

UNITED NATIONS

GENERAL  
ASSEMBLY



Distr.  
LIMITED

A/AC.138/SC.III/L.47  
24 July 1973

ENGLISH  
Original: SPANISH

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

ECUADOR, EL SALVADOR, PERU AND URUGUAY:  
WORKING PAPER

PRESERVATION OF THE MARINE ENVIRONMENT

1. All States have a legitimate interest in preventing and controlling pollution of the seas in defence of the marine environment and of the health and other interests of their inhabitants.

DUTIES OF STATES

2. States shall include in their national laws the provisions necessary to prevent and combat marine pollution, taking into account the interests of their inhabitants and the level of development which they have attained.

3. Every State undertakes to adopt and make known in good time within the limits of its capabilities, the measures necessary to prevent pollution of the seas through the introduction of substances, materials or energy which may constitute a danger to human health, harm living resources, create obstacles to activities carried on at sea, including fishing, be detrimental to the quality of the water and its possible use, impair the quality of marine fishing products or affect conditions for the recreation and other interests of its inhabitants.

4. States shall promote scientific research with a view to establishing the effects of pollution on the marine environment, including long-term consequences that may affect future generations.

5. States shall support the execution of international programmes for the monitoring, measurement, analysis, evaluation and control of pollution in the marine environment.

6. States shall promote the free exchange of up-to-date information and experience on pollution of the marine environment, making them available to other States, in good time and on terms favourable to the dissemination of scientific and technical knowledge of the subject.

7. States shall be responsible for any damage caused to the marine environment of other States or to the international sea by discharges from their territory, waters subject to their sovereignty and jurisdiction and vessels flying their flag.

#### RIGHTS OF THE COASTAL STATE

8. It is for the coastal State to enact the provisions necessary for the preservation of the marine environment within the limits of its sovereignty and national jurisdiction and to adopt the most appropriate measures to protect the quality of the water and to control pollution hazards, taking into account, where relevant, the needs of co-operation with other States and the recommendations of international technical bodies.

9. Any coastal State which is confronted by a serious or imminent danger of pollution, or the threat of pollution, arising from an incident or from acts relating to an incident in areas situated beyond the limits of its sovereignty and national jurisdiction may take the measures necessary to prevent, mitigate or eliminate that danger.

#### INTERNATIONAL CO-OPERATION

10. States shall promote the establishment of regional machinery, in which the countries situated within a geographical area of similar characteristics and with common interests are represented, to centralize and co-ordinate at that level the various aspects of the protection and preservation of the marine environment.

11. States shall co-operate among themselves and with the competent international organizations in preparing and applying rules, standards and procedures designed to protect and preserve the marine environment beyond the areas subject to their sovereignty and jurisdiction.

12. States shall assist one another in any action taken against marine pollution, irrespective of the origin of such pollution.

13. An international body shall be established to centralize and co-ordinate all information relating to the protection, preservation and control of marine pollution and to promote international co-operation.

This body shall: (a) establish a system of watchkeeping, monitoring, measurement, analysis and evaluation, at the world level, in all matters relating to the protection, prevention and control of marine pollution in areas not subject to the sovereignty and jurisdiction of coastal States; (b) recommend in good time any measures that should be adopted for the prevention, control and elimination of marine pollution; (c) publish an atlas of marine pollution containing such information as may be available on hydrobiological species existing in marine areas affected by short-term pollution, and maps and charts indicating the chief oceanographic characteristics of the various areas, such as currents, winds, rocks, etc.; (d) issue annual reports announcing the results of surveys and evaluations concerning the main aspects of marine pollution and concerning systems and measures for combating it; (e) promote the conclusion of international agreements at the world and regional levels on scientific, technical and legal matters relating to pollution of the marine environment; (f) keep up to date the schedule of pollutants referred to in paragraph 14.

#### COMPLEMENTARY STANDARDS AND MEASURES

14. An international ban shall be placed on the discharge into the sea of waste containing substances, materials or energy whose toxic effects on the marine environment are duly proven and which appear in the annexed schedule No. 1.
15. The coastal State shall prohibit the discharge into waters subject to its sovereignty and jurisdiction of waste containing substances, materials or energy whose toxic effects on the marine environment are duly proven and which appear in the annexed schedule No. 2, save in special circumstances, in which the specific permission of that State shall be required.
16. States shall apply penalties for the discharge of waste by their nationals into the international sea or by any person in areas subject to their sovereignty and jurisdiction.
17. States shall supply the international body with statistics on the production and use of toxic or dangerous substances which may constitute pollutants of the marine environment, especially if they are persistent.
18. States shall for statistical purposes communicate to the international body, in accordance with an established procedure, particulars of the nature and volume of the substances and materials for whose discharge they have given permission, together with the dates, places and the methods used.

19. Ships shall be under an obligation to transmit to the competent authority of the coastal State all possible information concerning any incident or action which arouses suspicion that the marine environment is being polluted in the waters subject to its sovereignty and jurisdiction.
  20. Ships shall be under the same obligation to the international body to be established, in the case of incidents or actions occurring in the international sea.
  21. States shall continuously evaluate the state of pollution in their waters with a view to determining the degree of such pollution, the pollutants that exist and the distribution and possible sources thereof.
  22. States shall adopt suitable systems of monitoring, measurement, evaluation, analysis and control of the consequences of pollution in the marine environment, taking into account for that purpose the applicability, in each case, of internationally recognized provisions.
  23. States shall lay down standards of water quality concerning the uses of water and the areas where it is located, taking into account the different geographical, ecological, social and economic conditions prevailing in each region.
  24. Measures taken by the coastal State to protect and preserve the marine environment from pollution shall not be such as to transfer the effects of such pollution from one area to another.
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