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# A New Interpretation of the Jurisdiction of the Coastal State and Its Impact on Dealing with Marine Pollution from Internal Waters to High Seas

Mohammad Mohammadzadeh Asl[1], Waliollah Nasiri[2]

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**Abstract**

The increase in sea traffic with commercial ships, warships, and submarines, followed by the spread of pollution of the seas in the last century, has not only led to the threat and destruction of vital resources and marine habitats but also a source of tension and conflict between units and actors. It has provided political and can be a threat to the world community. Despite Legal requirements, pollution in the seas is increasing. The sovereignty-oriented nature of marine pollution legal requirements is one of the most important reasons for governments' reluctance to implement regulations related to marine pollution because the development of rules in this field, as well as the implementation of regulations related to marine pollution, are still within the scope of governments' satisfaction. Considering the importance of protecting the marine environment, this research deals with the scope of the coastal government's competence to deal with marine pollution using a descriptive-analytical method and with the help of library data and international documents. The findings of the research show that although the instrumental use of the concept of national sovereignty has created the basis for the pollution of the seas, Recent developments in the field of international law of the sea, such as the drafting of Article 3 of the Convention on Interference in the High Seas and paragraph one of Article 218 of the Convention on the Law of the Sea, indicate the extraterritorial expansion of the jurisdiction of coastal states to deal with marine pollution, although in a limited way.

[1]. Assistant Professor of Public Law, Tasouj Center, Islamic Azad University, Sabeshtar-Tasooj Branch, Iran. (Corresponding Author), Email: mmz_asl@yahoo.com.

[2]. Ph.D. Student in Public International Law, Islamic Azad University, Maragheh Branch. Email: valinasiri58@yahoo.com.

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## Introduction

The seas of the world have historically played two key roles: firstly, as a means of communication, and secondly, as an immense reservoir of both living and non-living natural resources. Both of these roles have encouraged the development of legal rules (Shaw, 1997: 390). No branch of international law has undergone more radical changes during the past four decades than has the law of the sea and maritime highways (Starke, 1994: 242) Law of the sea is concerned with the public order at sea and much of this law is codified in the UN Convention on the Law of the Sea (UNCLOS) (Churchill, 2013). Although in this convention, it has been tried to refer to all the legal issues related to the seas and certain existing legal customs, but due to the generality of the convention, only the general issues have been mentioned. In the field of dealing with marine pollution, the twelfth section of the 1982 Convention on the Law of the Sea under the title of protection and protection of the marine environment provides the framework of legal regimes based on general principles, global and regional cooperation, technical assistance, environmental monitoring and assessment, and responsibilities. But the important point is that the Convention on the Law of the Sea only foresees the general structure of combating all types of pollution in the seas and leaves the regulation and implementation of regulations related to pollution to the governments, especially the coastal states. Therefore, although environmental protection is not without a legal basis, governments still have sovereignty within their territories, and the issue of the environment is not subject to any institution that has the authority to regulate all aspects of it. Most of the legal obligations, that is, what is beyond abstract concepts, are in the form of national laws and bilateral or multilateral treaties and conventions. Customary international law also offers few rules regarding the legal framework of dealing with sea pollution. According to the Convention on the Law of the Sea, Coastal states have an effective role in protecting the

marine environment (Melki, 1997: 59-76), but the research is based on the hypothesis that the scope of jurisdiction of coastal states is not limited to coastal waters as stipulated by the Convention on the Law of the Sea, In the field of marine environment protection, we see the development of the jurisdiction of the coastal states, although in a limited way, due to the development of numerous international treaties, so this research focuses more on the jurisdiction of the coastal government in implementing regulations related to marine pollution in marine areas.

## 1. Jurisdiction of the coastal state in the implementation of regulations related to marine pollution in marine areas

One of the most important problems facing the issue of preventing and dealing with marine pollution is the issue of qualifications and ambiguities in this regard. Although the internal waters and the territorial sea of the states are beyond this ambiguity and doubt, however, the extent of jurisdiction of the coastal government in areas such as the adjacent area, the exclusive economic zone, the straits used by international shipping, the continental shelf and the High seas is not clear. It seems that the Convention on the Law of the Sea seeks to grant legislative, executive and judicial jurisdiction to coastal states up to the exclusive economic zone. In response to the question of what is the competence of the coastal government in implementing regulations related to marine pollution in marine areas, it should be said that if a polluting incident or polluting source occurs within the boundaries of the territorial sea, the coastal state can take any action it deems appropriate. Because the internal waters and the territorial sea are subject to the absolute sovereignty of the coastal state. But if the pollution is on the other side of the territorial sea, the situation is different. The question of the powers of the coastal states in case of

incidents outside the territorial territory was raised, along with the issue of the Tory Canyon ship. Although the said ship was located in the open sea, it was bombed by the order of the British government authorities so that the effects of pollution caused by the burning of the oil cargo may be reduced. Doubts about the legitimacy of the British states actions caused the issue to be raised in the meetings of the International Maritime Organization (IMO). Considering the above issues, the International Maritime Organization held a conference in Brussels in 1969, the result of which was the conclusion of the Convention on Civil Liability for Oil Pollution Damages dated 1969 and the International Convention on Intervention in the High Seas in Cases of Oil Pollution Accidents dated 1969. Coastal countries benefit the most from the seas, of course they must also have the most responsibility in protecting the environment. The addressee of most of the international documents for the protection of the marine environment is also the coastal states. This issue is made clear from Article 4 of the Convention on Preparedness, Counteraction and Cooperation against Oil Pollution. Article 4 stipulates: Each Party shall:
(a) Require masters or other persons having charge of ships flying its flag and persons having charge of offshore units under its jurisdiction to report without delay any event on their ship or offshore unit involving a discharge or probable discharge of oil:
(i) In the case of a ship, to the nearest coastal State;
(ii) In the case of an offshore unit, to the coastal State to whose jurisdiction the unit is subject;
(b) Require masters or other persons having charge of ships flying its flag and persons having charge of offshore units under its jurisdiction to report without delay any observed event at sea involving a discharge of oil or the presence of oil:
(i) In the case of a ship, to the nearest coastal State;
(ii) In the case of an offshore unit, to the coastal State to whose jurisdiction the unit is subject.

