

<b>Forum:</b>	Legal Committee (GA6)
<b>Issue:</b>	The question of reviewing international maritime laws
<b>Student Officer:</b>	Emmanouil Spanos
<b>Position:</b>	Co-Chair

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## PERSONAL INTRODUCTION

Dear delegates,

My name is Emmanouil, I am 16 years old and an IB1 student at Platon School. It is a tremendous honor for me to be serving as one of the co-chairs of the Legal Committee (GA6) of this year's Platon School Model UN. My first encounter with the MUN world was at the age of fourteen and since then I have been actively participating in MUN conferences.

In this year's Legal Committee agenda, you are presented with the chance to debate upon some multifaceted issues that can be considered of great importance, including the proposal of measures to address vigilantism, and the establishment of a legal framework to address sexual violence in conflict.

I will be acting as the expert chair on the topic of "Reviewing international maritime laws" so it is my obligation to introduce you to the topic, guide you through your research, and ensure you fully understand all aspects of it. As you may have understood, reviewing international maritime laws is a topic of paramount importance because the maritime industry can be considered the backbone of global trade.

So as to have a fruitful debate, you must conduct your own research and do not rely solely on this study guide. If you have any further questions, do not hesitate to contact me at my email address: [spanos\\_em@platon.gr](mailto:spanos_em@platon.gr) or [emmanouil@aegeanel.com](mailto:emmanouil@aegeanel.com)

Kind Regards,

Emmanouil Spanos

## TOPIC INTRODUCTION

The backbone of the modern-day global economy can be considered international trade because through this, we can distribute products everywhere. Among the types of trade, maritime trade can be considered the most dominant type of trade.

Maritime trade has the higher efficiency and lower cost among all types of trade thus maritime trade is widely used in Less Economically Developed Countries (LEDCs). These characteristics of maritime trade are the main reason that the maritime industry is continuously subject to technological advancements. These advancements are creating certain loopholes in the already existing maritime laws. Maritime laws are the set of laws that govern all nautical issues, but these laws are based on an “obsolete” maritime industry that is completely different from the maritime industry of today. All the new technologies that are being used in the maritime industry today cannot be monitored by this out-of-date set of laws. Autonomous control of ship and blockchain technologies are only a few of the innovations in the constantly changing industry, thus we need to find a universally applied solution for this issue that will only enlarge unless we take action now.

## DEFINITION OF KEY TERMS

### Maritime law

Maritime law, also known as admiralty law, is a body of laws, conventions, and treaties that govern private maritime business and other nautical matters, such as shipping or offenses occurring on open water. International rules governing the use of the oceans and seas are known as the Law of the Sea.<sup>1</sup>

### Sustainable Development Goals (SDGs)

The Sustainable Development Goals (SDGs), also known as the Global Goals, were adopted by the United Nations in 2015 as a universal call to action to end poverty, protect the planet, and ensure that by 2030 all people enjoy peace and prosperity. There are 17 SDGs currently adopted by the UN and all of these are aiming for all people to enjoy peace and prosperity by 2030 while also taking action to end poverty and protect the planet<sup>2</sup>

### Sovereignty

Sovereignty, in political theory, the ultimate overseer, or authority, in the decision-making process of the state and in the maintenance of order. The concept of sovereignty—one of the most controversial ideas in political science and international law—is closely related to the difficult concepts of state and government and of

<sup>1</sup> Maritime Law <https://www.investopedia.com/terms/m/maritime-law.asp> Investopedia May 19, 2021

<sup>2</sup> ‘Sustainable Development Goals | United Nations Development Programme’. *UNDP*, <https://www.undp.org/sustainable-development-goals>

independence and democracy. Derived from the Latin term *superanus* through the French word meaning *souveraineté*, this term was originally understood to mean the equivalent of supreme power. However, its application in practice often has departed from this traditional meaning.<sup>3</sup>

### Proceeding in rem

A Latin term meaning "against a thing." An *in rem* proceeding adjudicates the rights to a particular piece of property for every potential rights holder, even potential rights holders who are not named in the lawsuit. For example, a plaintiff may bring an *in rem* action to conclusively determine ownership rights over a parcel of land.<sup>4</sup>

