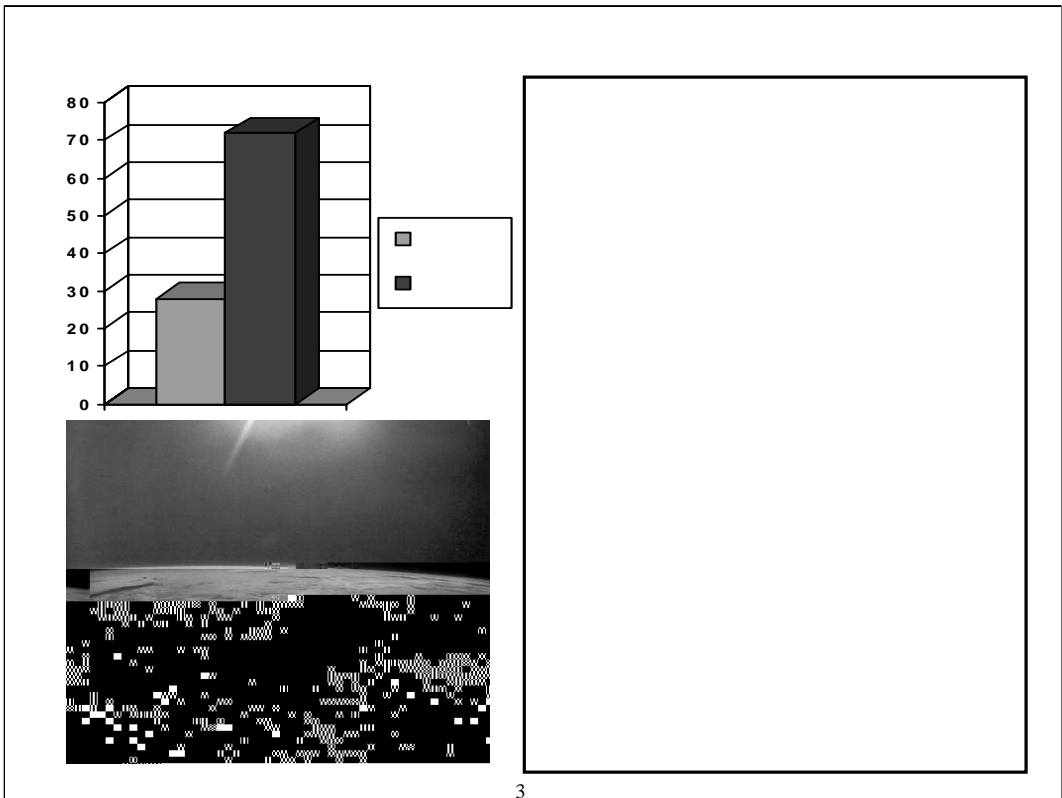


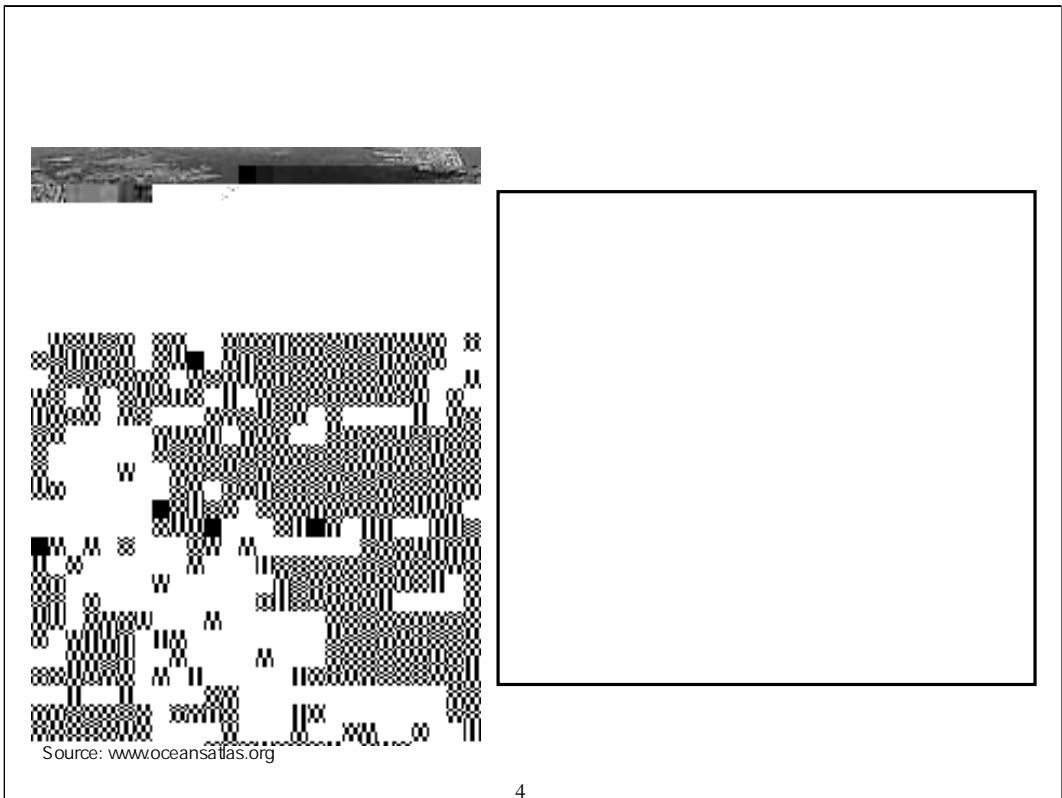
This presentation starts by providing some facts and figures on the environmental, economic and social value of oceans and seas, and on the major threats to the marine environment and its resources. It then continues with an overview of the development of the international regime for the protection and preservation of the marine environment. To conclude it presents the key provisions of the United Nations Convention on the Law of the Sea relating to the protection and preservation of the marine environment.



