

## IMO

### International Maritime Organization Pollution in International Waters

#### Overview

As a specialized agency of the United Nations, the International Maritime Organization (IMO) holds a crucial position in shaping the global maritime landscape. Its mandate extends to ensuring safety, security, and environmental sustainability in the vast realm of international shipping. This involves formulating and enforcing universal standards that navigate the complexities of global maritime operations.

Critical maritime conventions like SOLAS (1974),<sup>1</sup> MARPOL (1973),<sup>2</sup> the London Convention and Protocol (1972)<sup>3</sup> and STCW (1978)<sup>4</sup> play a pivotal role in reinforcing the IMO's dedication to maritime safety, proactive pollution prevention, and the harmonization of training standards for maritime professionals. Marine pollution extends beyond areas of national jurisdiction, and even marine pollution presently confined to domestic waters presents a risk of internationalization – the oceans and major seas are, after all, an interconnected system.<sup>5</sup>

This global discourse invites delegates to engage in thoughtful deliberation on developing legal mechanisms that effectively reconcile the objectives of combating marine pollution with the economic and other benefits of shipping-related activities in the sea. The discourse extends to fostering the integration of environmentally friendly technologies within the maritime sector, strengthening international cooperation for enforcing pollution control laws and devising targeted strategies to support Small Island Developing States and coastal communities that bear the brunt of marine pollution.

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<sup>1</sup> See International Convention for the Safety of Life at Sea (SOLAS), 1974, [https://www.imo.org/en/About/Conventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-\(SOLAS\)-1974.aspx](https://www.imo.org/en/About/Conventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS)-1974.aspx).

<sup>2</sup> See International Convention for the Prevention of Pollution from Ships (MARPOL), [https://www.imo.org/en/about/Conventions/Pages/International-Convention-for-the-Prevention-of-Pollution-from-Ships-\(MARPOL\).aspx](https://www.imo.org/en/about/Conventions/Pages/International-Convention-for-the-Prevention-of-Pollution-from-Ships-(MARPOL).aspx).

<sup>3</sup> See The London Convention and Protocol, <https://www.imo.org/en/KnowledgeCentre/ConferencesMeetings/Pages/London-Convention-Protocol.aspx>.

<sup>4</sup> See International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, <https://www.imo.org/en/OurWork/HumanElement/Pages/STCW-Convention.aspx>.

<sup>5</sup> See Peter Jacques, “International Regulation of Ocean Pollution and Ocean Fisheries,” Oxford Research Encyclopedia of International Studies (August 27, 2020). A pdf copy of this work – a truly invaluable resource – is attached to this background guide.

## **The International Maritime Organization**

The International Maritime Organization (IMO), a pivotal entity under the umbrella of the United Nations, plays a critical role in the global maritime sector. Tasked with the immense responsibility of ensuring safety, security, and environmental integrity, the IMO sets the standard for international shipping operations. The organization's primary objective is to develop and maintain a comprehensive regulatory framework for the shipping industry. This framework is designed to be fair and adequate and universally accepted and implemented, acknowledging the inherently international nature of maritime trade.

As a global industry, shipping relies heavily on consistency in regulations and standards across international borders. The effectiveness of this sector hinges on the widespread adoption and implementation of these standards. By fostering a system of universally agreed-upon rules and guidelines, the IMO ensures that shipping operations are conducted smoothly and efficiently globally. The organization's mandate is to level the playing field, allowing shipping companies to operate competitively while adhering to laws and regulations that safeguard maritime safety and environmental health. This balancing act is crucial in maintaining the delicate equilibrium between operational freedom and legal compliance, thus ensuring the sustainable and responsible growth of international shipping.

## **What Are Considered “International Waters”?**

International law does not define the term “international waters.” The United Nations Convention on the Law of the Sea (UNCLOS), an instrument of international law, sets forth a number of maritime zones.<sup>6</sup> For our purposes, the following maritime zones are relevant:

### *Internal waters*

Internal waters are all the waters, e.g. lakes and rivers, that fall landward of the *baseline* (i.e., the low-water line along the coast). States enjoy sovereign jurisdiction over these areas as they do over other territories.

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<sup>6</sup> See United Nations Convention on the Law of the Sea, <https://www.imo.org/en/ourwork/legal/pages/unitednationsconventiononthelawofthesea.aspx>.

### *Territorial Sea*

The territorial sea constitutes everything between the baseline and a limit not exceeding twelve natural miles. States enjoy sovereignty and jurisdiction over this area. However, the ships of other states enjoy the right of innocent passage while transiting the territorial sea (unlike internal waters, where there is no right of innocent passage).