### *1.1 Jurisdiction of the Coastal State in the internal waters and territorial sea*

In internal waters, the coastal State has full sovereignty (Bardin, 2002: 37). Internal Waters include littoral areas such as ports, rivers, inlets and other marine spaces landward of the baseline (low-water line) where the port state has jurisdiction to enforce domestic regulations. Enforcement measures can be taken for violations of static standards while in port as well as for violations that occurred within the coastal state's maritime zones and beyond. However, foreign vessels are not usually held to non-maritime or security port state laws so long as the activities conducted are not detrimental to the peace and security of the locale. In the Territorial Sea, a coastal state has unlimited jurisdiction over all (including foreign) activities unless restrictions are imposed by law. All coastal states have the right to a territorial sea extending 12 nautical miles from the baseline. According to Article 3 of the 1982 Convention on the Law of the Sea, the territorial sea is considered as part of the territory of the coastal state. Clause 1, Article 2 of the 1982 Convention stipulates: This sovereignty extends to the air space over the territorial sea as well as to its bed and subsoil. Paragraph 2 of the same article also states: This sovereignty is applied to the space above the territorial sea as well as to the bed and sub-bed of the sea. Therefore, according to Article 1 of the 1982 Convention, the coastal state has the right to sovereignty over the internal waters and territorial sea and can extend its national laws and regulations to the waters and natural resources in this territory (Shehbazi, 2016: 105-86). Of course, according to paragraph 3 of the article 2, this sovereignty will be applied in compliance with other provisions of international law. Article 1 of the 1958 Convention also emphasizes the sovereignty of the coastal state, which according to Dr. Pournuri means the power of legislation and law

enforcement by the coastal state regarding the territorial sea and their application through internal laws (Pournuri, 1372: 31).

Judge McNair said in the case of fisheries between Norway and England in 1951 regarding the sovereignty of the territorial sea: " International law does not declare to any state that it has the right to sovereignty over coastal waters, because the existence of this right is not related to the will of the states, but belongs to them without the will of the states. It means that the rights and sovereignty of the coastal state over internal and coastal waters are intrinsic and do not need to be declared (Pournouri, 1994: 31). According to Gerhard van Gelan, "Within the territorial waters of the state, the authority of the coastal ruler is as complete as his authority over its land." Any existing restrictions, whether they refer to the right of harmless passage or the privileges and immunities granted to foreign ships, are voluntary privileges that do not affect the basic principle of full sovereignty" (Fan Golan, 2011: 447).After establishing the principle of freedom of the seas, in the 18th century, in order to maintain their security and monitor the movement of foreign ships, the coastal states exercised their sovereignty in the adjacent waters and created a protective belt, known as the territorial sea, in the vicinity of their coast. The territorial sea is under the control of the coastal state, and the said state can use the resources located in these waters as well as its bed and sub-bed resources exclusively (Mommataz, 1975: 11; Houshang, 1976: 31). According to Article 1 of the 1958 Geneva Convention, a country's sovereignty extends beyond its land territory and internal waters to an area of seas connected to its coasts, which is called the territorial sea. One of the main motivations of the coastal states in establishing sovereignty in the territorial sea has been to ensure the security of the coastal country, in other words, defense-security considerations (Rangebran, 1989: 215). Therefore, the maritime territory of each state, in addition to internal waters (Maqtadar, 1993: 257), also includes the territorial sea, the width of which, according to Article 3 of the United Nations Convention on the Law of the Sea (adopted in 1982), is set at a maximum of 12 nautical miles from the baseline. In this area of

the sea, coastal states have the right to exercise any sovereignty (Akehurst, 1988: 104). In other words, territorial waters are under the complete sovereignty and dominion of the coastal government, and other countries do not have the right to navigate and use them except with the permission of the coastal government. However, the full exercise of the sovereign right is not completely unconditional. According to Article 192 of the 1982 Convention, States have the obligation to protect and preserve the marine environment. Article 208 stipulates: Coastal States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment arising from or in connection with sea-bed activities subject to their jurisdiction and from artificial islands, installations and structures under their jurisdiction, pursuant to articles 60 and 80. SoThe coastal State may adopt laws and regulations, in conformity with the provisions of this Convention and other rules of international law, relating to innocent passage through the territorial sea, in respect of all or any of the following:
(a) The safety of navigation and the regulation of maritime traffic;
(b) The protection of navigational aids and facilities and other facilities or installations;
(c) The protection of cables and pipelines;
(d) The conservation of the living resources of the sea;
(e) The prevention of infringement of the fisheries laws and regulations of the coastal State;
(0 the preservation of the environment of the coastal State and the prevention, reduction and control of pollution thereof;
(g) Marine scientific research and hydrographic surveys;
(h) The prevention of infringement of the customs, fiscal, immigration or sanitary laws and regulations of the coastal State.
Such laws and regulations shall not apply to the design, construction, manning or equipment of foreign ships unless they are giving effect to

generally accepted international rules or standards (Article 21 of the Convention on the Law of the Sea) The coastal State shall give due publicity to all such laws and regulations(Article 21(3)). Foreign ships exercising the right of innocent passage through the territorial sea shall comply with all such laws and regulations and all generally accepted international regulations relating to the prevention of collisions at sea (Article 21(4)). Territorial sea fully follows the principle of territoriality or sovereignty of national laws. However, the fragility of control in the territorial sea, especially if its extent is large, has led countries to increase the authority to apply laws, in a way that is stricter than land and air territory (Alipour and Bostan, 2014: 114). The jurisdiction of the coastal government in the territorial sea regarding dealing with marine pollution and protecting the marine environment can also be deduced from judicial decisions about the no-harm principle. The "no-harm" principle lies at the heart of universal, regional and basin agreements as well as judgements and awards adopted by international courts and tribunals. For instance, this principle is a core dimension of the 1997 Convention on the Law of the Non-Navigational Uses of International Watercourses (articles 7, 12 and 21). It is also addressed by the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakesthrough the notion of transboundary impacts (article 2). Among other key principles of international water law, this "no-harm" principle plays a crucial role from an inter-states perspective. Therefore, the no-harm principle is very important for how governments interact to manage and coordinate shared water resources (Kliott, Shmueli & Shamir, 2001: 236).

The Trail Smelter case, brought by the USA against Canada before an arbitral tribunal in 1941, is often cited as the first arbitral award in international environmental law. While this case involves transboundary air pollution, it is less known that this arbitration also concerned transboundary harm caused by uses of water resources. Indeed, the tribunal referred to domestic case law of the USA regarding the pollution of water resources to affirm limitations to sovereign rights (Tignino & Bréthaut,

2020: 631-648). Thus, the tribunal concluded: under the principles of international law, as well as of the law of the United States, no State has the right to use or permit the use of its territory in such a manner as to cause injury by fumes in or to the territory of another or the properties or persons therein, when the case is of serious consequence and the injury is established by clear and convincing evidence (Tignino & Bréthaut, 2020: 631-648).

Applying the "no-harm" principle to the facts before it, the tribunal considered that Canada was responsible in international law for the operation of the Trail smelter and the damage caused by it. In considering the pollution of air, the Trail Smelter tribunal based its reasoning on the concepts of sovereignty and territorial integrity. In fact, the so-called Harmon doctrine, affirming absolute territorial sovereignty, found one of its first expressions in the memorandum of the US agent in the Trail Smelter case. According to the American position: "It is a fundamental principle of the law of nations that a sovereign state is supreme within its own territorial domain and that it and its nationals are entitled to use and enjoy their territory and property without an interference from an outside source" (Whiteman, 1965: 183). The sovereignty of a state over its territory was emphasized as being "limited" by the obligation not to use that territory in a way that harms other states.