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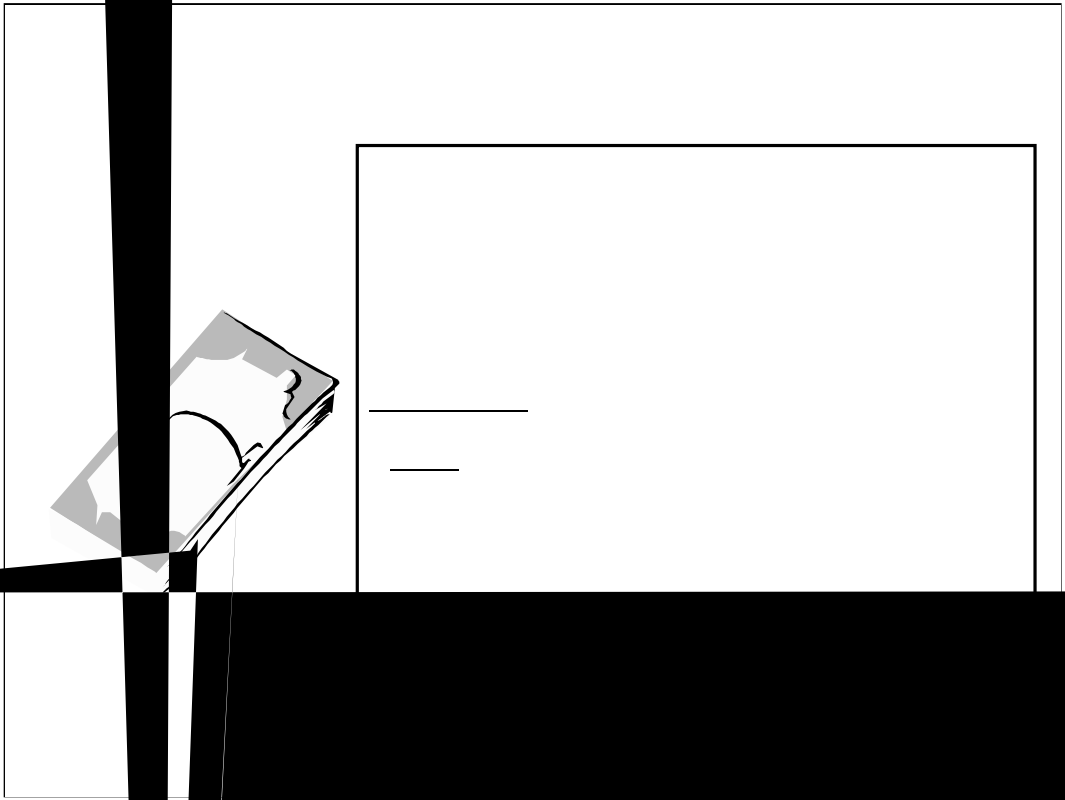
The oceans cover 72 per cent of the Earth's surface and extend to depths of more than 10,000 meters. They comprise nine-tenths of the planet water resources and are home to over 97 per cent of all life on earth – at the same time our knowledge of marine biodiversity is far less advanced compared to that of terrestrial biodiversity.