### *Contiguous Zone*

The contiguous zone extends from the outer edge of the territorial seas to a maximum of 24 nautical miles from the baseline. In this area, states may exercise the control necessary to prevent and punish the infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea.

### *Exclusive Economic Zone (EEZ) and High Seas*

In the EEZ (which states may claim up to 200 nautical miles from the baseline), states have the exclusive right to exploit or conserve any resources found within the water, on the seafloor, or under the sea floor's subsoil. These resources are living resources, e.g. fish, as well as non-living resources, e.g. oil and natural gas. States also have exclusive rights for offshore energy generation from the waves, currents, and wind within their EEZ. The high seas refer to the ocean's surface and the water column beyond the EEZ.

For our purposes, it is helpful to think of "international waters" as those beyond a state's territorial sea.<sup>7</sup> It is also important to consider the question of where pollutants are released versus where pollutants might/do end up. For instance, should the international focus on marine pollution be limited to cases where pollutants are released in areas beyond a state's territorial sea? Or should the international community also be concerned by cases where pollutants might/do end up in areas beyond a state's territorial sea, even if the point of initial release is a state's internal waters/territorial sea?

Similarly, it is important to consider how the answer to these questions might

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<sup>7</sup> For a description of maritime zones, see Law of Sea: A Policy Primer (Chapter 2), <https://sites.tufts.edu/lawofthesea/chapter-two/>. See also National Oceanic and Atmospheric Administration, Maritime Zones and Boundaries, <https://www.noaa.gov/maritime-zones-and-boundaries>.

impact the nature of international measures necessary to address pollution. In all of this, it is important to remember that a state has the capacity, under international law, to agree to do (or not to do) something within its territory. In principle, therefore, there is no legal reason why a state cannot, by consent, agree to implement measures within land/waters under its sovereignty. Furthermore, it might be that a state has already agreed to certain measures under existing international agreements. In this regard, it is particularly important to study the MARPOL Convention, the London Convention and Protocol, and UNCLOS<sup>8</sup> to reflect on which states are (or are not) parties to these instruments, and consider whether the provisions of these instruments are sufficient to address marine pollution.

### **What Is Considered Pollution?**

There are two main types of marine pollutants: these are chemical, and trash, pollutants.<sup>9</sup> Trash encompasses all manufactured products, poignantly plastic, that make their way into the ocean. Chemical pollution arises from human activities, notably the use of fertilizer on farms, leading to chemical runoff that ultimately flows into the ocean. Overall, marine pollution “results in damage to the environment, to the health of all organisms, and to economic structures worldwide;” the *reasons for* and *impacts of* marine pollution are further particularized at the footnoted link.<sup>10</sup>

In particular, it is important to recall that economic considerations often motivate, at least ostensibly, pollution-causing activities. For instance, a recent report from the UK House of Lords observed to the effect that “stopping the dumping of sewage into rivers and the sea will require huge infrastructure spending and will probably push up water bills.”<sup>11</sup> This is, of course, but one example. However, it is also important to bear in mind that marine pollution also carries a range of negative

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<sup>8</sup> The MARPOL Convention and the London Convention and Protocol are cited above. Note that UNCLOS addresses a range of issues extending beyond marine pollution, so please do not attempt to study this instrument in detail. The provisions of UNCLOS relevant to marine pollution are summarized here: National Oceanic and Atmospheric Administration, Land-Based Sources of Marine Pollution, <https://www.noaa.gov/gc-international-section/land-based-sources-of-marine-pollution>.

<sup>9</sup> See National Geographic, Marine pollution, <https://education.nationalgeographic.org/resource/marine-pollution/>.

<sup>10</sup> *Ibid.*

<sup>11</sup> See BBC, Ending sewage dumping will mean higher water bills – report, <https://www.bbc.co.uk/news/science-environment-65028971>.

economic impacts.<sup>12</sup> For instance, marine pollution can influence tourism, fishing, aquaculture, transport, and other ocean-based activities, generating economic costs in the form of, *inter alia*, gross domestic product (GDP) reductions.<sup>13</sup> For more concrete illustrations, the UNEP assesses that economic damage to marine ecosystems due to plastic pollution amounts to nearly US\$13 billion; the US EPA asserts that polluted waters can cause real estate prices to drop by 25%.<sup>14</sup>

