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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

Decisions of the United Nations Conference on the Human Environment
(5-16 June 1972) relating to the preservation of the
marine environment and marine pollution

1. Extracts have been taken from the forthcoming report of the United Nations Conference on the Human Environment which will be submitted to the twenty-seventh session of the General Assembly. These extracts relate, directly or indirectly, to the preservation of the marine environment and marine pollution. They are:

- A. Declaration of the United Nations Conference on the Human Environment;
- B. Marine Pollution Recommendations: Recommendations 86-94;
- C. Other Recommendations: Recommendations 32, 47 and 99.

2. Of these recommendations, two (Recommendations 86 and 92) are directed to the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction for its information or comments, or for appropriate action. It should be noted in this connexion that the texts referred to in Recommendation 86 are contained in document A/CONF.48/8/Add.1, already distributed to the Committee, and in A/CONF.48/C.3/CRP.19, annexed hereto. With regard to Recommendation 92, the relevant text for which will be found in para.197 of A/CONF.48/8, an extract has also been taken from the report of the second session of the Intergovernmental Working Group on Marine Pollution and inserted as a footnote for purposes of easy reference.

A. "DECLARATION OF THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT,"

The United Nations Conference on the Human Environment

Having met at Stockholm from 5 to 16 June 1972, and

Having considered the need for a common outlook and for common principles to inspire and guide the peoples of the world in the preservation and enhancement of the human environment,

PROCLAIMS THAT:

1. Man is both creature and moulder of his environment which gives him physical sustenance and affords him the opportunity for intellectual, moral, social and spiritual growth. In the long and tortuous evolution of the human race on this planet a stage has been reached when through the rapid acceleration of science and technology, man has acquired the power to transform his environment in countless ways and on an unprecedented scale. Both aspects of man's environment, the natural and the man-made, are essential to his well-being and to the enjoyment of basic human rights - even the right to life itself.
2. The protection and improvement of the human environment is a major issue which affects the well-being of peoples and economic development throughout the world; it is the urgent desire of the peoples of the whole world and the duty of all governments.
3. Man has constantly to sum up experience and go on discovering, inventing, creating and advancing. In our time man's capability to transform his surroundings, if used wisely, can bring to all peoples the benefits of development and the opportunity to enhance the quality of life. Wrongly or heedlessly applied, the same power can do incalculable harm to human beings and the human environment. We see around us growing evidence of man-made harm in many regions of the earth: dangerous levels of pollution in water, air, earth and living beings; major and undesirable disturbances to the ecological balance of the biosphere; destruction and depletion of irreplaceable resources; and gross deficiencies harmful to the physical, mental and social health of man, in the man-made environment, particularly in the living and working environment.
4. In the developing countries most of the environmental problems are caused by under-development. Millions continue to live far below the minimum levels required for a decent human existence, deprived of adequate food and clothing, shelter and education, health and sanitation. Therefore, the developing countries must direct their efforts to development, bearing in mind their priorities and the need to

safeguard and improve the environment. For the same purpose, the industrialized countries should make efforts to reduce the gap between themselves and the developing countries. In the industrialized countries, environmental problems are generally related to industrialization and technological development.

5. The natural growth of population continuously presents problems on the preservation of the environment, and adequate policies and measures should be adopted as appropriate to face these problems. Of all things in the world, people are the most precious. It is the people that propel social progress, create social wealth, develop science and technology and through their hard work, continuously transform the human environment. Along with social progress and the advance of production, science and technology the capability of man to improve the environment increases with each passing day.

