



Recommendation 585 (1970)¹

Legal problems raised by the pollution of the sea - Consequences of the wreck of the Torrey-Canyon

Parliamentary Assembly

The Assembly,

1. Deploing the continuous destruction of nature and natural resources and the increasing pollution of sea-water ;
2. Fearing that the sea may become a dumpingground for refuse which the nations want to get rid of;
3. Alarmed by the disastrous consequences which accidents with large-size tankers such as the Torrey Canyon may have for the marine flora and fauna and the sea coasts, as well as for fishery and other forms of peaceful use of the sea and its resources ;
4. Considering that other sources of sea-water pollution, including that resulting from radioactive waste of various kinds and discharge from ships, should be systematically assessed, and desirous that the FAO and UNESCO studies in this field should be expedited ;
5. Considering that the existing International Regulations for Preventing Collisions at Sea are not adequate and that they should be completed by measures obligatory for all categories of ships, and especially for large-size tankers ;
6. Deploing the fact that each year several millions of tons of hydrocarbons are deliberately discharged into the sea and that thousands of birds and fish and large quantities of marine micro-organisms are destroyed by this pollution ;
7. Welcoming the measures which oil companies have been taking to reduce the quantity of oil discharged into the sea by developing new techniques ;
8. Welcoming the agreement which they concluded among themselves to reimburse damage caused by accidental oil pollution ;
9. Welcoming the agreement which the North Sea bordering states concluded in June 1969 on co-operation in dealing with pollution of the North Sea by oil;
10. Expressing the hope that similar agreements be concluded among the Baltic Sea states and the Mediterranean bordering countries and convinced that everything must be done to prevent and suppress all sources of pollution of the three seas mentioned above ;
11. Welcoming the amendments to the International Convention for the Prevention of Pollution of the Sea by Oil of 1954 which were adopted in October 1969 by the Assembly of the Intergovernmental Maritime Consultative Organisation (IMCO), though considering that some of these amendments are still inadequate ;

1. Assembly debate on 24 January 1970 (19th Sitting) (see [Doc. 2697](#), report of the Legal Affairs Committee). Text adopted by the Assembly on 24 January 1970 (19th Sitting).



12. Welcoming :
 - a. the International Convention relating to Intervention on the High Seas in cases of oil pollution casualties ;
 - b. the International Convention on Liability for Oil Pollution Damage, which were elaborated in November 1969 within the framework of IMCO;
13. Observing, however, that the second of these Conventions limits liability for reparation of damage to the shipowner, whereas the new risk created by modern means of transport is due to the nature of the cargo, which mainly profits the shipper ;
14. Considering that third party liability for tanker accidents should be unlimited and regretting therefore that a limit of 2,000 gold francs per gross tonnage and of 210 million gold francs for any one disaster was agreed to in the absence of fault;
15. Welcoming, however, the strict objective liability, i.e. liability regardless of fault, which will be imposed, the compulsory insurance which shipowners will have to take out on their ships and the recommendations of the recent Brussels Conference of IMCO for the establishment of a guarantee fund,
16. Recommends that the Committee of Ministers :
 - 16.1. invite those member states which have not yet done so to :
 - a. sign and ratify as soon as possible the 1969 amendments to the International Convention for the Prevention of Pollution of the Sea by Oil of 1954 ;
 - b. sign and ratify as soon as possible the two Conventions mentioned in paragraph 12 ;
 - c. introduce as soon as possible effective penal and administrative sanctions in their national legislations to ensure the enforcement of these Conventions ;
17. invite member states to :
 - a. give their full support to and promote any efforts within IMCO for more effective international control of the enforcement of the above-mentioned Conventions ;
 - b. elaborate new provisions concerning the general problem of sea-water pollution and submit them to IMCO for approval, paying special attention to the need to preserve nature and natural resources ;
 - c. give their full support to and promote the work of IMCO in the field of sea-water pollution, the prevention of accidents at sea and related matters, particularly with a view to establishing, whenever and for whatever categories of ships necessary, such measures as one-way routing in congested zones, compulsory sea lanes, maximum speeds, and measures relating to shipborne navigational equipment and the periodic testing of it, the look-out systems, the training of officers and crews, the construction and maintenance of ships etc.;
 - d. take common action in order to refuse access to their ports to oil tankers which are not covered by appropriate third party insurance and which do not comply with certain technical requirements ;
 - e. further the setting up, within the framework of IMCO or at European level, of a fund to be financed from duties paid in by shippers on the basis of tonnage transported, to be constituted as an international public institution managed by representatives of states and of trade organisations and which will contribute both to the prevention and control of accidents and to compensation for any prejudices suffered by states or private persons as a result of oil pollution and not covered by insurance.