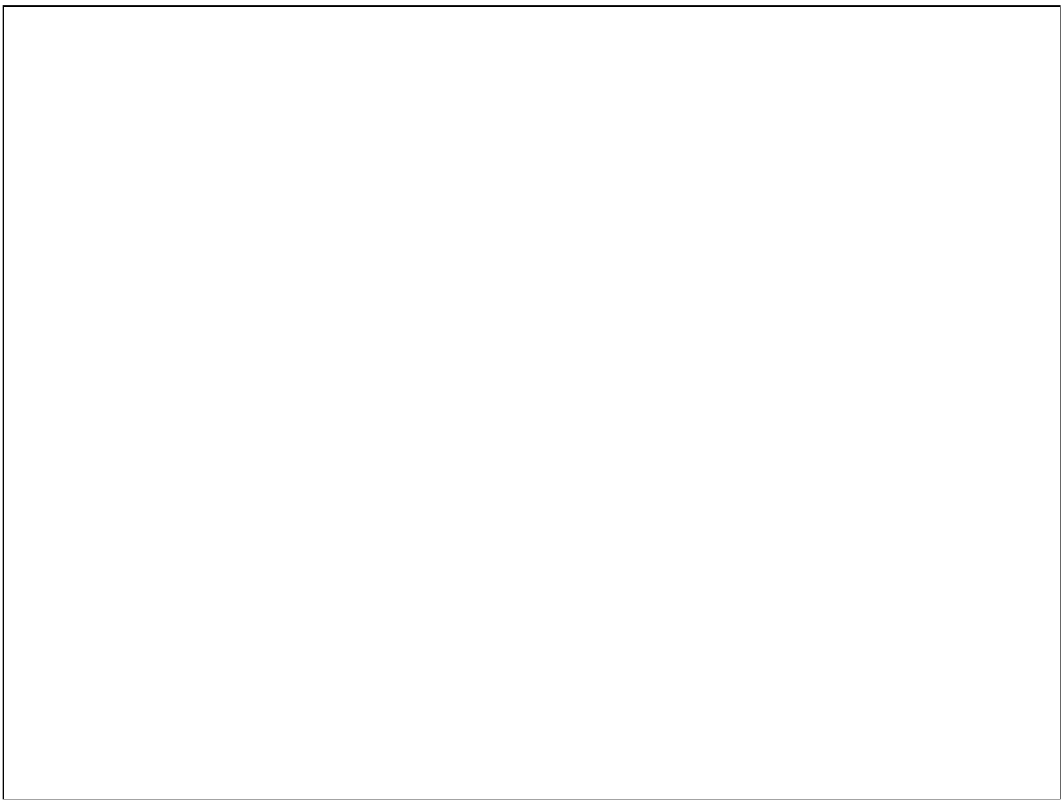
The oceans have an essential role in the functioning of our planet and in fact they affect the health and survival of all life, they power our climate and are an essential part of the biosphere.

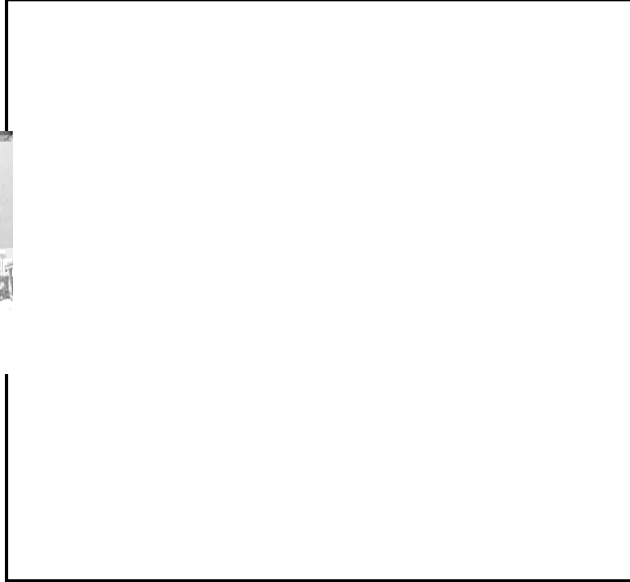


Coastal areas comprise 20 per cent of the Earth's surface. But at the same time they host a significant portion of the entire human population.

More than half of the world's population lives in coastal areas. More than 70 per cent of the world's megacities are located in coastal areas.



