



GENERAL JURISDICTION FOR VESSELS

- Note: (1) The regulations of the Convention for the prevention of pollution do not apply to warships and other vessels owned by governments and in non-commercial service. However, states are to ensure that such ships act, as far as reasonable and practicable, in a manner consistent with the Convention (Art. 236).
- (2) The provisions of the Convention do not affect
- the institution of civil proceedings in respect of any claim for loss or damage resulting from pollution of the marine environment (Art. 229), or
 - the rights of states to take and enforce measures to, avoid pollution arising from maritime casualties (Art. 221).

STATES - Are obligated to protect and preserve the marine environment (Art. 192)
 - Are to take measures to prevent pollution by vessels (Art. 194, Subpara. 3(b))

<i>THE COASTAL STATE</i> - is sovereign in the territorial sea (Art 2) - has jurisdiction in marine environment matters (Art 56, Subpara 1(b)(iii), Art 192) - deals with emergencies and safety of operation of vessels (Art 194, Subpara 3(b)), but not for construction, etc (Art 21, Para 2)		<i>THE FLAG STATE</i> - has in general jurisdiction and control in administrative, technical, and social matters (Art 94, Para 1) - takes pollution measures for emergencies, design, etc (Art 194, Subpara 3(b)) - must adopt pollution regulations which have at least the same effect as that of international rules (Art 211, Para 2)	
High Seas	Port State Enforcement (218)	Exclusive Jurisdiction (92, (1))	must ensure at all times the compliance with applicable international rules and standards (Art 217, 194, Subpara 3(b), 211) effective enforcement (Art 217, Para 1) - detain vessel which is not seaworthy (Art 217, Para 2) - ensure inspection (Art 217, Para 3) - conduct investigations, institute proceedings (Art 217, Para 4) - information upon request (Art 217, Para 5) - provide adequate penalties (Art 217, Para 8) - ensure that masters give adequate information (Art 211, Para 3) - air pollution matters (Art 212, Para 1) - ensure that masters give information whether pollution has occurred (Art 220, Para 3)
Exclusive economic zone	- May adopt laws, giving effect to generally accepted international rules and standards (211, (5)) - may adopt special mandatory measures for clearly defined areas (211, (6), 234)	- Exclusive jurisdiction (58, 87-94) if compatible with other provisions of the Convention - (See Art 228)	
Territorial Sea	- may in the exercise of its sovereignty adopt laws which do not hamper innocent passage (211, (4), 21, (1)(f)) - Not with respect to design, construction, etc (21, (2))	flag state can enforce physically its general jurisdiction through coastal state only (with respect to Innocent passage)	
Archipelagic Waters	Sea lane passage (53, 54, 42, 1(b))	See Art 27 Subpara 1(c))	
Straits	- are to give effect to international pollution regulations regarding discharge (Art 42, Subpara 1(b)) - further pollution regulations by special agreements (Art 43, Subpara (b) as Art 207-232 not applicable (Art 233)	See above, Territorial Sea	
Archipelagic Sea Lanes	- are to give effect to international pollution regulations regarding discharge (Art 42, Subpara 1(b), 54)	See above Territorial Sea	
Inland waters, ports	These waters are not subject to the Convention	See above Territorial Sea	