6. A point has been reached in history when we must shape our actions throughout the world with a more prudent care for their environmental consequences. Through ignorance or indifference we can do massive and irreversible harm to the earthly environment on which our life and well-being depend. Conversely, through fuller knowledge and wiser action, we can achieve for ourselves and our posterity a better life in an environment more in keeping with human needs and hopes. There are broad vista for the enhancement of environmental quality and the creation of a good life. What is needed is an enthusiastic but calm state of mind and intense but orderly work. For the purpose of attaining freedom in the world of nature, man must use knowledge to build in collaboration with nature a better environment. To defend and improve the human environment for present and future generations has become an imperative goal for mankind - a goal to be pursued together with, and in harmony with, the established and fundamental goals of peace and of world-wide economic and social development.

7. To achieve this environmental goal will demand the acceptance of responsibility by citizens and communities and by enterprises and institutions at every level, all sharing equitably in common efforts. Individuals in all walks of life as well as organizations in many fields, by their values and the sum of their actions, will shape the world environment of the future. Local and national governments will bear the greatest burden for large-scale environmental policy and action within their jurisdictions. International co-operation is also needed in order to raise resources to support the developing countries in carrying out their responsibilities in this field. A growing class of environmental problems, because they are regional or global in extent or because they affect the common international realm, will require extensive co-operation among nations and action by international organizations in the common interest. The Conference calls upon the Governments and peoples to exert common efforts for the preservation and improvement of the human environment, for the benefit of all the people and for their posterity.

PRINCIPLES

STATES THE COMMON CONVICTION THAT

Principle 1

Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality which permits a life of dignity and well-being, and bears a solemn responsibility to protect and improve the environment for present and future generations. In this respect, policies promoting or perpetuating apartheid, racial segregation, discrimination, colonial and other forms of oppression and foreign domination stand condemned and must be eliminated.

Principle 2

The natural resources of the earth including the air, water, land, flora and fauna and especially representative samples of natural ecosystems must be safeguarded for the benefit of present and future generations through careful planning or management as appropriate.

Principle 3

The capacity of the earth to produce vital renewable resources must be maintained and wherever practicable restored or improved.

Principle 4

Man has a special responsibility to safeguard and wisely manage the heritage of wildlife and its habitat which are now gravely imperilled by a combination of adverse factors. Nature conservation including wildlife must therefore receive importance in planning for economic development.

Principle 5

The non-renewable resources of the earth must be employed in such a way as to guard against the danger of their future exhaustion and to ensure that benefits from such employment are shared by all mankind.

Principle 6

The discharge of toxic substances or of other substances and the 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. The just struggle of the peoples of all countries against pollution should be supported.

Principle 7

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.

Principle 8

Economic and social development is essential for ensuring a favourable living and working environment for man and for creating conditions on earth that are necessary for the improvement of the quality of life.

Principle 9

Environmental deficiencies generated by the conditions of underdevelopment and natural disasters pose grave problems and can best be remedied by accelerated development through the transfer of substantial quantities of financial and technological assistance as a supplement to the domestic effort of the developing countries and such timely assistance as may be required.

Principle 10

For the developing countries, stability of prices and adequate earnings for primary commodities and raw material are essential to environmental management since economic factors as well as ecological processes must be taken into account.

Principle 11

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 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.

Principle 12

Resources should be made available to preserve and improve the environment, taking into account the circumstances and particular requirements of developing countries and any costs which may emanate from their incorporating environmental safeguards into their development planning and the need for making available to them, upon their request, additional international technical and financial assistance for this purpose.

Principle 13

In order to achieve a more rational management of resources and thus to improve the environment, States should adopt an integrated and co-ordinated approach to their development planning so as to ensure that development is compatible with the need to protect and improve the human environment for the benefit of their population.

Principle 14

Rational planning constitutes an essential tool for reconciling any conflict between the needs of development and the need to protect and improve the environment.

Principle 15

Planning must be applied to human settlements and urbanization with a view to avoiding adverse effects on the environment and obtaining maximum social, economic and environmental benefits for all. In this respect projects which are designed for colonialist and racist domination must be abandoned.

Principle 16

Demographic policies, which are without prejudice to basic human rights and which are deemed appropriate by Governments concerned, should be applied in those regions where the rate of population growth or excessive population concentrations are likely to have adverse effects on the environment or development, or where low population density may prevent improvement of the human environment and impede development.

