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COMMITTEE ON THE PEACEFUL USES OF THE
SEA-BED AND THE OCEAN FLOOR BEYOND THE
LIMITS OF NATIONAL JURISDICTION

SUB-COMMITTEE III

Report by the Representative of the Department of
Economic and Social Affairs at the 20th meeting of
Sub-Committee III held on 20 July 1972 on actions
taken at the United Nations Conference on the Human
Environment regarding marine pollution and the
preservation of the marine environment

Since its inception, Sub-Committee III, on the question of marine pollution, has maintained an organic link with the process leading to the Conference on the Human Environment. At the last session of the Sea-Bed Committee this Spring Mr. Strong, Secretary-General of the Conference on the Human Environment, gave an account of the preparations for the Stockholm Conference and indicated what he expected from it.

As you know, the Conference took place as planned from 5 to 16 June and the results achieved are by now common knowledge. In his statement at the final meeting of the Conference, Mr. Strong said: "... the fundamental task of the Stockholm Conference has been to take the political decisions that will enable the community of nations to act together in a manner consistent with the earth's physical interdependence. This is our mandate. This is what we did." The countries present at Stockholm adopted a number of recommendations which will be put before the General Assembly at its next session.

I do not intend to report exhaustively on the Stockholm Conference, I shall only attempt to point to those actions taken in Stockholm which can be expected to have an important bearing on your work in regard to the preservation of the marine environment and the problems posed by marine pollution. I shall deal in particular with the Declaration on the Human Environment and the Action Plan which in some instances refers explicitly to the Sea-Bed Committee and the forthcoming Law of the Sea Conference.

Let me turn first to the Declaration on the Human Environment. The marine environment is an integral part of the biosphere and therefore the ideas and principles embodied in the Declaration should provide a useful wider framework for the debates on which you are to embark.

This Declaration is indeed a historic document. It consists of a preamble and 26 principles. In its preamble, the Declaration states that the point has been reached in history when "we must shape our actions throughout the world with a more prudent care for their environmental consequences", and it goes on to say that the defence and enhancement of the environment has become "an imperative goal for mankind" to be pursued together with the fundamental goals of peace and worldwide economic and social development.

Since the documents adopted at Stockholm have not yet been issued officially, I shall, with your indulgence, dwell at some length on those parts of the Declaration which appear to be of special relevance here.

The principles embodied in the Declaration stress that the natural resources of the earth in the broadest sense must be safeguarded for the benefit of present and future generations through careful planning or management (principle 2); that the capacity of our globe to produce vital renewable resources must be maintained and wherever practicable restored or improved (principle 3).

Therefore, the discharge of toxic substances or of other substances and release of heat, in such quantities or concentrations as to exceed the capacity of the environment to render them harmless, must be halted in order to ensure that serious or irreversible damage is not inflicted upon ecosystems (principle 6).

Directly relevant to your concerns is principle 7 which reads: "States shall take all possible steps to prevent pollution of the seas by substances that are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea."

Furthermore, the Declaration - which was adopted by acclamation - postulates that "the environmental policies of all States should enhance and not adversely affect the present or future development potential of developing countries, nor should they hamper the attainment of better living conditions for all, and that appropriate steps should be taken by States and international organizations with a view to reaching agreement on meeting the possible national and international economic consequences resulting from the application of environmental measures."

The Declaration reaffirms the sovereign right of States to exploit their own resources pursuant to their own environmental policies while at the same time affirming their 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 (principle 21).

In the following principle (22), States are called upon to co-operate to develop further the international law regarding 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 jurisdiction. Furthermore, the Declaration requires that international matters concerning the environment should be handled in a co-operative spirit by all countries on an equal footing taking into account the sovereignty and interests of all States (principle 24).