The Lake Lanoux case is the first arbitral award which expressly focuses on the uses of transboundary waters. It recognizes that an upper riparian state is prohibited to alter the waters of a river in a manner to cause a serious injury to the lower riparian country. However, this prohibition has not been linked by the tribunal to any environmental concerns.

The Gabčíkovo–Nagymaros case is the first ICJ dispute where issues of international environmental law have been examined in depth. the Court

expressly recognized the importance of the environmental concerns to trigger such a state.

The Court points out that this is an obligation of due diligence requiring that it is every State's obligation not to allow knowingly its territory to be used for acts contrary to the rights of other States (Corfu Channel (United Kingdom v. Albania), I.C.J. Reports 1949, p. 22). A State is thus obliged to use all means at its disposal in order to avoid activities which take place in its territory, or in any area under its jurisdiction, causing significant damage to the environment of another State. This Court has established that this obligation "is now part of the corpus of international law relating to the environment (Legality of the Threat or the Use of Nuclear Weapons, Advisory Opinion, I.C.J. Reports 1996 (I), p. 241, par. 29) (par.101).

In the opinion of the International Court of Justice in 1974 regarding the issue of fishing territory, the priority of the right of the coastal state over the rights of other states and the rights of coastal fishermen in the adjacent waters is recognized (Fisheries Jurisdiction Case (United Kingdom v. Iceland), I.C.J Judgment of 1974). This precedence includes the jurisdiction of the coastal government in the territorial sea area. according Article 2 of the 1992 Rio Declaration States have the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction, And in this regard, there is no difference between the act of the government and private individuals who are engaged in activities under the rule of that government. Prior to the Convention on the Law of the Sea, the declaration of the 1972 Stockholm Conference of the United Nations on the Environment stipulates: States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responibi1ity to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdic lion (Declaration of the United States Conference on the Human Environment

Stockholm 1972). States shall co-operate to develop further the international law rgarding liability and compensation for the victims of pollution and other environmental damage caused by activities within the jurisdiction or control of such States to areas beyond their jur.The obligation encompasses a “negative” prohibition of transboundary harm (the no harm principle) For all countries, and a “positive” obligation to take steps to prevent transboundary harm (the preventive principle) for the coastal state (Schatz, 2016: 407).

At the regional level, the approval and development of numerous treaties such as the SPAR Convention (1992 OSPAR Convention), the Helsinki Convention (Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki) Convention), 1992) Convention for the protection of the marine environment and the coastal region of the Mediterranean (Barcelona Convention) (Convention for the protection of the marine environment and the coastal region of the Mediterranean, 1995), Cartagena Convention and Protocol The Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, 24 March 1983, have led to the development of the jurisdiction of the coastal government in dealing with marine pollution and the transformation of governments' freedom of action in pollution into an obligation to prevent pollution(Abbasi Turkmani, 2000: 59-82).

### *1.2 Jurisdiction of the coastal state in the contiguous zone*

The contiguous zone is a belt of sea contiguous to but beyond the territorial sea where the Coastal State may exercise enforcement jurisdiction to prevent and punish infringement of its customs, fiscal, immigration and sanitary laws and regulations within its territory or territorial sea(Nalísha Kum, 2020: 5). This functional zone exists to strengthen a State’s law enforcement capacity and prevent criminals from fleeing the territorial sea

and it will only exist if it is claimed by a State, giving jurisdiction to the State on the ocean's surface(Center for Ocean and Law Policy, 1993: 266) The development of the contiguous zone concept dates back to the Hovering Acts enacted by Great Britain in the 18th century against foreign smuggling ships. Similarly, the United States of America exercised customs jurisdiction over inward bound foreign vessels (Crawford, 2012: 265-269). In the 19th century, many incidents involving British ships within Spanish Customs Zones triggered emphasis on the extent of maritime claims. It gave rise to the doctrine of Hot Pursuit, whereby when a ship was found within the territorial sea of a State and there were reasonable grounds to believe that it had violated the local law of that State, it can be pursued and arrested on the High Seas. Coastal States determined to extend their power seaward by developing generally recognized specialized extension and associated rights and the contiguous zone was the first of such to emerge (Geneva Convention on the Territorial Sea and Contiguous Zone (adopted 29 April 1958, entered into force 10 September 1964) 516 UNTS 205). In the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone8 in Article 24 was the first attempt to codify the contiguous zone which was later codified in Article 33 of UNCLOS.

Philosophy establishment of the contiguous zone, it gives enforcement jurisdiction beyond the territorial sea for special purposes namely; customs, fiscal, immigration or sanitary purposes only but not exceeding 24 nm limit from the territorial sea baseline. The ability to punish means that vessels that have committed such offences within the territory or territorial sea of the State may be arrested even though they have left theterritorial sea, similarly the ability to prevent indicates that a State might stop a vessel from entering its waters when it has reason to believe that such offence would be committed should that vessel proceed its journey (Evans, 2014: 667).

According to the 1958 Geneva Regulations, the coastal state can exercise the necessary surveillance for the purposes stated in Article 24 of this Convention in an area of the high seas that is adjacent to the territorial sea

of that state; However, the 1982 Convention no longer considers the surveillance zone a part of the open sea, but considers it a part of the exclusive economic zone. Each coastal state, referring to Article 24 of the 1958 Geneva Convention on the Territorial Sea and Article 33 of the 1982 Convention, can take the following actions in its surveillance area: Preventing violations of customs, financial, immigration and health laws of the coastal state in the territory or territorial sea. Penalty for violation of the above provisions in the territory or territorial sea of the coastal state.

According to Article 303 of the Convention of 1982, States have the duty to protect objects of an archaeological and historical nature found at sea and shall cooperate for this purpose. In order to control traffic in such objects, the coastal State may, in applying article 33, presume that their removal from the seabed in the zone referred to in that article without its approval would result in an infringement within its territory or territorial sea of the laws and regulations referred to in that article. Article 33 of the 1982 Convention, which includes 2 clauses, allows a coastal State to: (a) prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea; (b) punish infringement of the above laws and regulations committed within its territory or territorial sea. The contiguous zone may not extend beyond 24 nautical miles from the baselines from which the breadth of the territorial sea is measured (UNCLOS, 1982: Article 33(2)).

