



IMCO

INTERNATIONAL CONFERENCE ON
MARINE POLLUTION, 1973
Agenda item 8

CONSIDERATION OF A DRAFT PROTOCOL RELATING
TO INTERVENTION ON THE HIGH SEAS IN CASES
OF MARINE POLLUTION BY SUBSTANCES OTHER THAN OIL

Comments and proposals of Governments on a draft
text of the Protocol

Submitted by the Government of the United Kingdom

1. Having studied the draft Protocol and the views of the group of experts given in the footnote to the Annex the United Kingdom Government remains of the opinion that the formula proposed by the Legal Committee of using a list coupled with a provision for intervention even in respect of non-listed substances, offers the best prospect of wide international agreement. With regard to the comments of the group of experts, the United Kingdom Government considers that in the drawing up of a list it is proper to have regard only to criteria relating to the characteristics of the cargo itself. The other two criteria mentioned by the group of experts, relating to the environment and the casualty, are not appropriate to the drawing up of the list but to the question of whether, in the circumstances of the case, the preconditions for intervention under Article I of the Protocol apply.
2. Such considerations suggest the listing of a small number of substances which would be likely to create a grave danger of pollution in almost any circumstances; and the list proposed by Sweden accords with this concept.

There could, however, be advantage in including in the list some of the most serious pollutants which are normally carried in bulk.

3. Only those states which are Parties to the 1969 Convention should be able to become Parties to the Protocol.

4. The United Kingdom Government prefers the alternative text of Article I, paragraphs 2(b) and 3, set out in footnote 5(ii), without the words in brackets. It is not enough to prove that a substance may have the characteristics set out in paragraph 2(b) of the main text, what is important is whether a non-listed substance in view of the quantity in which it is present, or the particular conditions in which it may be spilled, can cause grave and imminent danger of a kind such as would be expected from a listed substance.