### Liability

A legally enforceable claim on the assets of a business or property of an individual. In business, liability results from a breach of duty or obligation by act or failure to act. Liability also refers to the debt or obligation of a business in contrast to its assets.<sup>5</sup>

### Law review

A periodical (as one published by a law school or bar association) containing notes and articles analyzing and evaluating subject areas and developments in the law<sup>6</sup>

## BACKGROUND INFORMATION

### THE INTERNATIONAL MARITIME ORGANIZATION (IMO)

The International Maritime Organization is a UN specialized agency that has under its mandate the creation of international treaties and other maritime-related safety protocols and mechanisms. Discriminatory and restrictive activities in international trade, as well as abusive practices by shipping companies, must be discouraged, and maritime pollution must be eradicated. The IMO is also being involved in disputes involving maritime liability and compensation. The International Maritime Organization (IMO) was established in 1948 by a convention voted at the United Nations Maritime Conference. Its headquarters is situated in London. The treaty went into effect on March 17<sup>th</sup>, 1958, after 21 countries ratified it, seven of which had to have a minimum of one million gross tons of shipping. It was given its current name in 1982.

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<sup>3</sup> "Sovereignty." *Encyclopædia Britannica*, Encyclopædia Britannica, Inc., <https://www.britannica.com/topic/sovereignty>

<sup>4</sup> *In Rem | Practical Law*. [https://uk.practicallaw.thomsonreuters.com/8-520-2353?contextData=\(sc.Default\)](https://uk.practicallaw.thomsonreuters.com/8-520-2353?contextData=(sc.Default)).

<sup>5</sup> *Liability | Wex | US Law | LII / Legal Information Institute*. <https://www.law.cornell.edu/wex/liability>

<sup>6</sup> "Law review." *Merriam-Webster.com Legal Dictionary*, Merriam-Webster, <https://www.merriam-webster.com/legal/law%20review>

The IMO has 175 members and is led by a Secretary-General who serves a four-year term and supervises a Secretariat staff of about 300 people, making it one of the smallest UN agencies. The Assembly, the IMO's major policy-making body, meets every two years and is attended by all members. The Council, which consists of 40 members, shall meet at least once a year and is in charge of running the organization in between Assembly meetings. The members of the Council are classified into three categories: a) the eight countries with the "greatest willingness" to provide international shipping services, b) the eight countries most interested in facilitating international seaborne trade and c) sixteen countries with a "particular interest" in maritime transportation, chosen to guarantee geographic equilibrium. The Maritime Safety Committee, which meets once a year, makes safety recommendations to the Assembly. Various committees and subcommittees focus on particular topics such as the environment, legal issues, dangerous goods transportation, radio communications, fire protection, ship design and equipment, lifesaving types of equipment, and cargoes and containers, among others. The IMO's Global Maritime Distress and Safety System was introduced in 1992 and then became fully operational in 1999. It is an integrated communications program that utilizes satellites and terrestrial radio communications to provide assistance to ships in distress even when the crew is unable to send a manual distress signal.<sup>7</sup>

## THE FOUR PILLARS OF MARITIME LAW

### Law of Sovereignty of Nations

The Law of Sovereignty of Nations refers to the ability of a nation to control every activity taking place in all the territories that it has sovereignty. When a country is outside of its territory, then it is restricted and has control over its citizens, vessels, and planes that are registered to the given country. Generally speaking, throughout history, the Law of Sovereignty of Nations has not been violated many times. An example could be the invasion in Europe by Hitler while a more recent example could be the invasion by the United States of America (USA) in Iraq.

### Law of freedom of the High Seas

This law suggests that all countries, regardless of being landlocked or not, can have access to the high seas. Under this law, an act of war in the sea is condemned. In addition, this law stresses out that all countries can freely navigate in international waters. To conclude with this, the Law of freedom of the High Seas is subject to breaching, only under an international agreement.