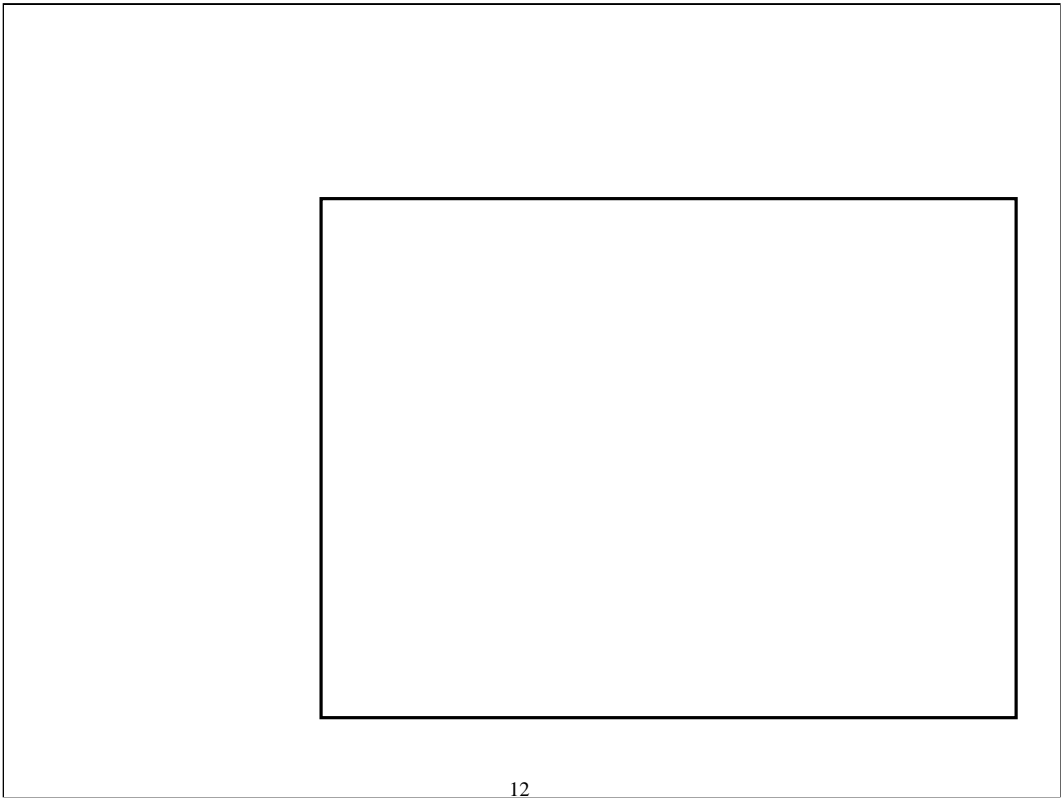


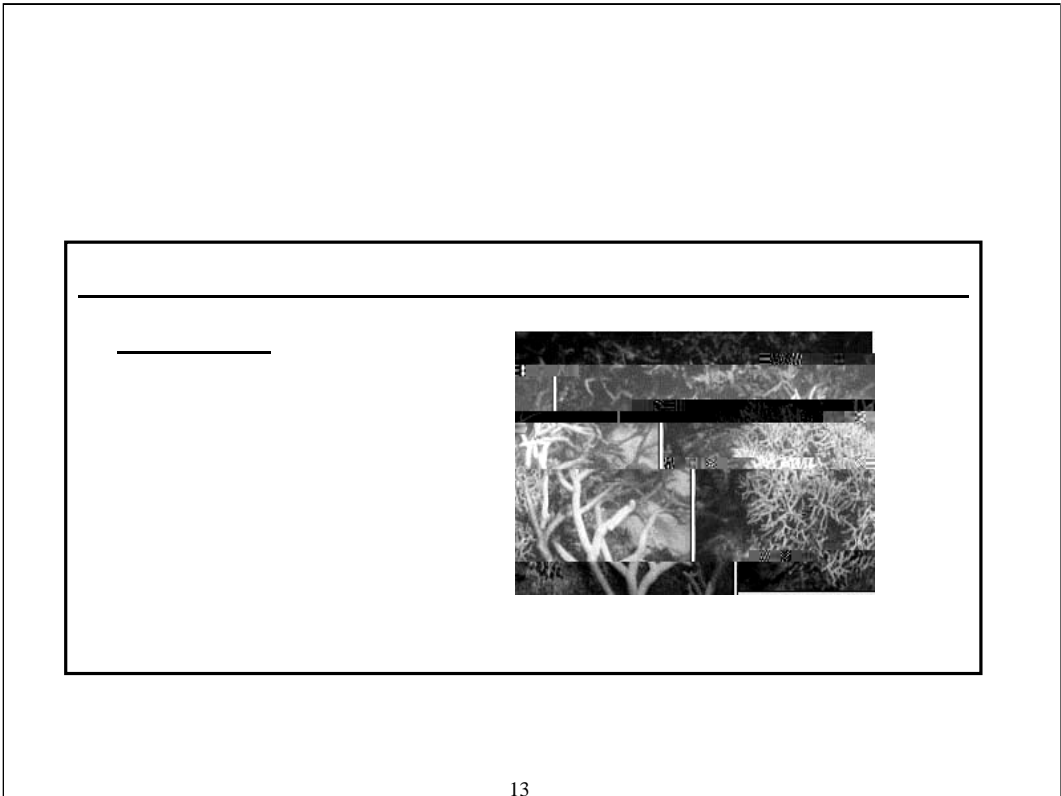


Here you can see examples of some other activities carried out at sea:

- The bulk of all international trade – approximately 90% – is transported by sea.
- Seaside tourism and the cruise industry are a major source of revenue for many countries, in particular small island developing States.
- The ocean hosts a wealth of underwater cultural resources, many of them still to be explored: over 3 million undiscovered shipwrecks are estimated to lie on the ocean floors.





