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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

Peru: Proposed amendments to the definition of marine pollution and the general principles for assessment and control of marine pollution which are the subject of Recommendation 92 of the United Nations Conference on the Human Environment (A/AC.138/SC.III/L.17, Recommendation 92, and A/CONF.48/8, para.197)

1. Re-draft the first introductory paragraph of the general principles (A/CONF.48/8, p.78) as follows:

"The definition of marine pollution employed by the United Nations is:  
'the introduction by man, directly or indirectly, of substances or energy or materials into the marine environment (including estuaries) resulting in such deleterious effects as harm to living resources, hazards to human health, hindrance to marine activities including fishing, impairment of quality for use of sea water, deterioration in the quality of marine fisheries products, and reduction of amenities'".

2. After the words "Coastal States should" in principle (18), "States should" in principle (19) and "All States should" in principle (20), insert the words:

" , in so far as they are able,".

3. Principle (22) states that:

"Where there is a need for action by or through international agencies for the prevention, control or study of marine pollution, existing bodies, both within and outside the United Nations system, should be utilized as far as possible".

This principle should be re-drafted as follows:

"Where there is a need for action by or through international agencies for the prevention, control or study of marine pollution in waters beyond the jurisdiction of coastal States, existing bodies, both within and

outside the United Nations system, should be utilized as far as possible. Where there is a need for such action in waters which are within the jurisdiction of a coastal State, the international agency concerned must first obtain the permission of that State."

4. The third principle on the rights of coastal States, the text of which is to be found in the first paragraph on page 19 of the statement made by the Canadian delegation to Sub-Committee III on 20 July, should be re-drafted as follows:

"The rights exercised by a State, in addition to its sovereign rights, pursuant to its special authority in areas adjacent to its territorial waters, must be consistent with the State's primary responsibility for marine environmental protection in the areas concerned, and thus for the protection of the interests both of the State itself and of humanity as a whole. Accordingly, international recommendations and regulations must be taken into account in the exercise of those rights".