A number of representatives of the States announced their positions in this regard in their statements during the preparatory meetings for the drafting of the Convention on the Law of the Sea. The American representative stated: In my opinion, based on paragraph 11, the coastal countries have acquired rights beyond the external limits of the territorial sea under limited conditions. These rights include the protection of the marine environment in the exclusive economic zone and the open sea, as well as

the right to exercise jurisdiction in the adjacent area (Kosha & Shaygan, 2012: 250-274).

For example, if the ship is suspected of violating environmental lawsis in the EEZ, the coastal State will only be able to require the vessel to "give information regarding its identity and port of registry, its last and its next port of call and other relevant information required to establish whether a violation has occurred (UNCLOS, 1982, art. 220(3)) On the other hand, if the coastal State doubts that the violation has resulted in a substantial discharge causing or threatening significant pollution to the marine environment of its territorial sea or its EEZ, it can inspect the vessel for "matters relating to the violation if the vessel has refused to give information or if the information supplied by the vessel is manifestly at variance with the evident factual situation and if the circumstances of the case justify such inspection(UNCLOS, 1982, art. 220(5)). If this discharge is believed, on clear grounds, to have caused major damage or the "threat of major damage to the coastline or related interests of the coastal State, or to any resources of its territorial sea or excusive economic zone, the State may... provided that the evidence so warrants, institute proceedings including detention of the vessel. (UNCLOS, 1982, art. 220(6))

Regarding the scope of jurisdiction of the coastal government in the Contiguous Zone, the important point is that of archaeological and historical objects within the contiguous zone is subject to control of the coastal state, including Hot Pursuit. So far, as the prevention of the removal of archaeological and historical objects are concerned, the coastal State may exercise both legislative and enforcement jurisdiction within its contiguous zone by virtue of Article 303(2)). For States that claim an EEZ and a contiguous zone, the contiguous zone is part of the EEZ and the coastal State may exercise both legislative and enforcement jurisdiction for limited matters provided by UNCLOS (Tanaka, 2015: 124).

### *1.3 Jurisdiction of the coastal States in the exclusive economic zone*

It is now generally accepted that most of the EEZ regime of Part V of UNCLOS represents customary international law (Continental Shelf (Libyan Arab Jamahiriya v. Malta), Judgment, ICJ Reports 1985, 13, 33; Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada v. United States of America), Judgment, ICJ Reports 1984, 246, 294; Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. Norway), Judgment, ICJ Reports 1993, 38, 59). The EEZ is a maritime zone sui generis (Nelson, 2008: 1035-1038), which combines fundamental freedoms of the High Seas (in particular the freedom of navigation, Article 58 (1) UNCLOS) with certain sovereign rights of coastal States, thereby creating considerable tension between the two (Hoffmann, 2011: 571-572). As stated by Article 56 (1) (a) UNCLOS the coastal State has, inter alia, sovereign rights for the purpose of exploring, and exploiting, conserving, and managing the living natural resources in its EEZ. Those sovereign rights must be distinguished from the coastal State's full sovereignty over the Territorial Sea, as they are limited ratione materiae to the resources of the EEZ (Tanaka, 2015: 127). Thus, the EEZ succeeds earlier concepts of preferential Ability to deal with pollution rights in an area beyond the Territorial Sea. In order to exercise its sovereign rights, the coastal State may regulate EEZ the protection and preservation of the marine environment in accordance with Articles 56 UNCLOS and enforce its environmental laws pursuant to regulationUNCLOS (Rangebran, 1989: 215).

The exclusive economic zone is an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention. In the exclusive economic zone, the coastal State has:

(a) Sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone (UNCLOS, 1982: art.55), such as the production of energy from the water, currents and winds;

(b) Jurisdiction as provided for in the relevant provisions of this Convention with regard to:

(i) The establishment and use of artificial islands, installations and structures;

(ii) Marine scientific research;

(iii) The protection and preservation of the marine environment;

(c) Other rights and duties provided for in this Convention (UNCLOS, 1982, art. 56).

In order to Dealing with pollution in its EEZ, the coastal State must be able to effectively enforce its environmental laws. Today, effective enforcement is even more important to further legislative action. In order to arrest foreign vessels suspected of environmental law violations, boarding, inspection, arrest and judicial proceedings. In order to arrest foreign vessels suspected of fishing law violations, the coastal State can also carry out hot pursuit from the EEZ into the High Seas pursuant to Article 111 (2) UNCLOS (Shehbazi, 2016: 105-86). Enforcement measures coastal State's authorities may not "endanger the safety of navigation or otherwise create any hazard to a vessel, or bring a vessel to an unsafe port or anchorage, or expose the marine environment to an unreasonable risk". In order for enforcement measures pursuant to be necessary, coastal State's authorities must satisfy a principle of reasonableness that demands due regard "[...] to be paid to the particular circumstances of the case and the gravity of the violation." And Article 225 Convention on the Law of the Sea of 1982 based on Duty to avoid adverse consequences in the exercise of the powers of enforcement It must be observed.

### *1.4 Jurisdiction of the Coastal State in the High Seas*

Now the question arises that how far is the scope of exercising the right of the coastal state in pursuing the pollution of the seas and whether this right is limited only to the territory of the territorial sea up to the exclusive economic zone of that state or it goes beyond that the open waters. Regarding the pollution outside the territorial territory of the countries, the opinion that the environment is a single and interconnected complex is now declared in various documents about the protection of the environment, such as the Stockholm Conference, the World Charter of Nature, the Rio Declaration, and also international lawsuits. For example, in the lawsuits by Australia and New Zealand against France over France's atmospheric nuclear tests in the South Pacific, Australia and New Zealand argued that France's nuclear tests contravened a range of rights, some of which include the right to Protecting and maintaining the environment from artificial radioactive pollution belongs to all members of the international community, including Australia and New Zealand (Nuclear Test Case (Australia v. France), I.C.J Judgment of 1974). Because nuclear explosions lead to the pollution of sea waters and the destruction of its plant and animal resources, and as a result, they cause damage to the entire international community (Juandel Jananlou, 2016: 187-170; Sharifi Tarzkohi, 2016: 25).

In this regard, the Convention on the Law of the Sea also states in its twelfth part: The coastal state that has a ship with a foreign flag in its port can take enforcement measures against that ship even when that ship is accused of causing pollution. It is in the open waters or the waters of the territorial sea of another country. In this way, the mentioned convention allows the governments to take the necessary measures to protect their environment, even outside the territorial waters. The convention in

question does not even specify the type of government actions for such cases, and thus it can be said that the "necessary actions" included anything and every action or practice, for example, from changing the location of the polluting ship to destruction. It will be complete and its cargo.

