



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 the Italian delegation on Article 9

The Italian delegation voted against Article 9 because the text was insufficiently precise and very ambiguous.

The Convention defines special areas where discharging is subject to particularly strict conditions; these are listed in Annexes I and II. Annex I contains provisions regarding Oil in the Mediterranean, the Black Sea, the Red Sea, the Gulf and the Baltic but as regards harmful chemical products, Annex II contains provisions covering the Black Sea and the Baltic only. Despite the Italian delegation's request to include the Mediterranean among the latter special areas because of the vulnerability of its waters, which was proved long ago by scientific experts and has been recognized by many international organizations, its proposal was not adopted.

Article 9 gives the impression that many countries would like to reserve to themselves the unilateral right to establish areas even more special than the special ones. Mention was generally made of waters, but some delegations had spoken of the vulnerability of extended waters which are veritable seas, in which they would reserve the right to lay down regulations, going as far as ship design and equipment. That was in complete contradiction with Article 10 and brings up for discussion the principles of maritime law which it had been decided to refer to the United Nations Conference on the new Law of the Sea.

The ambiguity of the Article on so important a matter was unacceptable to the Italian delegation.

Finally, the discussion made it clear that no delegation supporting the Article had wished to give an answer on more detailed points, including which "waters" were involved, which authorities could have contested the decision, and which scientific authorities should have decided on the parameters proposed.

Moreover, the Annexes to the Convention already laid down certain features for building new ships, and it would therefore be very odd to depart from them for reasons on which the ship-building countries could decide only when unilateral measures might already have affected them seriously.

It should be recalled that in a particularly serious case there was nothing to prevent a State from requesting establishment of a new special zone. The simpler procedure proposed for amendments, a new procedure in international law, might easily be used in such cases.
