972)

Entry into force: 30 August 1975

(a) Amendments to the Convention:

1978 amendments: (LDC.6(III))
(concerning procedures for the settlement of disputes) not yet in force

(b) Amendments to the Annexes:

1978 amendments (LDC.5(III))
(concerning the control of incineration of wastes and other matter at sea) 11 March 1979

Not yet in force

(48) Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992

Not yet in force

(49) International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004

Not yet in force

ANNEX II

PROVISIONS OF THE LAW OF THE SEA CONVENTION RELEVANT TO THE CONVENTIONS OF IMO²⁸

		<p>Paragraph 3: Duty of coastal States in establishing sea lanes and traffic separation schemes</p> <p>Paragraph 4: Duty to indicate sea lanes and traffic separation schemes on charts and duty of publicity</p>	Reference to the recommendations of the "competent international organization"	SOLAS (regulation V/10) COLREG (rules 1(d) and 10))	<p>IMO is the competent international organization.</p> <p>Additional work may be undertaken as regards PSSA/special area requirements. (See Art 211.)</p>
23	Foreign nuclear-powered ships and ships carrying nuclear or other inherently dangerous or noxious substances	Documentary requirements and special precautionary measures	Reference to "international agreements"	SOLAS (chapters VII and VIII)	
24	Duties of the coastal State	Paragraph 2: Publicity in respect of dangers to navigation	IMO's field of competence (safety of navigation) SOLAS V/4		

27 Criminal jurisdiction on board a foreign ship Criminal activity Prevention of unlawful acts against the safety of navigation SUA



Paragraph 6:
Duty to indicate sea lanes and
traffic separation schemes on
charts and duty of publicity

SOLAS V/8

		Paragraph 9: Duty to refer proposals concerning sea lanes or traffic separation schemes to the competent international organization Paragraph 10: Duty to indicate sea lanes and traffic separation schemes on charts and duty of publicity	Reference to the "competent international organization"	SOLAS V/8 (renumbered as V/10 in 2000 amendments) COLREG (rules 1(d) and 10) SOLAS V/8 (renumbered as V/10 in 2000 amendments)	IMO is the competent international organization IMO is the competent international organization.	as Tc4 7
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EXCLUSIVE ECONOMIC ZONE

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60	Artificial islands, installations and structures in the EEZ	Paragraph 3: Duty to remove abandoned or disused artificial islands, installations or structures, and duty of publicity with respect to their partial removal	Reference to "generally accepted international standards" established by the "competent international organization"	London Convention (article III, and annex 17)	Notification of partial removal but also of non-removal should be forwarded to IMO. also of non-reE91-reE913tbJ12.2951 8.0 and 10) anrwarded to IMO.6 -1.1475 TD0 Tw()T
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HIGH SEAS

91 & 92	Nationality of ships and status of ships	Registration of ships	Prevention of unlawful acts against safety of navigation	SUA SUA Protocol Intervention 1969 Intervention Prot 73	
94	Duties of the flag State (applicable also to the EEZ as far as compatible with the EEZ regime according to article 58(2))	<p>Paragraph 1: Flag State jurisdiction with respect to administrative, technical and social matters</p> <p>Paragraph 3: Measures to ensure safety at sea on the following matters:</p> <p>(a) Construction, equipment and seaworthiness of ships</p> <p>(b) Manning of ships</p> <p>Paragraph 4: The above measures shall include the following: (a) Survey of ships and duty to carry charts,</p>	<p>Reference to "generally accepted international regulations, procedures and practices" according to article 94(5)</p> <p>As above</p> <p>Reference to "applicable international instruments"</p> <p>As above</p> <p>As above</p>	<p>SOLAS Load Lines COLREG MARPOL STCW STCW-F</p> <p>SOLAS Load Lines SFV MARPOL</p> <p>STCW STCW-F SOLAS</p> <p>SOLAS</p>	<p>1. The flag State must, as appropriate, comply with non-binding IMO instruments (Res. A.739(18), A.740(18), A.741(18)).</p> <p>2. IMO rules and standards represent the minimum requirements <i>vis-à-vis</i> flag State jurisdiction.</p>