Article 198 of the 1982 Convention on the Law of the Seas states: "If a state becomes aware of matters that endanger the marine environment, it must immediately inform other relevant states and the appropriate international organization." It is possible that this country is a coastal state that becomes aware of pollution cases and the marine environment at risk, therefore, according to Article 198 of the 1982 Convention on the Law of the Sea, this state has the authority to first notify other countries at risk and the competent international organization. Secondly, this article does not have any prohibition on other actions of the coastal government in the field of dealing with pollution. Therefore, if the coastal government recognizes that intervention is better than informing at that moment, no government or authority will object to the coastal government's preventive measures. In addition, the intervention of the coastal government in the field of dealing with pollution in areas beyond national jurisdiction, according to the resolution 27/49 of the General Assembly dated 1970, is an action to preserve the common heritage of humanity (Taghizadeh and Haddadi, 2021: 186).

In this way, the jurisdiction of the coastal state in the open waters is limited to preventing the pollution of the seas, and the open waters are under the jurisdiction of international regulations, and the coastal states and all governments are only their enforcers and must cooperate with each other. With this account, the ships accused of causing pollution will not be able to escape legal prosecution with the excuse that they were not immediately sued by the coastal state. Proceedings may be started in other ports that are the ship's next destination and then transferred to the country in whose maritime territory the pollution occurred or the flag state (Charney, 1994: 884). They are obliged to enact internal laws related to the responsibility of compensation for environmental pollution.

The most important development that this convention has created in the jurisdiction of the coastal government in the field of dealing with sea pollution is the strengthening of the legislative and judicial powers granted to the port owner government. But after the exclusive economic zone, which is under the jurisdiction of the coastal government, the Convention on the Law of the Sea allows all governments to take necessary measures to protect their environment, even outside the territorial waters. In this way, Article 218 has created a kind of universal jurisdiction that is symmetrical with the jurisdiction of the flag state and, in some cases, the jurisdiction of the coastal state (Farkhanda, 2005: 169). The concept of universal jurisdiction is important in the sense that pollution caused by ships, It is a global crisis and not just domestic or regional. Therefore, the individual competence of the governments to deal with it is not considered a suitable and efficient solution because the governments, even if they have the ability to control or eliminate pollution in their exclusive economic zone, by applying effective and efficient standards and enforcement measures, they will not be able to deal with evacuation cases. oil beyond the exclusive economic zone and its spread by wind or tide to the coasts, to protect their marine environment (Boczek, 1978: 788). The Convention on Interference in the High Seas also recognizes the member states as having the right to "take any necessary action in the high seas to prevent, reduce or eliminate severe and imminent dangers to the coasts or their related interests as a result of pollution or threats." pollution, following the occurrence of marine accidents... which can reasonably be expected to lead to dangerous and serious consequences.

Gradually and according to the declarations of Stockholm in 1972 and Rio in 1992, and especially after the ratification of the Convention on the Law of the Sea in 1982, the concept of the common environment has broadened the scope of rights of coastal states, so that such states can take actions

apply enforcement against foreign-flagged ships in port; Even when that ship is accused of causing pollution in open waters or coastal waters of another state. The Convention on the Law of the Sea obliges the countries to create judicial mechanisms and develop internal laws to compensate the victims, and also asks the countries to cooperate with each other to develop regional and international documents in this regard.

## 2. Legal basis of jurisdiction of the coastal state to implement regulations related to marine pollution in different marine areas

Since 1969 AD, about 20 international treaties, including 10 conventions and 10 maritime protocols, have been approved by the International Maritime Organization. From the total number of these treaties, 12 have been compiled and approved since 1990. This shows a greater desire and direction by international assemblies for the development of environmental laws and regulations in the sea. Following the establishment of any international treaty, the member states try to quickly regulate and enact or amend their laws and regulations in a way that they can implement the requirements of the international treaties. Because the above international treaties of the states and especially the states of the coastal state have the competence of environmental laws and regulations and their implementation. The legal bases of the legislative authority of the coastal government to implement regulations related to marine pollution in marine areas are the subject of various treaties, which can be mentioned as follows:

### *2.1 Convention on the Law of the Sea*

Granting legal authority to the coastal government to deal with marine pollution from ports and inland waters to "common areas" began with the Third United Nations Conference on the Law of the Seas. Some of the governments participating in the conference put forward a proposal that would allow the coastal government for areas that are particularly vulnerable or dangerous for shipping, as well as for areas that are subject

to international laws on the prevention of pollution caused by The ships are not available or enough, unilaterally impose rules and regulations. Finally, after many discussions, the current framework of the 1982 Convention on the Law of the Sea regarding pollution standards was approved, which can be said to be a combination of the aforementioned proposals in this field. The fourth paragraph of Article 211 of the Convention stipulates regarding the legislative competence of the coastal state:

Coastal States may, in the exercise of their sovereignty within their territorial sea, adopt laws and regulations for the prevention, reduction and control of marine pollution from foreign vessels, including vessels exercising the right of innocent passage. Such laws and regulations shall, in accordance with Part II, section 3, not hamper innocent passage of foreign vessels (UNCLOS, 1982, art. 211(4)).

The fifth paragraph of Article 211 of the Convention also provides for the expansion of the legislative competence of the coastal government to the exclusive economic zones:

Coastal States, for the purpose of enforcement as provided for in section 6, may in respect of their exclusive economic zones adopt laws and regulations for the prevention, reduction and control of pollution from vessels conforming to and giving effect to generally accepted international rules and standards established through the competent international organization or general diplomatic conference (UNCLOS, 1982, art. 211(5)).

The 1982 Convention on the Law of the Sea does not directly address the rights of the coastal state to act against pollution incidents. (Tolaei, 2008: 4-80), but in Article 221 of this convention, it is stipulated thatNothing in this Part shall prejudice the right of States, pursuant to international law, both customary and conventional, to take and enforce measures beyond

the territorial sea proportionate to the actual or threatened damage to protect their coastline or related interests, including fishing, from pollution or threat of pollution following upon a maritime casualty or acts relating to such a casualty, which may reasonably be expected to result in major harmful consequences.

Article 198 of the Convention on the Law of the Sea stipulates:When a State becomes aware of cases in which the marine environment is in imminent danger of being damaged or has been damaged by pollution, it shall immediately notify other States it deems likely to be affected by such damage, as well as the competent international organizations. In the twelfth section of the 1982 Convention on the Law of the Sea, the legal rules related to the marine environment are specifically mentioned. Also, in some other parts of this convention, the environmental issue has been mentioned as necessary. In total, about 60 articles of the 1982 convention are dedicated to this issue. According to Article 193, States have the obligation to protect and preserve the marine environment.

According to Article 194 States shall take, individually or jointly as appropriate, all measures consistent with this Convention that are necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance with their capabilities, and they shall endeavour to harmonize their policies in this connection.