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<sup>7</sup> *International Maritime Organization* | Britannica. <https://www.britannica.com/topic/International-Maritime-Organization>

### Law of Freedom of Contract

The Law of freedom of Contract is when individuals or organizations create contracts without governmental intervention. This comes to oppose the minimum-wage law, competition laws, economic sanctions, price-fixing restrictions, or contracting with undocumented workers.

### Legal Personality of a Ship

Being a legal personality means that you have to be able to abide by a certain legal system. This may incline to get into contracts and be able to sue and be sued. In essence when you are a separate legal entity you have certain rights and liabilities under the judicial system.

## JURISDICTION OF MARITIME LAW

Maritime law is governed by a different code in most modern countries and is a separate jurisdiction from national laws. The International Maritime Organization (IMO) of the United Nations (UN) has produced a number of conventions which can be implemented by the navies and coast guards of Member States who have signed the treaty defining these rules. Many insurance claims involving ships and cargo are managed by maritime law, as are civil disputes between shipowners, seamen, passengers, and piracy. Maritime law also governs the registration, licensing, and inspection of ships and shipping contracts, as well as maritime insurance and the carriage of commodities and persons. The International Maritime Organization (IMO) is in charge of keeping existing international maritime conventions up to date as well as creating new accords when needed.<sup>8</sup>

## THE COMPONENTS OF MARITIME LAW

### Maritime liens

In order for maritime liens to arise it is not necessary for a personified ship to be charged for the violation of laws like negligent collision or personal injury. Maritime liens include salvage services, the general average contributions, and breaches of maritime contracts. A vessel, cargo, or freight is subject to arrest and has been kept to custody in a proceeding in rem. In order for its release, the ship's owner must post a bond or any other form of security that may be required and that is accepted by the plaintiff. On the majority of occasions, however, the owner posts security to tackle any future arrests and so the property never has to get into custody. In the case that the proceeding is in rem for the plaintiff then the owner has to pay in order for the bond or the security to not be lifted. If the owner does not pay, then the property is sold or the freight will be released. When a ship is sold by an admiralty court

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<sup>8</sup>Kagan, Julia. "Maritime Law." *Investopedia*, Investopedia, 19 May 2021, <https://www.investopedia.com/terms/m/maritime-law.asp>

after a judgment in rem, it is free of all pre-existing liens, not only those intended to be enforced in the action in rem. In contrast, the owner of an *in personam* judgment against a shipowner, just like every other judgment creditor, can have the ship sold in implementation and operation of the judgment; however, apart from a sale under an admiralty judgment in rem, such a buyout does not divest original liens; the buyer at the execution sale takes the ship subject to all such liens. In a scenario when the shipowner is insolvent, an in rem proceeding has clear advantages over an in personam procedure.

Attempts have been taken into account to enhance the security value of ship mortgages in design to motivate lending institutions to fund vessel construction, however, these efforts have ultimately failed due to differences in national laws regarding the relative priorities of mortgages and maritime liens. International treaties signed in 1926 and 1976 attempted to resolve some of these disputes, but the first failed to get mass support, and the second had only been ratified by half of the signatories needed for the convention to enter into force since the end of 1983.

### Shipping charters

Other than battleships, pleasure craft, and other types of utility vessels, the primary role of ships is to convey cargo and passengers. The passenger-carrying portion of the shipping business has lost much of its previous prominence in the "jet age," but the number of products transported by water keeps growing as the global economy expands.

Charter parties or bills of lading are used to document the vast majority of contracts involving the transportation of commodities by water. The term charter party refers to three distinct forms of contracts involving the use of boats that are owned or controlled by third parties. During the time of a "demise" or "bareboat" charter, the shipowner hands over control of the vessel to the hirer, who hires the master and crew, arranges for maintenance and supplies and acts in much the same way as an owner. The "time" charter, in which the shipowner hires the master and crew and the charterer essentially gains the right to manage the vessel's activities and choose what cargoes are to be carried during the charter period, is a considerably more prevalent arrangement.