		<p>nautical publications, instruments and equipment</p> <p>(b) Technical qualification of the master, officers, and crew</p> <p>(c) Qualification of the master, officers, and crew in maritime law</p> <p>Paragraph 7: Duty of the flag State to conduct an investigation of any casualty occurring to its ships</p>	<p>Reference to "applicable international regulations"</p> <p>Reference to "generally accepted international regulations, procedures and practices" according to article 94(5)</p> <p>IMO's field of competence</p>	<p>MARPOL</p> <p>SOLAS STCW STCW-F</p> <p>SOLAS STCW STCW-F</p> <p>SOLAS (regulation I/21) Load Lines (article 23) MARPOL art. 6(4) and art. 12</p>	<p>1. The duty to investigate under relevant IMO regulations is limited to the purpose of determining the need for any changes to the pertinent convention.</p>
98	Duty to render assistance	<p>Paragraph 1: Duty of the master to render assistance to persons and ships</p> <p>Paragraph 2: Duty of the coastal State to promote search and rescue services</p>	<p>IMO's field of competence</p> <p>IMO's field of competence</p>	<p>Salvage SOLAS V/33</p> <p>SAR SOLAS V/7</p>	
100	Piracy	Duty of States to co-operate in the repression of piracy	IMO's field of competence (navigational and environmental risk)		

108	Illicit traffic in narcotic drugs or psychotropic substances	Duty of co-operation for the suppression of illicit drug-trafficking	IMO's field of competence (facilitation of maritime traffic)	FAL	1. FAL is applicable only within the jurisdiction of the port State.
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THE AREA

142	Rights and legitimate interests of coastal States	Right of coastal States to take proportionate measures beyond the territorial sea to avoid pollution resulting from or caused by any activities in the Area		Intervention Convention 1973 Intervention Protocol	
163	Organs of the Council (International Seabed Authority)	Paragraph 13: Each Commission may consult any competent organ of the United Nations or of its specialized agencies	Reference to the specialized agencies of the United Nations		IMO is a specialized agency of the United Nations.

PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

197	Co-operation on a global or regional basis	Duty of States to co-operate on a global or regional basis directly or through competent international organization, in elaborating international anti-pollution standards	Reference to "competent international organizations"	OPRC	IMO is a competent international organization.
198	Notification of imminent or actual damage	Duty of States to notify other States and the competent international organizations in cases or imminent or actual damage	Reference to "competent international organizations"	OPRC OPRC PROT 2000	IMO is a competent international organization.

204 to 206	Monitoring and environmental assistance	Monitoring of the risks or effects of pollution, publication of reports, assessing potential effects of activities	Reference to "competent international organizations"		IMO's participation and contribution to GESAMP.
208 (also article 214 with respect to enforcement)	Pollution from seabed activities and from artificial islands, installations and structures subject to national jurisdiction	Establishment by States, through competent international organizations, of international regulations	Reference to "competent international organizations"	OPRC OPRC PROT 2000	Partly covered in MARPOL 73/78, Annex I, reg. 21. Further regulation of offshore activities is under discussion (but not agreed at this time). Pollution directly arising from exploration/exploitation is however not the direct concern of IMO, the Organization may contribute to the establishment of international regulations.
210	Pollution by dumping	Paragraph 4: Adoption by States, through the competent international organization, of global rules, standards and recommended practices and procedures	Reference to "competent international organizations"	London Convention Resolution of the Consultative Meetings of Contracting Parties, LC Protocol, 1996	1. IMO is a competent international organization. 2. The Consultative Meeting concluded that there were no fundamental inconsistencies between UNCLOS and the London Convention.
211	Pollution from vessels	Paragraph 1: Adoption by States, through the competent international organization, of international rules and standards concerning vessel-source pollution, and promotion of routing systems to minimize marine pollution	Reference to the "competent international organization"	MARPOL SOLAS V/8 (renumbered as V/10 in 2000 amendments) AFS, 2001	IMO is the competent international organization for establishing international rules and standards on vessel-source pollution.

Paragraph 2:
Duty of flag States to adopt laws and regulations on vessel-source pollution

Reference to "generally accepted international rules and standards established through the competent international organization"

Paragraph 3:
Duty of States to give due publicity and to communicate to the competent international organization their particular port entry requirements

Paragraph 5:
Adoption by coastal States of laws and regulations for the prevention of vessel-source pollution in their EEZ conforming to generally accepted international rules and standards established through the competent international organization

Paragraph 6:
Particular, clearly defined area for the prevention of vessel-source pollution in the coastal State's EEZ