Principle 17

Appropriate national institutions must be entrusted with the task of planning, managing or controlling the environmental resources of States with the view to enhancing environmental quality.

Principle 18

Science and technology, as part of their contribution to economic and social development, must be applied to the identification, avoidance and control of environmental risks and the solution of environmental problems and for the common good of mankind.

Principle 19

Education in environmental matters, for the younger generation as well as adults, giving due consideration to the underprivileged, is essential in order to broaden the basis for an enlightened opinion and responsible conduct by individuals, enterprises and communities in protecting and improving the environment in its full human dimension. It is also essential that mass media of communications avoid contributing to the deterioration of the environment, but, on the contrary, disseminate information of an educational nature on the need to protect and improve the environment in order to enable man to develop in every respect.

Principle 20

Scientific research and development in the context of environmental problems, both national and multinational, must be promoted in all countries, especially the developing countries. In this connexion, the free flow of up-to-date scientific information and transfer of experience must be supported and assisted, to facilitate the solution of environmental problems; environmental technologies should be made available to developing countries on terms which would encourage their wide dissemination without constituting an economic burden on the developing countries.

Principle 21

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 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 22

States shall 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.

Principle 23

Without prejudice to such criteria as may be agreed upon by the international community, or to standards which will have to be determined nationally, it will be essential in all cases to consider the systems of values prevailing in each country, and the extent of the applicability of standards which are valid for the most advanced countries but which may be inappropriate and of unwarranted social cost for the developing countries.

Principle 24

International matters concerning the protection and improvement of the environment should be handled in a co-operative spirit by all countries, big or small, on an equal footing. Co-operation through multilateral or bilateral arrangements or other appropriate means is essential to effectively control, prevent, reduce and eliminate adverse environmental effects resulting from activities conducted in all spheres, in such a way that due account is taken of the sovereignty and interests of all States.

Principle 25

States shall ensure that international organizations play a co-ordinated, efficient and dynamic role for the protection and improvement of the environment.

Principle 26

Man and his environment must be spared the effects of nuclear weapons and all other means of mass destruction. States must strive to reach prompt agreement, in the relevant international organs, on the elimination and complete destruction of such weapons."

B. MARINE POLLUTION RECOMMENDATIONS

Recommendation 86

It is recommended 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):

(a) Accept and implement available instruments on the control of the maritime sources of marine pollution;

(b) Ensure that the provisions of such instruments are complied with by ships flying their flags and by ships operating in areas under their jurisdiction and that adequate provisions are made for reviewing the effectiveness of, and revising, existing and proposed international measures for control of marine pollution;

(c) 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 over-all instrument for the control of ocean dumping as well as needed regional agreements within the framework of this instrument, in particular for enclosed and semi-enclosed seas, which are more at risk from pollution;

(d) 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 Committee on the Peaceful Uses of the Seabed and the Ocean Floor beyond the Limits of National Jurisdiction 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 of Great Britain and Northern Ireland 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;

(e) 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 be held 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;

(f) Strengthen national controls over land-based sources of marine pollution, in particular in enclosed and semi-enclosed seas, and recognize that, in some circumstances, the discharge of residual heat from nuclear and other power-stations may constitute a potential hazard to marine ecosystems.

