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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

Observations by the Government of the Netherlands in regard to
questions concerning the preservation of the marine environment,
including the prevention of marine pollution

The Netherlands Government considers that the "umbrella" treaty that will have to be drawn up at the coming United Nations Conference on the Law of the Sea would, in principle, have to be based on a comprehensive approach to marine pollution. A comprehensive approach, the Netherlands Government feels, should ensure that the sea is treated as a whole when determining the manner in which marine pollution should be combatted, in view of the fact that pollution is no respecter of frontiers.

Furthermore, the Netherlands Government believes that it would be unwise to disregard certain sources of marine pollution right from the start when making preparations for the Conference. In other words, during the preparations and during the Conference itself, attention should, in principle, be paid to land-based pollution of the seas, since this must be regarded as a major source of marine pollution.

It would appear highly desirable that the ban on the dumping of certain substances in the sea, as laid down in the recent London agreement (A/AC.138/SC.III/L.29), be supplemented by a ban on permitting the same substances to reach the sea directly from the land. The Netherlands Government realizes that it would not be easy to formulate detailed treaty provisions on this point. Nevertheless, it considers it to be in every way essential that an "umbrella" treaty include the principles underlying the prevention of this sort of marine pollution. In addition to land-based pollution, the United Nations Committee on the Sea-Bed and the Conference on the Law of the Sea would have to examine very carefully all forms of sea-based pollution, in so far as they had not already been made the subject of other treaties or draft treaties. Where this is indeed the case, the Committee and the Conference should determine the broader context in which those treaties or draft treaties would need to be placed.

The Netherlands Government is of the opinion that the elaboration of preventive measures of a technical nature could be entrusted to experts attached to existing international organizations and/or for whom provision is made in existing treaties.

The Netherlands Government believes the establishment of an international organization to be essential. Its duty would be, inter alia, to implement the convention or conventions on marine pollution to be drawn up at the Conference on the Law of the Sea. It could also be charged with the elaboration of the technical measures referred to above.

At the same time, the Netherlands Government does not rule out the possibility of an existing organization being called upon to discharge duties relating to the prevention of marine pollution and the preservation of the marine environment.

The Netherlands Government considers further provisions relating to supervision of the observance of international measures, e.g., supervision at international level, to be of the utmost importance. It also deems it desirable that the Conference on the Law of the Sea draw up a set of regulations governing liability for pollution of the marine environment.