## Summary of Relevant Conventions

### *SOLAS*

The International Convention for the Safety of Life at Sea (SOLAS), 1974, as amended, is fundamental to maritime safety.<sup>15</sup> Adopted initially in 1914 following the Titanic disaster, it has undergone several revisions, with the 1974 version instituting a tacit acceptance procedure for amendments. This procedure ensures amendments are adopted unless a specific number of objections are raised. SOLAS sets minimum standards for ship construction, equipment, and operation, ensuring safety compliance by flag States. It includes provisions for port State control, allowing inspection of ships to enforce compliance. The convention's extensive scope, covering various aspects from life-saving appliances to cargo carriage, underscores its significance in maritime safety.<sup>16</sup>

### *MARPOL*

The International Convention for the Prevention of Pollution from Ships (MARPOL) is a critical framework in maritime environmental protection. Adopted in 1973 and enforced

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<sup>12</sup> See especially Clemens W Gattringer, "The Economics of Marine Plastic Pollution," Oxford Research Encyclopedia of Environmental Science (June 28, 2021). A pdf copy of this work is attached to this background guide.

<sup>13</sup> See e.g. IUCN, The economic impact of plastic pollution in Antigua and Barbuda, <https://www.iucn.org/resources/grey-literature/economic-impact-plastic-pollution-antigua-and-barbuda>.

<sup>14</sup> See uMichigan, Plastic Pollution and its Economic Damage, <https://courses.lsa.umich.edu/healthy-oceans/group-1/group-1-sub-1/plastic-pollution-and-its-economic-damage/>.

<sup>15</sup> "International Convention for the Safety of Life at Sea (SOLAS), 1974." International Maritime Organization, 2019.

[https://www.imo.org/en/About/Conventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-\(SOLAS\)-1974.aspx](https://www.imo.org/en/About/Conventions/Pages/International-Convention-for-the-Safety-of-Life-at-Sea-(SOLAS)-1974.aspx).

<sup>16</sup> *Ibid.*

in 1983, MARPOL aims to prevent pollution from ships, whether accidental or operational.<sup>17</sup> The Convention has evolved with amendments, notably in 1978 following tanker incidents and in 1997 with the introduction of Annex VI for air pollution control. It encompasses six annexes addressing different pollution types, from oil and toxic substances to sewage and garbage, each with specific regulations to minimize environmental impact. The convention's continuous updates reflect the maritime industry's commitment to environmental stewardship.<sup>18</sup>

### *STCW*

The STCW Convention, established in 1978 and enforced in 1984, represents a crucial framework in maritime safety and competence. The STCW Convention and its subsequent amendments, including significant revisions in 1995 and 2010, set global benchmarks for seafarers' training and certification.<sup>19</sup> These amendments introduced progressive measures such as improved oversight of certification, enhanced medical standards, and updated requirements on work hours and rest, alongside new training directives for modern maritime technologies and environmental awareness. Notably, the 2010 Manila Amendments were pivotal in incorporating contemporary training methodologies like e-learning and specific guidelines for personnel on ships in polar waters. The STCW Code, comprising mandatory and recommended guidelines, supports the Convention by detailing competence standards and providing implementation guidance. The International Maritime Organization (IMO) oversees this, ensuring compliance through regular evaluations and confirmation by the Maritime Safety Committee. This system of regulation and oversight is fundamental to maintaining high standards of maritime safety, operational efficiency, and environmental stewardship in global shipping.<sup>20</sup>

### *London Convention and Protocol*

The London Convention, in force since 1975, is a landmark instrument to protect the

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<sup>17</sup> "International Convention for the Prevention of Pollution From Ships (MARPOL)." International Maritime Organization, 2019.

[https://www.imo.org/en/About/Conventions/Pages/International-Convention-for-the-Prevention-of-Pollution-from-Ships-\(MARPOL\).aspx](https://www.imo.org/en/About/Conventions/Pages/International-Convention-for-the-Prevention-of-Pollution-from-Ships-(MARPOL).aspx).

<sup>18</sup> *Ibid.*

<sup>19</sup> "International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978." International Maritime Organization, 2019.

<https://www.imo.org/en/OurWork/HumanElement/Pages/STCW-Convention.aspx>.