The "voyage" charter, which is effectively a contract of affreightment or carrying, is the third category. Most voyage charters provide for the carriage of entire cargoes on a single voyage or a series of voyages, but a charterer may periodically contract only for a percentage of the vessel's carrying capacity, in which case the controlling contract is referred to as a "space" charter. The master or his agent is required to issue a bill of lading to the shipper, who is usually the charterer, under a voyage charter, even though the voyage charter remains the governing contract of carriage between

the shipowner and the charterer; the bill of lading serves only as a receipt and a document of title to the goods.<sup>9</sup>

The majority of ocean bills of lading are all in order form, requiring delivery to the shipper's or another specified party's order. A properly fide purchaser of a bill of lading can negotiate it in the same way as a check, draft, or another negotiable document, which implies the bill of lading is sold free and clear of any flaws not visible on its face. As a result, if cargo is damaged externally during shipping but the damage is not documented on the bill of lading, the carrier will be unable to prove that the cargo was damaged before it entered its custody. Once a bill of lading issued under a trip charter is negotiated with a legitimate buyer, it becomes the controlling contract between both the carrier and the bill's holder.

Whenever a ship strands or collides with another vessel, there is a risk of significant cargo loss or damage. If the loss was caused by a sea disaster or a navigational error, no liability will be imposed if the goods were transported under a legislative or commercial provision based on the Brussels Convention on Limitation of Liability (1923), which included the so-called "Hague Rules." The carriage, on the other hand, will be held liable if the accident occurred as the result of the carrier's failure to implement reasonable diligence in making the ship seaworthy and ensuring that it was adequately manned, equipped, and supplied.<sup>10</sup>

#### Limitation of liability

The privilege provided to a shipowner and certain other parties to minimize the percentage of their liability in crimes and contract claims under specific conditions is a distinguishing characteristic of maritime law. Except for claims for personal injury and wrongful death, the worth of the ship and the profits of the journey on which it was involved at the moment of the accident is the limit in various nations. However, the limit in the United Kingdom and other countries that have ratified the domestic law adopting the terms of the Brussels limitation of liability convention of 1957 have £28, or its equivalents, multiplied by the net earnings weight of the vessel, irrespective of its true value. According to the convention, the person claiming the privilege must be devoid of "actual fault or privity." In essence, this formula suggests that the shipowner can minimize his liability for the master's or crew's negligence, but not for his or his management personnel's negligence. In some ways, shipowners' restricted liability is comparable to the limited liability that any investor can currently get by forming a corporation. The limited-liability concept in maritime law, on the other hand, predates the emergence or creation of the modern corporation or limited company; its early appearance in maritime law can be interpreted as acknowledgment of the incredible hazards of seaborne commerce and a need to preserve the adventurous shipowner from the crushing strain of liability—that is, in the days well

<sup>9</sup> Encyclopædia Britannica Encyclopædia Britannica, inc. <https://www.britannica.com/topic/maritime-law/Components-of-maritime-law>

<sup>10</sup> Encyclopædia Britannica Encyclopædia Britannica, inc. <https://www.britannica.com/topic/maritime-law/Components-of-maritime-law>



before the most primitive forms of insurance were available. Analysts have suggested that the peculiar features of maritime limitation of liability have surpassed their utility and that the advancement of insurance and the modern limited-liability company has dramatically affected the conditions that gave rise to the shipowners' privilege in the first place. Despite the fact that no maritime country has gone so far as to abolish the limitation of liability.

In essence, a country's limitation law will be applied by its federal courts in favor of both foreign shipowners and citizens. However, from the standpoint of shipowners' interests, a key flaw in limitation law has been the lack of worldwide acceptance of limitation procedures. As a result, a shipowner whose ships operated in international trade could be sued in multiple countries as a result of a single tragedy, forcing him to set up limitation funds in each jurisdiction. The Brussels Convention of 1957 makes limitation decrees issued by maritime courts in ratifying countries internationally effective; in other words, a shipowner is only obliged to set up one limitation fund, from which all assertions are paid, regardless of the number of countries proceedings against have been filed. As a result, the convention, which increases shipowners' liability in most countries, provides shipowners with this significant benefit.