Recommendation 87

It is recommended that Governments:

- (a) Support national research and monitoring efforts that contribute to agreed international programmes for research and monitoring in the marine environment, in particular the Global Investigation of Pollution in the Marine Environment (GIPME) and the Integrated Global Ocean Station System (IGOSS);
- (b) Provide to the United Nations, the Food and Agriculture Organization of the United Nations and the United Nations Conference on Trade and Development, as appropriate to the data-gathering activities of each, statistics on the production and use of toxic or dangerous substances that are potential marine pollutants, especially if they are persistent;
- (c) Expand their support to components of the United Nations system concerned with research and monitoring in the marine environment and adopt the measures required to improve the constitutional, financial and operational basis under which the Intergovernmental Oceanographic Commission is at present operating so as to make it an effective joint mechanism for the Governments and United Nations organizations concerned (United Nations Educational, Scientific and Cultural Organization, Food and Agriculture Organization of the United Nations, World Meteorological Organization, Intergovernmental Maritime Consultative Organization, United Nations) and in order that it may be able to take on additional responsibilities for the promotion and co-ordination of scientific programmes and services.

Recommendation 88

It is recommended that the Secretary-General, together with the sponsoring agencies, make it possible for the Joint Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP):

- (a) To re-examine annually, and revise as required, its "Review of Harmful Chemical Substances", with a view to elaborating further its assessment of sources, pathways and resulting risks of marine pollutants;
- (b) To assemble, having regard to other work in progress, scientific data and to provide advice on scientific aspects of marine pollution, especially those of an interdisciplinary nature.

Recommendation 89

It is recommended that the Secretary-General ensure:

- (a) That mechanisms for combining world statistics on mining, production, processing, transport and use of potential marine pollutants shall be developed along with methods for identifying high-priority marine pollutants based in part on such data;
- (b) That the Joint Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP), in consultation with other expert groups, propose guidelines for test programmes to evaluate toxicity of potential marine pollutants;

(c) That the Food and Agriculture Organization of the United Nations, the World Health Organization, the Intergovernmental Oceanographic Commission and the International Atomic Energy Agency encourage studies of the effects of high-priority marine pollutants on man and other organisms, with appropriate emphasis on chronic, low-level exposures;

(d) That the Intergovernmental Oceanographic Commission, with the Food and Agriculture Organization of the United Nations and the World Health Organization, explore the possibility of establishing an international institute for tropical marine studies, which would undertake training as well as research.

Recommendation 90

It is recommended that the Intergovernmental Oceanographic Commission, jointly with the World Meteorological Organization and, as appropriate, in co-operation with other interested intergovernmental bodies, promote the monitoring of marine pollution, preferably within the framework of the Integrated Global Ocean Station System (IGOSS), as well as the development of methods for monitoring high-priority marine pollutants in the water, sediments and organisms, with advice from the Joint Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP) on intercomparability of methodologies.

Recommendation 91

It is recommended that the Intergovernmental Oceanographic Commission:

(a) Ensure that provision shall be made in international marine research, monitoring and related activities for the exchange, dissemination, and referral to sources of data and information on baselines and on marine pollution and that attention shall be paid to the special needs of developing countries;

(b) Give full consideration, with the Food and Agriculture Organization of the United Nations, the World Meteorological Organization, the Intergovernmental Maritime Consultative Organization, the World Health Organization, the International Atomic Energy Agency, the International Hydrographic Organization and the International Council for the Exploration of the Sea and other interested and relevant organizations to the strengthening of on-going marine and related data and information exchange and dissemination activities;

(c) Support the concept for development of an interdisciplinary and inter-organizational system primarily involving centres already in existence;

(d) Initiate an interdisciplinary marine pollution data and scientific information referral capability.

Recommendation 92

It is recommended:

(a) That Governments collectively endorse the principles set forth in paragraph 197 of Conference document A/CONF.48/8 as guiding concepts for the Conference on the Law of the Sea and the Intergovernmental Maritime Consultative Organization (IMCO)

Marine Pollution Conference scheduled to be held in 1973 and also the statement of objectives agreed on at the second session of the Intergovernmental Working Group on Marine Pollution as follows:

"The marine environment and all the living organisms which it supports are of vital importance to humanity, and all people have an interest in assuring that this environment is so managed that its quality and resources are not impaired. This applies especially to coastal area resources. The capacity of the sea to assimilate wastes and render them harmless and its ability to regenerate natural resources are not unlimited. Proper management is required and measures to prevent and control marine pollution must be regarded as an essential element in this management of the oceans and seas and their natural resources.",

and that, in respect of the particular interest of coastal States in the marine environment and recognizing that the resolution of this question is a matter for consideration at the Conference on the Law of the Sea, they 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 */ and refer those principles to the 1973 Intergovernmental Maritime Consultative Organization Conference for information and to the 1973 Conference on the Law of the Sea for such action as may be appropriate;

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1. A State may exercise special authority in areas of the sea adjacent to its territorial waters where functional controls of a continuing nature are necessary for the effective prevention of pollution which could cause damage or injury to the land or marine environment under its exclusive or sovereign authority.
 2. A coastal State may prohibit any vessel which does not comply with internationally agreed rules and standards or, in their absence, with reasonable national rules and standards of the coastal State in question, from entering waters under its environmental protection authority.
 3. The basis on which a State should exercise rights or powers, in addition to its sovereign rights or powers, pursuant to its special authority in areas adjacent to its territorial waters, is that such rights or powers should be deemed to be delegated to that State by the world community on behalf of humanity as a whole. The rights and powers exercised must be consistent with the State's primary responsibility for marine environmental protection in the areas concerned: they should be subject to international rules and standards and to review before an appropriate international tribunal.

(b) That Governments take early action to adopt effective national measures for the control of all significant sources of marine pollution, including land-based sources, and concert and co-ordinate their actions regionally and where appropriate on a wider international basis;

(c) That the Secretary-General, in co-operation with appropriate international organizations, endeavour to provide guidelines which Governments might wish to take into account when developing such measures.

Recommendation 93

It is recommended that any mechanism for co-ordinating and stimulating the actions of the different United Nations organs in connexion with environmental problems include among its functions over-all responsibility for ensuring that needed advice on marine pollution problems shall be provided to Governments.

Recommendation 94

It is recommended that the Secretary-General, with the co-operation of United Nations bodies, take steps to secure additional financial support to those training and other programmes of assistance that contribute to increasing the capacity of developing countries to participate in international marine research, monitoring and pollution-control programmes.

C. OTHER RECOMMENDATIONS

"Recommendation 32

It is recommended that Governments give attention to the need to enact international conventions and treaties to protect species inhabiting international waters or those which migrate from one country to another:

(a) A broadly-based convention should be considered which would provide a framework by which criteria for game regulations could be agreed upon and the over-exploitation of resources curtailed by signatory countries;

(b) A working group should be set up as soon as possible by the appropriate authorities to consider these problems and to advise on the need for, and possible scope of, such conventions or treaties.

Recommendation 47

It is recommended that Governments and the Secretary-General of the United Nations, in co-operation with the Food and Agriculture Organization of the United Nations and other United Nations organizations concerned, as well as development assistance agencies take steps to ensure close participation of fishery agencies and interests in the preparations for the United Nations Conference on the Law of the Sea. In order to safeguard the marine environment and its resources through the development of effective and workable principles and laws, the information and insight of international and regional fishery bodies, as well as the national fishery agencies, are essential.

Recommendation 99

1. It is recommended that Governments should:

(a) Noting that the draft convention prepared by the United Nations Educational, Scientific and Cultural Organization concerning the protection of the world natural and cultural heritage marks a significant step towards the protection, on an international scale, of the environment, examine this draft convention with a view to its adoption at the next General Conference of UNESCO;

(b) Whenever appropriate, sign the Convention on Conservation of Wetlands of International Importance.

2. It is recommended that the Secretary-General, in consultation with the competent agencies of the United Nations system and the non-governmental organizations concerned, make arrangements for a detailed study of all possible procedures for protecting certain islands for science;

3. It is recommended that a plenipotentiary conference be convened as soon as possible, under appropriate governmental or intergovernmental auspices, to prepare and adopt a convention on export, import and transit of certain species of wild animals and plants."