The measures taken pursuant to this Part shall deal with all sources of pollution of the marine environment. These measures shall include, inter alia, those designed to minimize to the fullest possible extent:

(a) The release of toxic, harmful or noxious substances, especially those which are persistent, from land-based sources, from or through the atmosphere or by dumping;

(b) pollution from vessels, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, preventing intentional and unintentional discharges, and regulating the design, construction, equipment, operation and manning of vessels;

(c) pollution from installations and devices used in exploration or exploitation of the natural resources of the seabed and subsoil, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, and regulating the design, construction, equipment, operation and manning of such installations or devices;
(d) pollution from other installations and devices operating in the marine environment, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, and regulating the design, construction, equipment, operation and manning of such installations or devices.

### *2.2 Marple Convention*

In 1973, the International Maritime Organization approved the International Convention for the Prevention of Pollution of the Seas Caused by Ships, and five years later, the aforementioned convention was amended by the approval of the 1978 Protocol. In general, it is known as "Marple 78/73". MARPOL Convention has six appendices, the first and second appendices, respectively titled "Regulations to prevent oil pollution" and "Regulations to control pollution by toxic liquid substances in bulk" are mandatory and the rest are optional. According to the provisions of the aforementioned convention, the discharge of oil-containing materials into the sea is prohibited under any circumstances in special marine areas and has limitations in other areas. Each member country of the MARPOL Convention and its annexes must implement a regular and detailed plan under the name of a quick response plan in the field of collecting oil spilled into the sea by ships. Any violation of the requirements of the convention is prohibited and the punishments must be carried out under the laws of the executive body of the offending ship. Also, any violation in the region under the rule of any member state is

prohibited and punishments must be carried out under the regulations of the same member state. In this regard, the governments are obliged to enact domestic laws related to the responsibility of compensation for environmental pollution. According to the second paragraph of Article 235 of the 1982 Convention on the Law of the Sea, governments must ensure that there is a right to seek prompt and adequate compensation based on the legal system of that country for various natural and legal persons under their jurisdiction. Due to the technical complexity and the necessity of establishing strict protective laws and regulations to protect the marine environment against various pollutions originating from ships and offshore platforms, MARPOL Convention has tried, as far as possible, to identify the various types of pollution caused by the aforementioned sources and establish the necessary rules and regulations regarding each of them. The rules and regulations of the MARPOL Convention, like other international conventions, have a global scope, and the establishment of specific regulations for a country or the establishment of criminal regulations in the convention has been avoided, therefore, the establishment of this category of regulations has been left to the coastal governments, based on their specific conditions and requirements. Take action in this regard. According to the MARPOL convention, single-walled ships with a lifespan of more than 25 years are not allowed to carry petroleum products, and coastal governments must prevent such vessels from entering their ports. While recognizing the competence of the coastal government in dealing with pollution, this regulation has emphasized the responsibility of the coastal government in environmental pollution (Najafi Esfad and Darabinia, 2012: 99). One of the innovative measures of MARPOL in the field of marine environment protection is the identification of special areas under the supervision of MARPOL. The designated areas in the Convention on the Law of the Sea are limited to the exclusive economic zone, but the special area in the MARPOL Convention covers enclosed or semi-enclosed areas that they can be considered part of the territorial sea, the exclusive economic zone and the open seas (Sekimizu, 2014).

### *2.3 Convention on intervention in the open sea in case of oil pollution incidents and protocol*

Although the intervention convention and its protocol are only related to actions taken in the open sea (International Convention to Intervention on the High Seas in cases of Oil Pollution Casualties, Adopted in Brussels, Belgium on 29 November 1969, Article I). In this way, it may appear that the coastal government cannot extend the powers contained in it for the exclusive economic zone. However, since there is no other convention for intervention in the exclusive economic zone, if we consider the above powers limited to the open sea, the coastal government's right to intervene in the open sea becomes more than the exclusive economic zone, which is closer to its shores. At the same time, when the intervention convention and its protocol were drawn up, the concept of exclusive economic zone had not yet been formed, and it seems that the meaning of "free sea" in the documents of the said convention can be considered as the zone beyond the territorial sea. For a state whose coasts are vulnerable to the traffic of oil tankers, this convention can be useful, as it allows the state to take any necessary measures to protect its coasts in the event of an incident outside the waters of the sea. the land that is dangerous for that country, and the only major commitment of that government is that the related measures should be proportionate and reasonable.Article 1 of the Convention explicitly extends the jurisdiction of the coastal state to the high seas, and this jurisdiction can be exercised in extreme emergency situations where the necessary measures must be taken immediately, even without prior notice or consultation or continued consultation with other interested countries or competent international authorities therefore, due to emergency conditions, the coastal government can take any necessary measures in order to prevent, reduce or eliminate severe and imminent

risks due to pollution or the threat of pollution of the sea. It doesn't seem that if the principle of proportionality is observed by the coastal state, other states or international authorities would object to the broad powers of the coastal state based on reasonable signs of damage and pollution. The SPAR Convention or the Convention for the Protection of the Marine Environment of the Northeast Atlantic Ocean, approved on September 22, 1992, has also made rationality the basis for exercising the jurisdiction of governments, an example of which can be seen in the first clause of the second paragraph of Article 2. The wording of this convention, unlike many other conventions, establishes a positive obligation for governments and requires them to take routine preventive measures when there are reasonable signs of harm and danger. This development in the jurisdiction of the coastal states all appeared after the 1982 Convention on the Law of the Sea (Zamani, Mohammadi, Hosseini Azad, 2014: 37-48).

### *2.4 Civil Liability Convention for Oil Pollution Damages*

The International Convention on Civil Liability for Oil Pollution Damage indirectly considers the coastal government responsible for setting regulations and adopting preventive measures for marine pollution (The International Convention on Civil Liability for Oil Pollution Damage, 1969, art 2(b)). The Civil Liability Convention stipulates that if the long-lived oil released or discharged from a ship during maritime accidents causes damages in the territory of the member states, including their territorial sea, except in three cases, full responsibility for compensation of damages and costs of actions Prevention is the responsibility of the ship owner or the insurers of that ship. In this way, the person responsible for compensation is clearly determined. The above-mentioned three cases, which actually limit the responsibility of the ship owner, are: damages caused by war and natural disasters, accidents caused by the negligence of a third party, and damages caused by the negligence or mistake of those responsible for navigational signs. In fact, the coastal government should prevent oil pollution damages by installing marine signs and adopting

solutions for transportation security. In case of negligence of the coastal government in the installation of marine signs and the occurrence of oil pollution, the ship owner has no responsibility (Articles 1 and 2 of the 1969 Convention on Civil Liability for Oil Pollution Damage). As an example, when the coastal government did not take proper legislative and executive measures regarding the safety of shipping and the regulation of maritime traffic, and this tolerance and negligence caused maritime collisions and as a result, the pollution of territorial waters due to the breaking of cargo ships and oil spills in such a way that interference If the owner of the ship has a secondary character in it, the damage was done intentionally or through negligence, the damage caused cannot be claimed (Saifi Qara Yataq, 2016: 290). Therefore, the owner of the ship will not be held responsible if he proves that the damage was caused entirely by the negligence or mistake of the coastal government. Because this convention indirectly covers the rights and duties of the coastal state in the territorial sea, including the right to enact laws and legal regulations regarding shipping security and maritime traffic regulation in order to protect the marine environment and prevent, reduce or control pollution as stated in Article 21 paragraph 1. It mentions the Convention on the Law of the Sea.

