



IMCO

INTERNATIONAL CONFERENCE ON
MARINE POLLUTION, 1973
Agenda item 7

CONSIDERATION OF A DRAFT INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, 1973

Statement by Australia in relation to Article 9

It is for the Law of the Sea Conference to determine the nature and extent of the jurisdiction of coastal States in relation, inter alia, to the preservation of the marine environment. Article 9 was intended to define the extent, if any, to which coastal States would undertake to refrain within their jurisdiction (whatever that may now be or may in future become) from imposing more stringent standards than those embodied in the Articles and Regulations.

There was substantial agreement on this point. It was accepted in Committee that coastal States would not without good reason impose higher discharge standards; and it was agreed that only in extreme circumstances would they impose higher construction standards. Agreement in this sense was embodied in the draft Article 9 which the Committee approved and forwarded to the plenary for consideration. Australia supported Article 9 and was prepared to limit the exercise of its jurisdiction in the way foreshadowed in that Article. More States supported the Australian view than opposed it.

In the light of the failure of Article 9 to secure the necessary two-thirds majority Australia reserves its position entirely to impose whatever conditions it may lawfully impose within its jurisdiction to protect from pollution the marine environment adjacent to Australia.

Australia cannot accept the contrary view that the failure of the text to secure the necessary two-thirds majority carries the implication that Australia may not within its jurisdiction impose more stringent standards than those embodied in the Articles and Regulations. To accept that view would mean that a minority of delegations, by voting to upset a compromise text could impose on a majority of delegations a positive obligation which the majority has made it clear that it will not accept. This is to reverse the normal rule that international obligations are assumed only if they have wide support.

Australia does not regard the deletion of Article 9 as affecting its legal position in any way.