Turning now to the Action Plan adopted, which gives considerable prominence to the problems of marine pollution, of particular relevance for the Sub Committee will be paragraph 86 of that Plan, parts of which I am going to quote:

It is recommended, inter alia, that governments, with the assistance and guidance of appropriate United Nations bodies, in particular the Joint Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP):

ensure that ocean dumping by their nationals anywhere, or by any person in areas under their jurisdiction is controlled and that governments shall continue to work towards the completion of and bringing into force as soon as possible of an overall instrument for the control of ocean dumping etc.;

refer the draft articles and annexes contained in the report of the intergovernmental meetings at Reykjavik, Iceland, in April 1972 and in London in May 1972 to the United Nations Sea-Bed Committee at its session in July/August 1972 for information and comments and to a conference of governments to be convened by the Government of the United Kingdom in consultation with the Secretary-General of the United Nations before November 1972 for further consideration, with a view to opening the proposed convention for signature at a place to be decided by that conference, preferably before the end of 1972;

participate fully in the 1973 Intergovernmental Maritime Consultative Organization (IMCO) Conference on Marine Pollution and the Conference on the Law of the Sea scheduled to begin in 1973, as well as in regional efforts, with a view to bringing all significant sources of pollution within the marine

environment, including radioactive pollution from nuclear surface ships and submarines, and in particular in enclosed and semi-enclosed seas, under appropriate controls and particularly to complete elimination of deliberate pollution by oil from ships, with the goal of achieving this by the middle of the present decade.

In paragraph 92 of the Action Plan, it is recommended that Governments collectively endorse the principles set forth in paragraph 197 of Conference document A/CONF.48/8 as guiding concepts for the Law of the Sea Conference and the IMCO Marine Pollution Conference scheduled to be held in 1973 and also that they endorse the statement of objectives agreed on at the second session of the Intergovernmental Working Group on Marine Pollution in Ottawa. Moreover, in respect of the particular interests of coastal States in the marine environment and recognizing that the resolution of this question is a matter for consideration at the Law of the Sea Conference, the States were called to take note of the principles on the rights of coastal States discussed but neither endorsed nor rejected at the second session of the Intergovernmental Working Group on Marine Pollution held in Ottawa and refer those principles to the 1973 IMCO Conference for information and to the 1973 Conference on the Law of the Sea for such action as may be appropriate.

The marine pollution parts of the Action Plan may well provide a basis for your deliberations, in particular the recommendation that the Governments should endorse the principles set forth in paragraph 197 of Conference document A/CONF.48/8 which has been distributed to you. The twenty three principles referred to are to be found in paragraph 197 of this document, pages 78 through 82. These principles formulate in a general form the rights and obligations of States in regard to the preservation of the marine environment. They also state that States should assume joint responsibility for the preservation of the marine environment beyond the limits of national jurisdiction, and that the States at higher levels of technological and scientific development should assist those nations which request it.

I would also like to draw your attention to principle 19 which requests the States to co-operate in the appropriate international forum to ensure that activities related to the exploration and exploitation of the sea-bed and the ocean floor beyond the limits of national jurisdiction shall not result in pollution of the marine environment.

Indeed, these principles recommended for endorsement by the Action Plan, spell out in greater detail, for the marine environment, the general statement on the responsibility of States for the preservation of the environment as formulated in principle 21 of the Declaration on the Human Environment. As already stated, we are unfortunately not yet in a position to distribute the official texts adopted in Stockholm. I hope, however, that the text of the principles for the preservation of the marine environment to be found, I repeat, in document A/CONF.48/8, paragraph 197, pages 78 through 82, and that the Reykjavik articles contained in Addendum 1 to this document will at least enable the Sub-Committee to initiate its work on these subjects without undue delay. I would also like to add that the three principles regarding the rights and interests of coastal States mentioned above can be found in the report of the 2nd session of the Intergovernmental Working Group on Marine Pollution which was distributed to the Committee during the March session. If the Committee so wishes, the Secretariat will attempt to reproduce, for the use of the Sub-Committee, those paragraphs of the Action Plan which are of direct interest to you at this stage of your deliberations.