Chapter 9
Law of the Sea and International Environmental Law Considerations for Places of Refuge for Ships in Need of Assistance

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INTRODUCTION

The Guidelines on Places of Refuge for Ships in Need of Assistance (IMO Refuge Guidelines), adopted by the International Maritime Organization (IMO) in 2003, identify applicable multilateral instruments that ‘constitute, inter alia, the legal context within which coastal States and ships act in the envisaged circumstances’ of the Guidelines. These instruments are:

United Nations Convention on the Law of the Sea (UNCLOS), in particular article 221 thereof;

International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (the Intervention Convention), 1969, as amended;

* The author is grateful for research assistance from Cecilia Denne, Library Assistant at the World Maritime University, Malmö, Sweden.
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Protocol relating to Intervention on the High Seas in Cases of Pollution by substances other than Oil, 1973;

International Convention for the Safety of Life at Sea, 1974 (SOLAS 1974), as amended, in particular chapter V thereof;

International Convention on Salvage, 1989 (the Salvage Convention);

International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (the OPRC Convention);

International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78);

International Convention on Maritime Search and Rescue, 1979 (SAR 1979), as amended;

Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972;

Convention Relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material, 1971;

Convention on Limitation of Liability for Maritime Claims (LLMC), 1976;

International Convention on Civil Liability for Oil Pollution Damage (CLC), 1969;

International Convention on Civil Liability for Oil Pollution Damage (CLC), 1992;

International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND), 1992.¹

For coastal states considering the applicable law governing their rights and obligations for the purpose of protecting and preserving the marine environment, this list is obviously incomplete, hence the ‘inter alia’ reference. The list refers only to instruments that are in force so that other potentially significant instruments not yet in force are omitted.² With the exception of the United Nations Convention on the Law of the Sea, 1982 (LOS Convention),³ the above are almost exclusively instruments of international maritime law. Nor is there