### *2.5 Convention on the Facilitation of International Maritime Traffic*

The Convention on the Facilitation of International Maritime Traffic is another document that calls on the coastal state to regulate and enforce international maritime traffic regulations. Article 2 of the Convention on the Facilitation of International Maritime Traffic stipulates: The Contracting Governments undertake to co-operate, in accordance with the provisions of the present Convention, in the formulation and application of measures for the facilitation of the arrival, stay and departure of ships. Such measures shall be, to the fullest extent practicable, not less favourable

than measures applied in respect of other means of international transport; however, these measures may differ according to particular requirements(Convention on Facilitation of International Maritime Traffic, 9 April 1965, Article II)

### *2.6 International Convention on oil pollution preparedness, response and cooperation, 1990*

According to international documents related to the rights of the seas, coastal states are among the most influential factors in preventing and dealing with oil pollution in marine areas. The convention of preparedness, response and cooperation against oil pollution in order to fulfill the responsibility of the coastal state, again mentioned the jurisdiction of the port owner and coastal states, which is considered an innovation in its own kind. Paragraph "C" of Article 4 of the Convention on Preparedness, Counteraction and Cooperation against Oil Pollution explicitly requires the authorities of the coastal government to report the occurrence of incidents involving oil spillage from the ship or even the possibility of it to the competent national authorities of their respective governments. According to paragraph "A" of Article 4 of the Convention on Preparedness, Counteraction and Cooperation against Oil Pollution, captains of ships or other persons in charge of ships under their flag and persons in charge of marine units are required to report without any delay any incident on their ship or marine units that involves If there is an oil spill or the possibility of an oil spill, report to the nearest coastal country.

## 3. Conclusion

The international law of the seas has placed the protection of the environment of known marine areas within the jurisdiction of governments. The rules set by States regarding the jurisdiction of environmental protection of marine areas are very diverse and heterogeneous. Some States have limited their jurisdiction to the territorial sea, while others are trying to extend it to the exclusive economic zone and

the continental shelf. Some countries, such as Germany and Greece, have extended their domestic criminal jurisdiction to the open sea and criminalized pollution in the open sea. This situation has gone so far that polluting the open sea is considered a violation of the internal prohibitions established in the laws of these countries. In fact, the mentioned States exercise this authority in some cases without any restrictions; In the sense that they have not limited it to the jurisdiction of the states that own the flag of the relevant ships in the case. 991 to 992 of the Criminal Code of Germany) What this research clarified is that the coastal government has the legal authority to protect the marine environment in territorial waters, and in the high seas it only has limited authority in the form of voluntary supervision and intervention to prevent Marine pollution is with the cooperation of other States. Part XII of UNCLOS regulates pollution and states that each State has an obligation to protect and preserve the marine environment.' 94 Thus, each State has a duty to take all measures necessary and compatible with UNCLOS to prevent, reduce, and control pollution of the marine environment from all sources. The UNCLOS drafters' use of the term "Protection: A Duty for All States" It shows the extent of jurisdiction of the coastal government from internal waters to High seas.

**References**

**Book:**

Center for Ocean and Law Policy (1993), University of Virgina School of Law, UNCLOS 1982 a Commentary (Martinus Nijhoff Publishers) p.266.

Crawford, James (2012), Browlie's Principles of Public International Law, (8th edn, Oxford) Pp.265-269.

Evans, Malcom (2014), International Law, (4th edn, Oxford) p.667.

Fan Golan, Gerhard (2011), an introduction to public international law, V.2, translated by Daud Aghaei, Tehran Mezan Publishing, 4th edition.

Michael Akehurst (1988), A Modren Introduction to International Law, (London, Unwin Hyman), p.104.

Moqtadar, Houshang (1993), Public International Law, Printing and Publishing Institute of the Ministry of Foreign Affairs, first edition.

Mumtaz, Jamshid (1975), Laws of the Seas, Publications of the Center for International Advanced Studies, Pp.11-12.

Omid, Hoshang, (1976), Maritime law, (Volume1), Tehran Higher School of Insurance Publications, Khodad, p. 31.

Pournuri, Mansour (1994), International Law of the Seas, Mahd Hawq Publications, 2nd edition.

Pournuri, Mansour and Mohammad Habibi (2005), International Law of the Seas; Convention on the Law of the Sea (adopted in 1982), first edition, Tehran: National Center for Oceanography.

Sharifi Tarzkohi, Hossein (1997), Rules of Amre and International Legal Order, Tehran, Ministry of Foreign Affairs Publications.

Shaw, M. N. (1997), International Law, Cambridge: Cambridge University Press.

Starke, J. G. (1994), AnIntroduction to International Law, (10th ed.), New Delhi: Aditya Books

Tanaka, Yoshifumi (2015), The International Law of the Sea, (2nd edn, Cambridge), Pp.124.

Whiteman, M. M. (1965), Digest of international law, (Vol.5).Washington DC: US Government Printing Office.

**Articles:**

Aalipour, Hassan and Mojde Bostan (2014), Maritime transport security and maritime security measures, Strategic Studies Quarterly, 18th year, No.2, Pp.138-103. 20.1001.1.17350727.1394.18.68.5.9.

Abbasi Turkmani, Mohammad Reza (2000), Caspian Sea pollution: the need to respect international environmental rules and the international responsibility of governments, Central Asia and Caucasus Studies, No. 27, Pp.59-82. https://www.sid.ir.

Bardin, Anne (2002), Coastal State's Jurisdiction over Foreign Vessels, Pace Int'l L. Rev. Vol.14, No.27. Available at: https://digitalcommons.pace.edu/pilr/vol14/iss1/2.

Boczek, A. (1978), "International Protection of Baltic Sea Environment against Pollution: A Study in Marine Regionalism", American Journal of International Law, Vol.72, Pp.788.

Charney, Jonathan (1994), "The Marine Environment and the 1982 United Nations Convention on the Law of the sea", Int'l Envtl. L. Rev, Vol. 28, No.4, Pp.879-901. https://www.jstor.org/stable/40707180.

Hoffmann, A. J. (2011), 'Freedom of Navigation', in R. Wolfrum (ed), Max Planck Encyclopedia of Public International Law, Vol.VII, Pp.571-572.