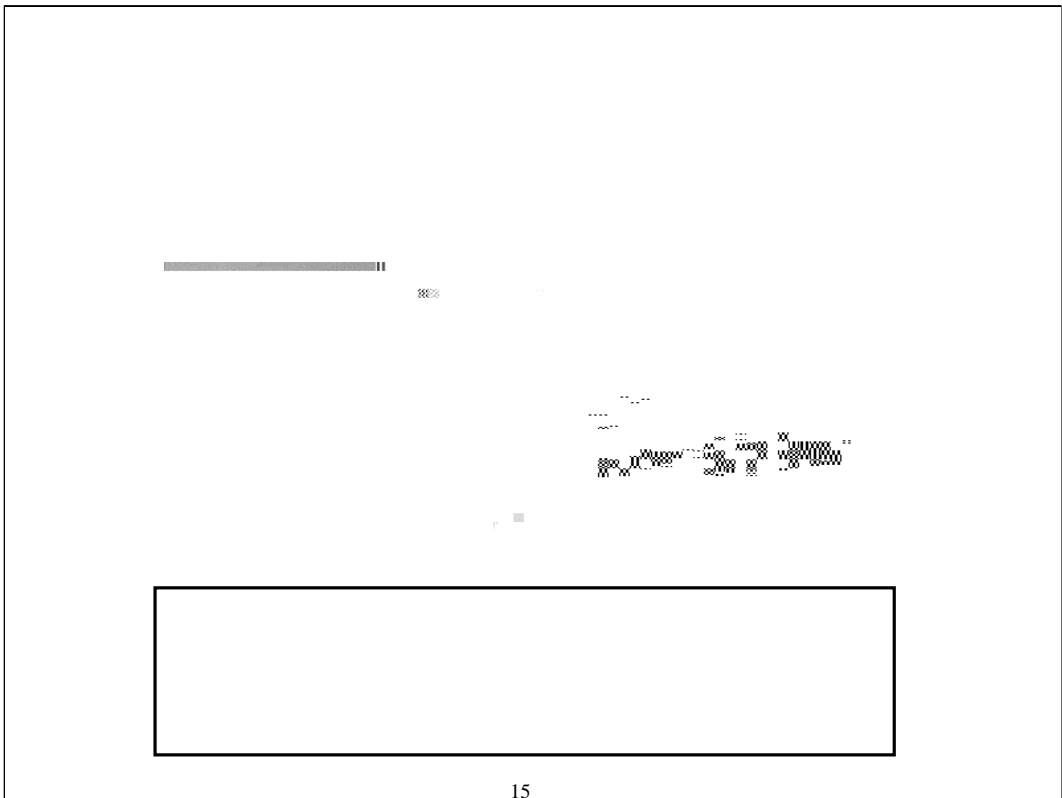


In terms of physical alteration or destruction of marine habitats it is worth

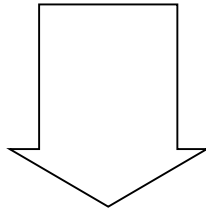


Other threats to the marine environment include:

- Dumping of wastes and other matter accounts for 10 per cent of pollutants in the oceans.
- The introduction of harmful alien species into new environments through ships' ballast water constitutes the greatest threat to the marine environment from shipping activities.
- The effects of global climate changes will have severe consequences for ocean and coastal ecosystems, and in particular in SIDS.

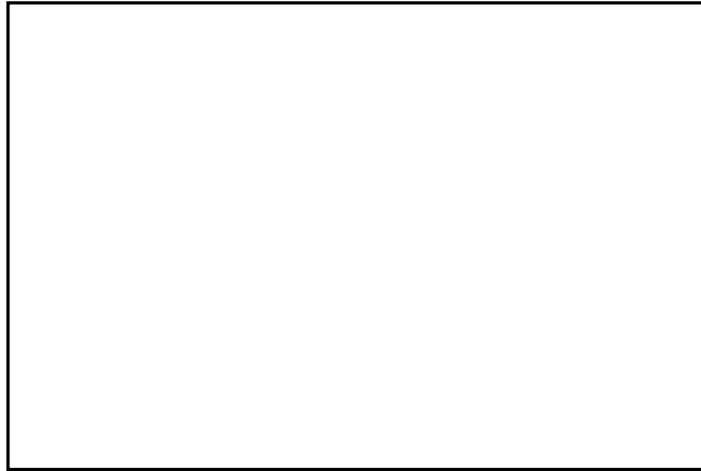


In this part of the presentation I would like to highlight the salient moments of the development of the regime for the protection and the preservation of the marine environment. In particular I will address the transition from the Stockholm Declaration to the United Nations Convention on the Law of the Sea



In 1972 The UN Conference on the Human Environment met in Stockholm. The outcome of the Conference was the Stockholm Declaration on the Human Environment.

The Declaration represents the first attempt by the international community to deal, *inter alia*, with the problem of protecting the marine environment in a comprehensive manner.