### Collision liability

The fault principle governs liability for collision damage in maritime law: a colliding vessel will not be held liable for damage to another ship or a fixed object such as a bridge, wharf, or jetty unless the collision is caused by a deficiency in the colliding vessel or by the negligence or willful act of its navigators.<sup>11</sup> When a moving vessel collides with a permanent object or another vessel that is properly tied, there is an assumption of fault, and the moving vessel bears the burden of proving its independence from responsibility.

The rule of "comparative negligence" governs countries that have implemented the International Convention for the Unification of Certain Rules Relating to Vessel Collisions, signed in Brussels in 1910: if one of the parties of the collision is at fault, the overall loss will be split between their owners or operators in terms of the relative degrees of fault. In nations that have not ratified the Convention, such as the United States, the law states that if both ships are at fault, the total damages are distributed equally, regardless of the amount of responsibility. In nations that have not joined the Convention, such as most Latin American countries, the principle of "contributory fault" applies: if both vessels are mistaken, each owner or operator is responsible for his or her own losses.

### Salvage and general average

The theories of salvage and general average are unique to maritime law. Outsiders to the maritime venture who succeed in preserving maritime property from loss or damage due to perils of the sea or any other waters are entitled to compensation and

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<sup>11</sup> Encyclopædia Britannica Encyclopædia Britannica, inc.

<https://www.britannica.com/topic/maritime-law/Components-of-maritime-law>



have a maritime lien on the retrieved property as a result of their efforts under the law of salvage. The extent of the significant role played; the skill and energy presented by the salvors; the numbers involved, which include both the value of the vessel or other property employed by the salvors in providing the service and the value of the vessel, cargo, or other property salvaged; the risks racked up by the salvors; and the degree of danger from which the property was rescued will all be considered in determining the amount of the award. While there is some agitation for its abolition, the general average is still widely accepted, primarily because the accounting and other expenses imposed in administering a general average are frequently out of proportion to the amount of money involved, and because the same insurers sometimes insure both the hull and the cargo.

### Marine insurance

An understanding of the shipping sector and the specific law that controls it requires a grasp of the role performed by marine insurance. The majority of shipowners ensure their ships' hulls and use "protection and indemnity" insurance to defend themselves from third-party claims. The risks of the seas are virtually generally covered for waterborne freight. It's impossible to cover all of the nuances of marine insurance law in such a quick overview. The majority of occurrences of damage to a ship or its cargo result in insurance carrier payouts. Proposals for changes to maritime law must always be considered in light of insurance coverage since the introduction of uninsurable liabilities can deter all but the wealthiest ocean carriers from participating in the affected trades.<sup>12</sup>

### THE CHANGE IN THE NATURE OF THE MARITIME INDUSTRY

As we have entered the century of change, the 21<sup>st</sup> century, it is only normal for some things to have a change in nature. The topic we have in hand has already been facing changes for quite some time now. The transition to virtual nature has been taking place for the last couple of years but the problem is that we have not been keeping up-to-date with the laws and legislation relating to maritime affairs.

### Autonomous control

Self-driving cars on land employ autonomous technology to make decisions based on their route. Detecting pedestrians, other vehicles, and traffic lights, as well as staying on the road without losing control, are all part of this. Because ships are far larger and more complicated types of machinery than cars, establishing such autonomous control is a major operation in the maritime industry.

Integrating smart technologies such as artificial intelligence (AI) and machine learning into autonomous systems will allow ships to stay on course without the need for regular human input. This decreases the risk of human error while also allowing for

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<sup>12</sup> Encyclopædia Britannica Encyclopædia Britannica, inc.  
<https://www.britannica.com/topic/maritime-law/Components-of-maritime-law>

immediate implementation of real-time route information. This technology also has a lot of potential in port operations. Wharves, in general, are constrained places with vessels such as tugs present. Smart ship technology can be utilized to assist the captain in navigating the vessel securely dock without crashing.

