

5. The Composite Text provides that three categories of states will exercise jurisdiction in respect of vessel-source pollution; flag states, coastal states and port states. The draft text contains the following salient provisions:

I. Flag States

States are obligated to establish laws and regulations for the prevention, reduction and control of pollution of the marine environment applicable to vessels flying their flag; such laws should be at least as effective as generally accepted international rules and standards. The draft text then goes on to specify the enforcement measures which a flag state is obligated to apply to vessels of its registry; such measures to include obligations to:

- (a) prevent any flag vessel not in compliance with international rules from sailing;
- (b) ensure that vessels of their registry carry on board certificates of seaworthiness as required by international rules;
- (c) conduct periodic inspection of their vessels;
- (d) conduct an immediate investigation of any violation of international regulations by its vessels and to bring proceedings without delay in respect of alleged violations of pollution prevention rules irrespective of where the violation by its vessel has occurred.

Flag states will have the right within a prescribed time frame to preempt proceedings to impose penalties