



## IMCO

INTERNATIONAL CONFERENCE ON  
MARINE POLLUTION, 1973

### OBSTACLES TO EARLY RATIFICATION OF THE CONVENTION

#### Note by the delegations of Denmark, Finland, Norway and Sweden

The delegations of Denmark, Finland, Norway and Sweden approached the current Conference with a firm belief in the need for a new Convention capable of early implementation and an early and substantial reduction in oil pollution of the sea by ships, and are of the view that this belief was shared by the great majority of Governments here represented.

This being so, it may be felt that any provision in the Convention which could lead to a significant delay in its ratification must be counter-productive, and there is one requirement in the text of Annex I of the Convention which gives the above-mentioned delegations particular grounds for believing that considerable delays in ratification must be expected.

The delegations of Denmark, Finland, Norway and Sweden support the requirement for a monitoring system as specified in Regulation 9 of Annex I. Much research and development work is taking place on monitors for black oils, and some instruments, though not yet reliable, are already in existence and are fitted on certain tankers, where they are understood to have been welcomed as a valuable aid in complying with the existing regulations. It may be expected that the demand stimulated by this Convention will encourage further development of these monitors, and that their availability and efficiency will thus improve.

For white oils, however, the position is rather different. As far as the above-mentioned delegations are aware, there is **virtually** no equipment yet in existence which is even remotely effective in monitoring effluent containing these oils.

It is clear that, for white oils as for black oils, demand will stimulate the development of monitoring devices. However, it does seem that the state of the art of white oil monitors is much less advanced, and the complexities involved in their development much greater than for black oil monitors, and the above-mentioned delegations are concerned that the strict requirement to install such equipment will result in ratification of the Convention being delayed.

It may be argued that this is a current assessment, and the development of white oil monitors may be more rapid than we predict. However, certain governments will be bound, by their laws, to refrain from ratifying -- and certainly from implementing -- the Convention if their ships are not in the event able to comply with some of its requirements. It is submitted that such a situation is not in the interests of this Conference and its objectives.

Furthermore, it may be agreed that, rather than delay the entry into force of the Convention because one particular technical element necessary for ratification may be lacking, it would be preferable to bring it into force, and welcome its advantages, even if the controls on the discharge of white oils were still deficient. In this connexion, it will be noted that Annexes I and II are both likely to be mandatory. Thus, any delay in ratification of Annex I delays Annex II similarly, with the consequence that the **very important** controls on the discharge of chemicals will be held up.

The delegations of Denmark, Finland, Norway and Sweden therefore submit for consideration the following text, which might constitute an additional regulation in Chapter II of Annex I:

Regulation 16 bis

Where in the view of the Organization equipment required by Regulation 9(1)(a)(vi) [and specified in Regulation 15(3)(a)] of this Annex is not obtainable for the monitoring of discharge of light refined products (white oils), the Administration may waive compliance with such requirement, provided that discharge shall be permitted only in compliance with procedures approved by the Organization [which shall satisfy the conditions of Regulation 9(1)(a) except the obligation to have an oil discharge monitoring and control system in operation.] The Organization shall review the matter at intervals not exceeding [12] months.

Consequential amendment

Amend first line of Regulation 15(1) to read:

"(1) Subject to the provisions of Regulation 16 bis and paragraph (5) of this Regulation, oil".

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