### Blockchain technology

Blockchain is a ground-shaking technology that is expected to transform the industry. It is expected to be the next big thing in the payments business, giving a fast, safe, and transparent means to collect payments from anywhere on the planet. Nonetheless, blockchain technology has advanced significantly in recent years and is now being applied in the ecological and sustainability sectors.

The industry will be able to profit from advantages like as high data quality, processing integrity, flexible smart contracts, lower transaction costs, enhanced networking, ecosystem simplicity, among others if the technology is applied correctly.<sup>13</sup>

## MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

### Italy

Piracy and ship hijacking are mentioned in Italy's Maritime Law, which consists of local and international legislation covering navigation and shipping. The Italian Maritime Law governs ships sailing under the Italian flag in both domestic and international waters. The maritime and transportation sectors in Italy are governed by a number of regulations and legislation, including the Codice della Nautica da Diporto, Codice della Navigazione, laws no. 1971-50 and 1997 – 454, among others.<sup>14</sup>

### The Netherlands

The Netherlands judicial system, as well as conflict settlement via arbitration for shipping and transportation, has a strong reputation. There is a lot of foreign experience, procedural law is practical and informal, and arbitration has a lot of possibilities. As a result, resolving disputes in the Netherlands is generally inexpensive, quick, and predictable. This component of ease of doing business is appealing to enterprises looking to set up in the country.<sup>15</sup>

### United States of America (USA)

Maritime law used to be limited to US seas subject to the tide's ebb and flow. However, it now includes any waters navigable for federal or international commerce within the United States. Maritime jurisdiction extends to some maritime matters that

<sup>13</sup> '10 Smart Ship Technologies For The Maritime Industry'. *Marine Insight*, 18 June 2021, <https://www.marineinsight.com/know-more/10-smart-ship-technologies-that-maritime-industry/>

<sup>14</sup> "Maritime Law in Italy." *Italy*, <https://www.lawyersitaly.eu/maritime-law-in-italy>

<sup>15</sup> *Dutch Maritime Law*. 20 June 2016, <https://dutchmaritimelaw.nl>

are not related to interstate commerce, such as leisure boating. The United States' courts and Congress are working on creating a unified body of maritime law. Admiralty and maritime matters are subject to original jurisdiction in federal courts in the United States. It is based on Section 2 of Article 3 of the United States Constitution. As a result, most marine cases are tried in federal courts, and federal maritime law applies.<sup>16</sup>

### European Union (EU)

The European Union has made a public commitment to a specific maritime strategy named EU's Maritime Security Strategy (EUMSS). This plan is based on the national laws of its member states having as a result, it can be implemented in all Member States. Through this strategy, the EU opted to make more efficient use of resources and have more effective and credible international relations. In addition, this contributes to the adoption of the EU's global strategy and the EU's internal security.

## TIMELINE OF EVENTS

Date of Event	Description of event
March 17 1948	Creation of IMO headquartered in London (then known as the Inter-Governmental Maritime Consultative Organization)
24 February – 27 April 1958	First UN conference on Law of the Sea
17 March – 26 April 1960	Second UN Conference on Law of the Sea
2 November 1973	The International Convention for the Prevention of Pollution from Ships (MARPOL) was adopted
1 November 1974	Adoption of amended Convention for the Safety of life at Sea (SOLAS) by the IMO
25 May 1980	The amended version of SOLAS came into force
3 December 1973- 30 April 1982	Third Conference on Law of the Sea (10 December 1982 the Convention on the Law of the Sea was signed)
15 - 17 July 1998	Establishment of an International Criminal Court
13 February 2004	The International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM) as adopted
18 May 2007	Nairobi International Convention on the Removal of Wrecks was adopted
14 April 2015	Nairobi International Convention on the Removal of Wrecks came into force
22 September 2016	SG/SM/18129-OBV/1663-SAG/486. This is a statement made by the Secretary-General regarding maritime trade.