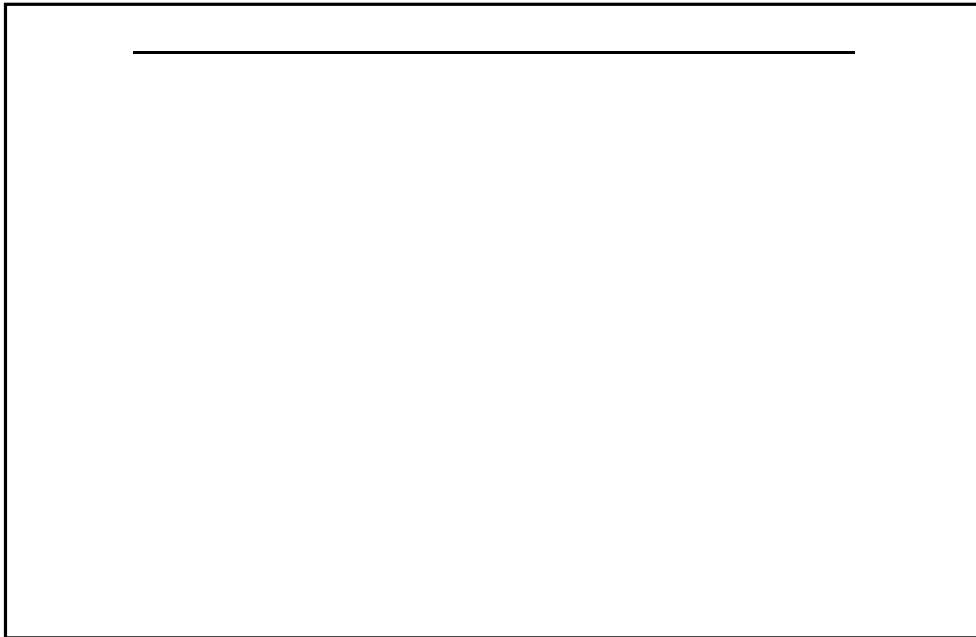


The Declaration contains twenty-six principles, three of which (principles 7, 21 and 22) are of particular relevance to the marine environment. Principle 7 deals with the prevention of pollution of the seas by substances that are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea. Principle 21 underlines the responsibility of States not to cause transboundary environmental damage (both to other States or to areas beyond the limits of national jurisdiction). Principle 22 invites States to develop international law regarding liability and compensation for the victims of pollution and other environmental damage caused by activities both within and beyond the jurisdiction or control of States.

In addition the 1972 Stockholm Conference adopted 109 recommendations for action at the international level for the protection of human environment, nine of which concern marine pollution. These recommendations called on States to accept and implement existing instruments on the control of marine pollution, to ensure the effectiveness of controls on vessel-source pollution and dumping at sea and to participate in new efforts to bring all sources of marine pollution, including land-based sources, under appropriate controls. The need for special measures to protect closed and semi-enclosed seas and to promote research and monitoring by national and international agencies was also underlined.



The comprehensive approach adopted in Stockholm was also adopted as a basis for the work of the Committee of the Third United Nations Conference on the Law of



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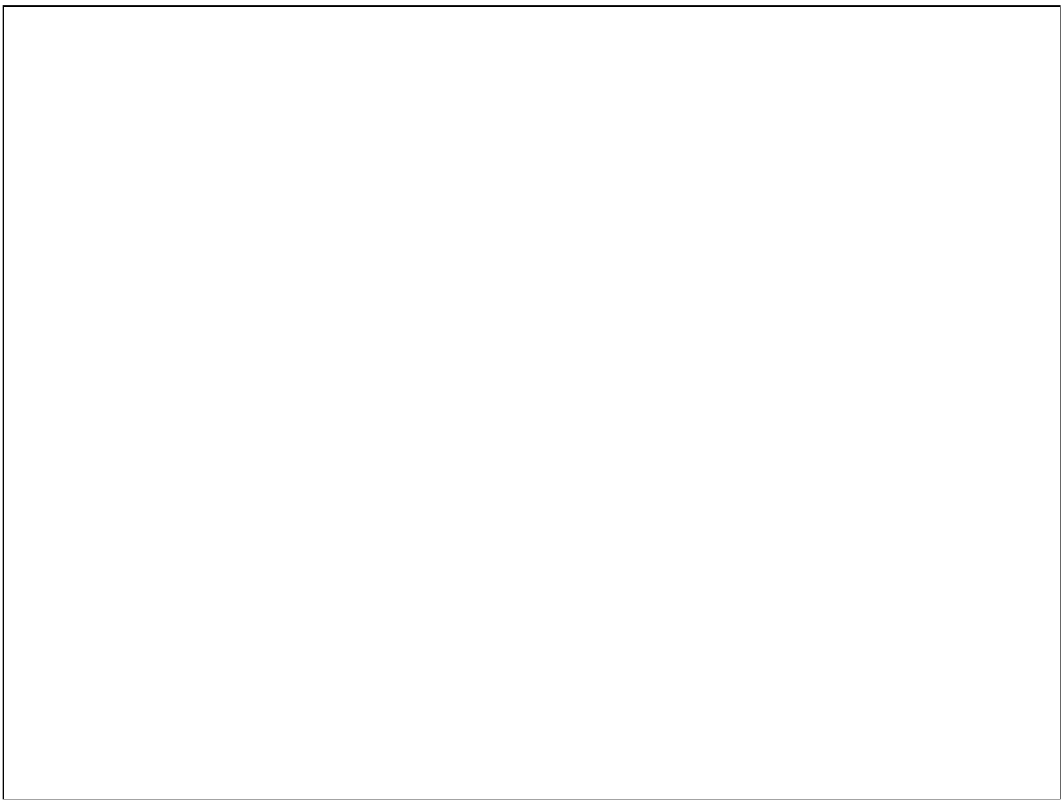
Part XII deals with the “Protection and preservation of the marine environment”. It is important to note that although the environmental provisions of the Convention are contained mainly in this Part, there are environmental provisions in various other parts of the Convention.

Part XII opens with a series of general obligations.

First of all the general obligation for States to protect and preserve the marine environment is set out in article 192. This fundamental obligation embodies a radical change from the piece-meal approach adopted in previous instruments.

