

Maritime Operational Services

- Legal

IALA

11/12 February 2009



Maritime Operational Services (MOS)

- High Risk Ships
- National Coordination Centres and sub-centres
- Powers and obligations of competent authorities and cooperation therewith
- Regional cooperation between neighbouring member States



UNCLOS

Article 192:

“States have the obligation to protect and preserve the marine environment.”

Article 194:

“States shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted as not to cause damage by pollution to other States and their environment, and that pollution arising from incidents or activities within their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights in accordance with this Convention”.



UNCLOS

Following article 194, States must therefore:

- Take measures necessary to “prevent, reduce and control pollution of the marine environment from any sources.” (194(1)).
- Ensure that activities under their jurisdiction or control do not cause damage to other States (194(2)).
- Activities include: land-based source pollution, pollution by dumping, atmospheric pollution, **vessel-source pollution** and activities carried out in the seabed and subsoil (194(3)).



UNCLOS

Article 220:

Gradation in the types of measures that may be taken by coastal States, according to the level of risk that is posed to the environment by ships.

Stricter rules of evidence of a risk to the environment are required for physical inspection than for the mere request of information.

Article 221(1):

Intervention by coastal States may occur if a casualty “can be reasonably expected to result in major harmful consequences”.



Precautionary Principle

UNCLOS

Extends the obligation of prevention of damage of articles 192 and 194 in terms of:

- Precautionary procedural duties, and
- Precautionary substantive duty, for instance intervention by coastal States towards HRS.
- **But this substantive duty needs to be determined according to a proven, accepted and public framework**



IMO Measures

- 1995 MEPC Resolution on “Guidelines on the Incorporation of the Precautionary Approach in the context of specific IMO activities”.
- PSSAs and Associated Protective Measures (APMs).
- Ships routing measures: TSS, Traffic Lane, Separation Zone/Line, Roundabout, Inshore Traffic Zone, Recommended Routes, Deep Water Route, Precautionary Area, Area To Be Avoided, No Anchoring Area.
- Pilotage/Compulsory pilotage.
- VTS



MOS - High Risk Ships

- Use of Precautionary Principle
- Applicable to vessels deemed to pose a threat to environment
- Dynamic risk – need for generally accepted rules and standards, including a scientific method of risk analysis
- Master to be informed of decision (where applicable)
- Powers comparable with Intervention Convention