Juandel Jananlou, Farrokh (2016), Theoretical foundations of liability due to marine oil pollution, Commercial Research Quarterly, No.77, Pp.170-187. https://pajooheshnameh.itsr.ir.

Kliot, N., Shmueli, D., & Shamir, U. (2001), Institutions for management of transboundary water resources: Their nature, characteristics and shortcomings. Water Policy, No.3 (3), Pp.229-255.

Maleki, Abbas (1997), Regional cooperation in Mazandaran Sea environmental issues, an inevitable necessity, Central Asia and Caucasus Studies, No.14, Pp.59-76. ensani.ir/fa/article/210941.

Najafi Esfad Morteza and Morteza Darabinia (2012), Investigating the process of oil pollution despite the international conventions to prevent and eliminate them, Mazandaran University of Medical Sciences Journal, 21st Special Issue. URL: http://jmums.mazums.ac.ir/article-1-954-fa.html.

Nalísha Kum, Savita (2020), Maritime Zones (contiguous zone) Regulations, A Legislation Drafting Project submitted in partial fulfillment of the requirements for the award of the Degree of Master of Humanities (M.Hum.) in International Maritime Legislation at the IMO International Maritime Law Institute, Supervisor: Professor Norman Martinez Gutierrez, Pp.1-32.

Nelson, D. (2008) 'Exclusive Economic Zone', in R. Wolfrum (ed), Max Planck Encyclopedia of Public International Law, Vol.III, Pp.1035, 1038.

Ranjbaran, Mustafa (1989), General information about the territorial sea and harmless passage through it, Legal Journal, No.9, Pp.211-232. 10.22066/CILAMAG.1988.18398.

Saifi Qarayataq, Daud (2016), Compulsory civil liability insurance of ship owners in oil pollution with an emphasis on the civil liability convention of 1969 with subsequent amendments, Insurance Research Journal, Year 30, No.1, Pp.269-303. https://ijir.irc.ac.ir.

Schatz, Valentin J. (2016), Combating Illegal Fishing in the Exclusive Economic Zone-Flag State Obligations in the Context of the Primary Responsibility of the Coastal State, Goettingen Journal of International Law, Vol.7, No.2, Pp. 383-414. Doi: 10.3249/1868-1581-7-2-schatz

Sekimizu, K. (2014), The United Nations Convention on the Law of the Sea (UNCLOS) and the International Maritime Organization, Available at: www.imo.org/en/MediaCentre/SecretaryGeneral/SpeechesByTheSecretaryGeneral/Pages/itlos.aspx (3 March 2018).

Shahbazi, Aramesh (2016), Environmental challenges caused by the collection and accumulation of carbon dioxide under the seabed, Public Law Research Quarterly, No.49, Pp.105-86. https://doi.org.

Taghizadeh, Zakieh and Mehdi Haddadi (2021), Protection of marine biodiversity and genetic resources in areas beyond national jurisdiction as a common heritage of humanity, Public Law Research, No.68, Pp.171-202. https://doi.org/10.22054/qjpl.2020.40139.2093.

Talai, Vahid (2008), A Review of the international legal system for the protection of the marine environment with a focus on the maritime region of the Persian Gulf: the ever-present Persian Gulf in the context of pollution, Law of the Seas coursebook, Law Expert Course, Shiraz Virtual University, Electronic Education Unit of Virtual University Shiraz, first semester of the academic year, p.96.

Talai, Vahid (2010), The Evolution of international environmental law in the field of marine protection with an emphasis on the responsibility of governments for oil spills, Research Journal of International Relations, No.43, Pp.80-4. URL: http://ethicsjournal.ir/article-1-2663-fa.html.

Tignino, Mara & Christian Bréthaut (2020), The role of international case law in implementing the obligation not to cause significant harm, International Environmental Agreements: Politics, Law and Economics Vol.20, Pp.631-648. https://doi.org/10.1007/s10784-020-09503-6.

Valentin J. SchatzKosha, Jafar; Farhad Shaygan (2012), an attitude on drug trafficking and migrant smuggling in international treaties, legal research, period 14, number 55, serial number 55, Pp.250-274.

Zamani, Seyyed Ghasem; Mohammadi, Mehrdad; Seyed Ali Hosseini Azad (2014), the evolution of the international legal regime for the protection of the marine environment against land-based pollutants; From Montegobi to Cartagena, Oceanography, Year 6, Number 21, Pp.37-48.

Zia-Mansoor, Farkhanda (2005), "International Regime and the EU Developments for Preventing and Controlling Vessel-Source Oil Pollution", Journal of European Environmental Law Review, EELR 165 Vol.14, Issue 6, Pp.165-173. https://doi.org/10.54648/eelr2005024.

**International documents:**

International Convention on Civil Liability for Oil Pollution Damage (CLC). Adoption: 29 November 1969; Entry into force: 19 June 1975.

International Convention Relating to Intervention on the Highseas in Cases of Oil Pollution Casulties 1971.

United Nations Convention on the Law of the Sea (UNCLOS, Montego Bay, 1982), Section 12.

Nuclear Test Case (Australia v. France), I.C.J Judgment of 1974, available at www.worldcourts.com/icj/eng/decisions/1974_nuclear_tests1.htm, Last visited 2 January 2023.

Corfu Channel Case, Judgment of 9 April 1949, available at http://www.icjcij.org/docket/files/1/1647. pdf, Last visited 3 January 2022.

Fisheries Jurisdiction Case (United Kingdom v. Iceland), I.C.J Judgment of 1974, available at http://www.icj, Last visited 3 January2023.

Trail Smelter Case, Trail smelter case (United States, Canada)16 April 1938 and 11 March 1941Volume III pp.1905-1982.

International Convention for the Prevention of Pollution from Ships (MARPOL), 1973.

The Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, The Cartagena Convention was adopted in Cartagena, Colombia on 24 March 1983 and entered into force on 11 October 1986. See: http://www.cep.unep.org/cartagena-convention.

Convention for the protection of the marine environment and the coastal region of the Mediterranean, 9-10.06.1995, entered into force on9.07.2004.

Convention for the Protection of the Marine Environment of the NorthEast Atlantic (1992 OSPAR Convention), adopted in Paris on 22.09.1992 and into force on 25.03.1998.

Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention), 9.04.1992, into force on 17.01.2000 replacing the 1974 Convention. See: http://helcom.fi/about-us/contracting-parties/ (last visited in: 2023/05/2)

International Convention on oil pollution preparedness, re sponse and cooperation, Concluded at London on 30 No vember 1990.

International Court of Justice, Gabcíkovo-Nagymaros Project (Hungary/Slovakia). (1997). Judgment, I. C. J. Reports, 7.

Geneva Convention on the Territorial Sea and Contiguous Zone (adopted 29 April 1958, entered into force 10 September 1964) 516 UNTS 205.