This general obligation is qualified by article 193, which provides that “States have the sovereign right to exploit their natural resources pursuant to their environmental policies and in accordance with their duty to protect and preserve the marine environment”. The attempt to balance sovereign rights over natural resources and the duty to protect the environment can be considered a precursor of the concept of sustainable development.

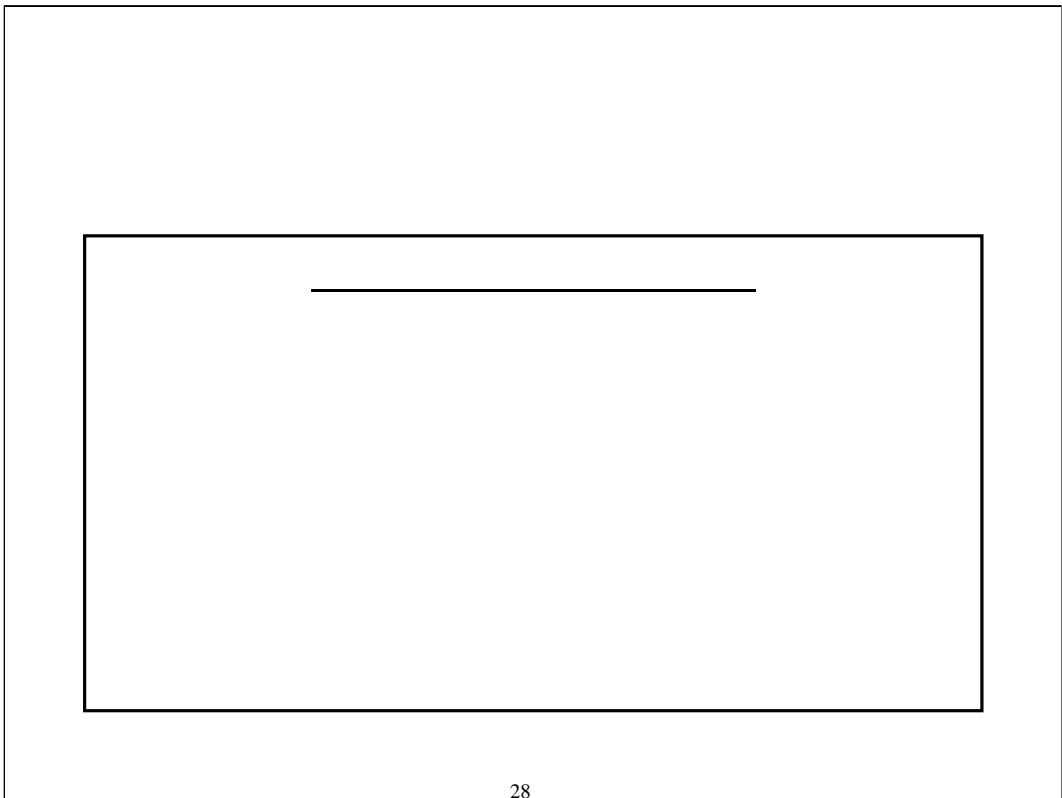
Articles 192-193 are generally regarded as statements of customary international law on the extent of the environmental responsibility of States towards the oceans.





At the same time, article 194 paragraph 5 of the Convention establishes that the measures taken by States to prevent, reduce and control pollution of the marine environment from any source, shall include include those necessary to protect and