<sup>20</sup> *Ibid.*

marine environment from human activities. The Convention seeks “to promote the effective control of all sources of marine pollution and to take all practicable steps to prevent pollution of the sea by dumping of wastes and other matter.” In 1996, the “London Protocol” was agreed to further modernize, and eventually replace, the London Convention. The Protocol, which entered into force in 2006, prohibits all dumping except for possibly acceptable wastes on the so-called “reverse list.”<sup>21</sup>

### *UNCLOS*

UNCLOS, adopted in 1982 and often referred to as the *Constitution of the Oceans*, “lays down a comprehensive regime of law and order in the world’s oceans and seas establishing rules governing all uses of the oceans and their resources.”<sup>22</sup> While UNCLOS addresses a range of issues, a number of its provisions address marine pollution. These provisions are summarized at the footnoted link.<sup>23</sup>

### **National Solutions**

The issue of water pollution, mainly due to plastic waste, is a significant challenge for countries like the Philippines, India, Malaysia, Myanmar, Brazil, and Indonesia. In the Philippines, for example, an estimated 356,371 metric tons per year of mismanaged plastic waste (MPW) is emitted from rivers, accounting for 8.8% of the total generated MPW in the country. In India, this figure is 126,513 metric tons per year, representing 1.0% of the total generated MPW through rivers. Similarly, Malaysia contributes 73,098 metric tons of MPW annually through its rivers.<sup>24</sup>

Efforts to combat this crisis have been initiated in these countries. For instance, the Philippines has enacted comprehensive legislation like the Ecological Solid Waste Management Act of 2000 and the National Plan of Action for the Prevention, Reduction, and Management of Marine Litter. Furthermore, the recent Extended Producer Responsibility

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<sup>21</sup> See The London Convention and Protocol, <https://www.imo.org/en/KnowledgeCentre/ConferencesMeetings/Pages/London-Convention-Protocol.aspx>

<sup>22</sup> See United Nations Convention on the Law of the Sea, <https://www.imo.org/en/ourwork/legal/pages/unitednationsconventiononthelawofthesea.aspx>.

<sup>23</sup> National Oceanic and Atmospheric Administration, Land-Based Sources of Marine Pollution, <https://www.noaa.gov/gc-international-section/land-based-sources-of-marine-pollution>.

<sup>24</sup> Cipan, Vibor. “Top 20 Countries Polluting the Oceans the Most: Dataviz and a List.” viborc.com, May 30, 2023. <https://viborc.com/countries-polluting-the-oceans-the-most-list-data-visualization/>.

(EPR) law in the Philippines mandates businesses with assets over ₱100 million to participate in EPR, holding plastic producers responsible for the life cycle of their products, including waste management.<sup>25</sup> This is significant because domestic polluting activities ultimately make it to international waters and are thus of international concern.

These measures highlight the critical importance of legal frameworks and policy interventions in addressing the plastic pollution crisis, underscoring the need for robust implementation and active involvement of stakeholders across all sectors.

## **Conclusion**

The IMO plays a vital role in global maritime regulation, emphasizing safety, security, and environmental protection. Key maritime conventions like SOLAS, MARPOL, the London Convention and STCW illustrate the IMO's commitment to safety and pollution prevention. The issue of water pollution, especially from plastic waste in countries like the Philippines and India, underscores the need for effective national and international environmental strategies. Delegates are urged to consider the balance between environmental conservation and maritime trade efficiency, adopting eco-friendly technologies, and supporting vulnerable coastal regions in addressing these global challenges.

## **Questions to Consider**

1. How can the International Maritime Organization create more boundaries to help our waters remain clean, specifically in India, while considering the financial burden that the shipping companies may feel?
2. What innovative technologies and practices can the shipping industry adopt to reduce its environmental footprint, particularly concerning maritime pollution?
3. How can international collaboration be improved to enforce existing maritime pollution laws more effectively?
4. How can the IMO and its member states address the specific challenges faced by Small Island Developing States (SIDS) and coastal communities disproportionately affected by marine pollution?

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<sup>25</sup> Sur, Mona, Junu Shrestha, and Anges Balota. "Addressing the Plastic Pollution Crisis in the Philippines: New Momentum." World Bank Blogs, March 16, 2023.  
<https://blogs.worldbank.org/eastasiapacific/addressing-plastic-pollution-crisis-philippines-new-momentum>.

5. What mechanisms can be used to ensure that states uphold the commitments to which they agree?
6. Should reparation for a violation be limited to future compliance, or financial compensation/penalties as well?
7. Should one state's violation of its obligations constitute a basis for other states to ignore theirs, with regard to the nature of marine pollution?
8. Whether a state's rights in the contiguous zone might make it easier (or more difficult) for the state to implement international measures to which it may agree
9. Whether and how a state's exclusive right to exploit certain resources up to and including the EZZ can be reconciled with international measures aimed at addressing pollution

### **Useful Delegate Resources**

[Introduction to IMO](#)

[Pollution Prevention](#)

[Oceans and the Law of the Sea | United Nations](#)

[What to know about the new UN high seas treaty — and the next steps for the accord](#)

[International waters - factsheet | UNEP](#)

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