<sup>16</sup> How Maritime Law Works in the United States? <http://shipsbusiness.com/maritime-law.html>

## PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

### The European Union's Maritime Security Strategy (EUMSS) <sup>17</sup>

The European Union has publicly adopted a certain strategy regarding its maritime affairs. It is called the EU's Maritime security strategy (EUMSS). This strategy is built bearing in mind its Members States' national laws; thus, it can be applied to all Member States. This strategy has set six very clear objectives, a) overall security and peace, b) rule of law and freedom of navigation, c) external border control, d) maritime infrastructures (ports, underwater pipelines, and cables, wind farms, etc.), e) natural resources and environmental health, f) climate change preparedness. The EU plans to achieve these objectives by addressing five key points, a) international cooperation, b) maritime surveillance, c) capability development, research, and innovation, d) risk management, e) education and training. These are the objectives and the actions that the EU plans on adopting regarding maritime security.

### United Nations Convention on the Law of the Sea<sup>18</sup>

The law of the sea is a set of international laws that deals with maritime law. The United Nations Convention on the Law of the Sea, which was signed on December 10, 1982, codifies much of this law. The agreement, which has been dubbed a "constitution for the seas," aims to codify international law concerning territorial waters, sea lanes, and ocean resources. It entered into force in 1994 after 60 countries had approved it; by the early twenty-first century, it had been ratified by more than 150 Member States.

### International Convention for the Prevention of Pollution from Ships (MARPOL)<sup>19</sup>

The MARPOL Convention was adopted by the International Maritime Organization (IMO) on November 2, 1973. In reaction to a series of tanker incidents in 1976-1977, the 1978 Protocol was enacted. The 1978 MARPOL Protocol absorbed the parent Convention because the 1973 MARPOL Convention had not yet come into force. On October 2, 1983, the merged instrument went into effect. A Protocol to amend the Convention was ratified in 1997, and a new Annex VI was inserted, which went into effect on May 19, 2005. Amendments to MARPOL have been made over the years. The Convention, which now has six technical Annexes, includes provisions designed to prevent and mitigate pollution from ships, both accidental and from routine

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<sup>17</sup> *Maritime Security Strategy*. [https://ec.europa.eu/oceans-and-fisheries/ocean/blue-economy/other-sectors/maritime-security-strategy\\_en](https://ec.europa.eu/oceans-and-fisheries/ocean/blue-economy/other-sectors/maritime-security-strategy_en)

<sup>18</sup> United Nations. (n.d.). *Overview - convention & related agreements*. United Nations. Retrieved January 22, 2022, from [https://www.un.org/depts/los/convention\\_agreements/convention\\_overview\\_convention.htm](https://www.un.org/depts/los/convention_agreements/convention_overview_convention.htm)

<sup>19</sup> *International Convention for the Prevention of Pollution From Ships (MARPOL)*. International Maritime Organization. (n.d.). Retrieved January 22, 2022, from [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)

operations. Most Annexes have Special Areas with severe operational discharge regulations.<sup>20</sup>

## POSSIBLE SOLUTIONS

### Speed up the decision-making process of the IMO

Since the IMO is the main instrument in decision-making regarding maritime affairs speeding up the process of it can help with keeping maritime laws up to date with current and future affairs. What is meant by that is that since the decisions are taken by the IMO apply universally to all Member States if we speed up the decision-making process we can tackle and over issues that have arisen or will arise in the future. For example, something that needs to be addressed is the evolution of technology and how that affects the maritime industry. As I have mentioned earlier in the guide an example of technological innovation is autonomous control of a ship.

### Updating/adjusting already existing laws based on new technological innovations

The main issue that we want to tackle is that the maritime industry is changing but the already existing laws are not changing alongside it. In order to tackle this issue a very feasible solution is to review in order to update and adjust the preexisting laws based on the new technologies that exist. What is meant by that is that based on the preexisting laws we will base a thorough review while taking into consideration the new data that new technologies such as blockchain technology and fully autonomous shipping. Already existing laws are not covering said innovations thus we cannot have a proper trial in a case that it is needed to deal with these technologies.

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<sup>20</sup> "International Convention for the Prevention of Pollution From Ships (MARPOL)." *International Maritime Organization*, [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).

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