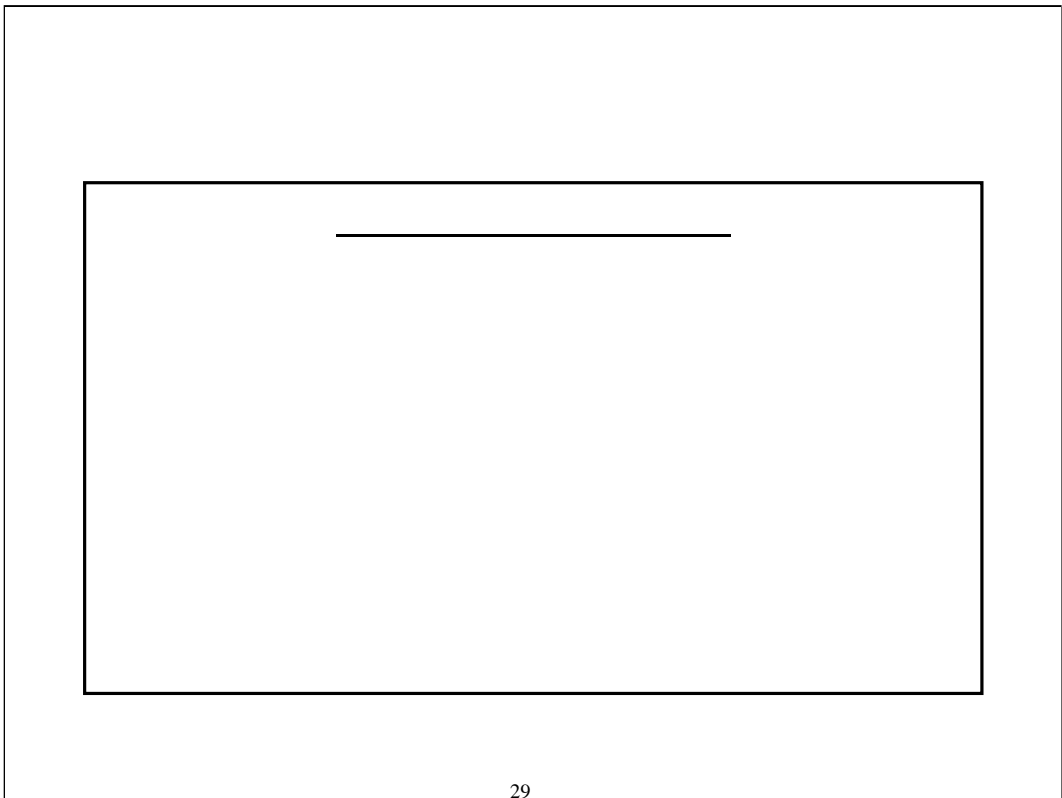




The convention provides for the development of international rules as well as national legislation.

- In the case of International rules, standards States are required to establish, or endeavor to establish, especially through the competent international organizations or diplomatic conference, global and regional rules, standards, to prevent reduce and control pollution of the marine environment from all sources. Such rules and standards have to be re-examine from time to time .

In the case of national laws and regulations States are required to implement



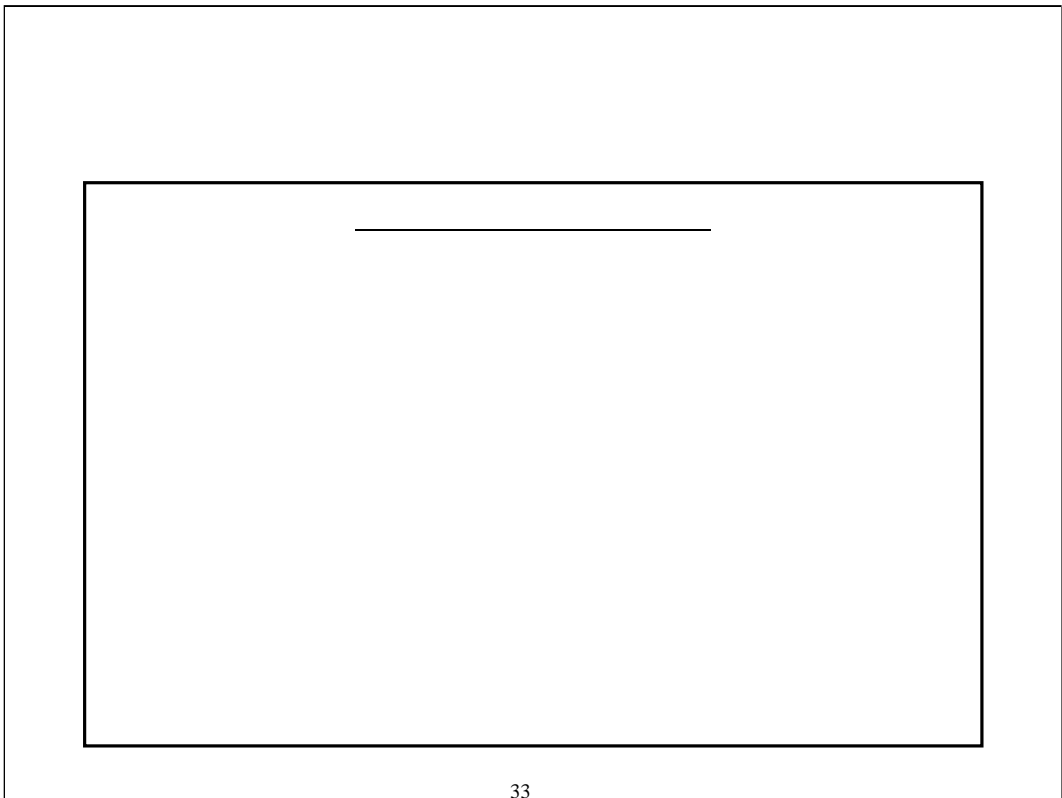
At the same time States are under an obligation to enforce their laws and regulations and implement international rules and standards, adopted in accordance to the articles mentioned above, in relation to all sources of pollution.





In the area of settlement of marine environmental disputes it is important to note that under article 297 of the Convention disputes where it is alleged that a coastal State has acted in contravention of specified international rules and standards for the protection and preservation of the marine environment which are applicable to the coastal State and which have been established by this Convention or through a competent international organization or diplomatic conference in accordance with this Convention shall be subject to the compulsory procedures entailing binding decisions.

Under Annex VIII on special arbitration, any party to a dispute concerning the interpretation or application of the articles of this Convention relating to (1) fisheries, (2) protection and preservation of the marine environment, (3) marine scientific research, or (4) navigation, including pollution from vessels and by dumping, may submit the dispute to the special arbitral procedure provided for in this Annex.



To conclude it is important to underline that the framework provisions that I have presented above, are intended to be the basis for a web of specific agreements developed by the relevant international organizations. Article 237 addresses the relationship between Part XII of the Convention and other specific obligations assumed by States under special conventions and agreements which were concluded