		<p>Paragraph 6(a) Requirements and procedures to obtain recognition of a particular, clearly defined area</p> <p>Paragraph 6(c) Additional laws and regulations for the particular, clearly defined area on discharges or navigational practices</p> <p>Paragraph 7: International rules and standards under article 211 include those relating to notification to coastal States in cases of incidents or maritime casualties</p>	<p>Reference to "consultations through the competent international organization with any other States concerned"</p> <p>Reference to "generally accepted international rules and standards" on the design, construction, manning or equipment of ships</p> <p>This paragraph complements article 211(1)</p>	<p>SOLAS Load Lines MARPOL STCW</p> <p>MARPOL (article 8) and Protocol I OPRC (article 4)</p>	<p>IMO is the competent international organization.</p> <p>The generally accepted international regulations represent the highest standards.</p> <p>IMO is the competent international organization for establishing international rules and standards concerning prompt notification of coastal States affected by pollution incidents.</p>
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216	Enforcement with respect to pollution by dumping	Enforcement of national legislation and applicable international regulations adopted through competent international organizations	Reference to "applicable international rules and standards" established through "competent international organizations"	London Convention	IMO is a competent international organization.
217	Flag State enforcement	<p>Paragraph 1: Duty of flag States to ensure compliance by their vessels with international regulations</p> <p>Paragraph 2: Prohibition of sailing</p> <p>Paragraph 3:</p>			

		Investigations and proceedings by the port State against a vessel within its port or offshore terminal with respect to a discharge violation outside its jurisdictional waters.	in violation of "applicable international rules and standards established through the competent international organization"		international organization for establishing international regulations on ships' discharges. 2. The port State may enforce MARPOL "as far as applicable" to that State.
219	Measures relating to seaworthiness of vessels to avoid pollution	Duty of States to take administrative measures on vessels within their port or offshore terminal in violation of seaworthiness standards and thereby threatening pollution damage	Reference to "applicable international rules and standards relating to seaworthiness of vessels"	MARPOL SOLAS Load Lines COLREG STCW	

220 Enforcement by coastal States

222	Enforcement with respect to air pollution	Duty of States to adopt laws and regulations to implement applicable international rules and standards established through competent international organizations concerning air-pollution	Reference to "applicable international rules and standards established through competent international organizations"	Annex VI to MARPOL	IMO is a competent international organization.
223	Institution of proceedings	Submission of evidence and attendance of official representatives at the proceedings taken against a vessel	Reference to "competent international organization"		IMO is a competent international organization.
226	Investigation of foreign vessels	Avoidance of unnecessary physical inspection of vessels and limits of such inspection	Reference to "generally accepted international rules and standards" and to "applicable laws and regulations or international rules and standards"	MARPOL	
228	Suspension and restrictions on institution of proceedings	Special suspension and restriction conditions on proceedings to impose penalties	Reference to applicable international rules and standards relating to vessel-source pollution	MARPOL	

230	Monetary penalties and the observance of recognized rights of the accused		Reference to applicable international rules and standards relating to vessel-source pollution	MARPOL	
231	Notification to the flag State and other States concerned			MARPOL article 5(3)	

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MARINE SCIENTIFIC RESEARCH

SETTLEMENT OF DISPUTES

288	Compulsory procedures entailing binding decisions	Jurisdiction of courts or tribunals	Reference to the "interpretation or application of an international agreement related to the purposes of this Convention"	1996 Protocol to the London Convention	The 1996 Protocol to the London Convention is the only IMO convention which permits parties to use the dispute settlement procedures of UNCLOS.
297	Limitations on applicability of section 2 (dealing with compulsory procedures entailing binding decisions)	Paragraph 1(c): Disputes concerning the interpretation or application of UNCLOS arising from an alleged contravention by a coastal State of specified anti-pollution standards shall be subject to the compulsory procedures entailing binding decisions established in section 2	Reference to applicable "international rules and standards for the protection and preservation of the marine environment " which have been established "through a competent international organization"	MARPOL London Convention	In certain cases, IMO anti-pollution standards may be subject to compulsory procedures entailing binding decisions.

FINAL PROVISIONS

311	Relationship to other conventions and international agreements	UNCLOS shall not alter international agreements compatible with the Convention or expressly permitted by the Conventions' provisions		IMO's treaties and other international regulations	
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ANNEXES

Annex VI article 22	Competence of the International Tribunal for the Law of the Sea	Reference of disputes subject to other agreements	Reference to "a treaty or convention already in force and concerning the subject-matter covered by this Convention"	IMO treaties in force related to the purposes of UNCLOS	Parties to the treaty may agree to have recourse to the Tribunal.
Annex VIII article 2	List of experts	List of experts in the field of navigation, including pollution from vessels and by dumping	Reference to the "International Maritime Organization"		

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