



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 Canada in relation to Article 9

The Canadian delegation to the International Conference on Marine Pollution, 1973, noting that draft Article 9 (text attached) of the International Convention for the Prevention of Pollution from Ships has not been included in the final text of the Convention adopted by the Conference, submits the following declaration:

- (a) Questions concerning the jurisdiction of coastal states in relation to the prevention of pollution from ships, and in particular the extent of such jurisdiction, are to be determined by the Law of the Sea Conference to be convened pursuant to General Assembly Resolution 2750 C (XXV).
- (b) On the other hand, the purpose of draft Article 9 of the International Convention for the Prevention of Pollution from Ships was to define the extent, if any, to which coastal states Parties would undertake to refrain within their jurisdiction from imposing their own national standards in respect of matters to which the Convention relates.
- (c) In the absence of draft Article 9 from the final text of the Convention adopted by the Conference some Contracting States will contend that their freedom to act within their jurisdiction remains complete and unimpaired. Other states will interpret the absence of draft Article 9 or some similar provision as implying that coastal states parties to the Convention have

undertaken not to impose within their jurisdiction standards other than those embodied in the Convention; the Canadian delegation, however, rejects this latter view.

(d) The Canadian delegation regrets that the Conference should have left unresolved so significant an area of misunderstanding. It notes with satisfaction, however, that draft Article 9 was approved by a considerable majority in Committee and only narrowly failed to secure a two-thirds majority in the Plenary session of the Conference.

(e) In the absence of any provision restricting the powers of Contracting States to take measures within their jurisdiction in respect of matters to which the Convention relates, the Canadian delegation formally declares its view that nothing in the Convention can be construed as derogating from such powers. The Canadian delegation reserves all rights of the Government of Canada to take any and all measures within its jurisdiction for the protection of its coasts and the adjacent marine environment from pollution from ships.

Article 9Powers of Parties to the Convention

- (1) Nothing in the present Convention shall be construed as derogating from the powers of any Party to the Convention to take more stringent measures, where specific circumstances so warrant, within its jurisdiction, in respect of discharge standards.
- (2) A Party shall not, within its jurisdiction, in respect of ships to which the Convention applies other than its own ships, impose additional requirements with regard to ship design and equipment in respect of pollution control. The requirements of this paragraph do not apply to waters the particular characteristics of which, in accordance with accepted scientific criteria, render the environment exceptionally vulnerable.
- (3) Parties which adopt special measures in accordance with the present Article shall notify them to the Organization without delay. The Organization shall inform Parties to the Convention about these measures.
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