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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

SUMMARY RECORDS OF THE FIFTEENTH TO NINETEENTH MEETINGS

Held at Headquarters, New York,
from 1 to 27 March 1972

Chairman:

Mr. Van der ESSEN

Belgium

Rapporteur:

Mr. IGUCHI

Japan

The list of representatives appears in documents A/AC.138/INF.6 and Add.1-7.

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SUMMARY RECORD OF THE FIFTEENTH MEETING

Held on Wednesday, 1 March 1972, at 4 p.m.

Chairman:

Mr. Van der ESSEN

Belgium

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ORGANIZATION OF WORK

The CHAIRMAN welcomed the representatives of the five States that had not participated the previous year in the Sub-Committee's work, namely China, Fiji, Finland, Nicaragua and Zambia. He pointed out that the general debate had not been closed and suggested that any delegations that wished to do so, and particularly those he had just mentioned, should be given the opportunity to speak in that debate. He drew attention to paragraph 121 of the Committee's report to the General Assembly (A/8421), containing four questions formulated concerning the Sub-Committee's terms of reference, as he felt it would be useful if representatives who wished to speak in the general debate attempted to provide an answer to those questions on behalf of their delegations. In addition, the Assistant Director-in-Charge of the Ocean Economics and Technology Branch should be given the opportunity to inform the Sub-Committee of the progress made by other United Nations bodies. Some delegations might also be able to provide information on any bilateral and regional agreements concluded since the previous summer, such as the regional Convention on the prohibition of the dumping of pollutants, discussed at Oslo by the coastal States of the north-east Atlantic. Lastly, the fourth session of the Preparatory Committee for the United Nations Conference on the Human Environment would very shortly be held in New York, and the Sub-Committee could ask the Secretary-General of the Conference to inform it of the progress made in the campaign against marine pollution.

Mr. ZEGERS (Chile) said that he agreed, on the whole, with the programme of work outlined by the Chairman. He none the less considered that, in view of the Sub-Committee's terms of reference, it should study matters relating to the pollution and preservation of the marine environment, even if they were being discussed by other bodies. It would thus be most useful if, for example, the Canadian delegation could give the Sub-Committee some information on the second session of the Intergovernmental Working Group on Marine Pollution held at Ottawa from 8 to 12 November 1971. Also, as the Chairman had said, the Norwegian delegation might give a brief account of the deliberations held at Oslo, and the Sub-Committee might be informed of the items that were to be discussed at a meeting to be held in Iceland. The UNESCO representative, too, could provide information

(Mr. Zegers, Chile)

on the work done at Paris by the Intergovernmental Oceanographic Commission on the acquisition and storing of ocean data. Finally, with regard to preservation of the marine environment, it would be of interest if the FAO representative could make a statement on the work of that organization's Committee on Fisheries with regard to fishing on the high seas.

Mr. VINDENES (Norway) said that he would be glad to give the Sub-Committee some information, at a later meeting, on the work done at Oslo on the regional Convention on the dumping of pollutants.

Mr. BEESLEY (Canada) said he wished to make some preliminary remarks concerning the programme of work suggested by the Chairman. The Sub-Committee should not devote too much time to the study of the four questions formulated in paragraph 121 of the Committee's report to the General Assembly (A/8421), since that matter had already been discussed at some length the previous year. Other matters, particularly the relationship between the Stockholm Conference, IMCO and the Conference on the Law of the Sea scheduled for 1973, were more relevant at the present time. The Sub-Committee must give consideration to just what specific questions should be studied by those various bodies. In addition, the Sub-Committee should obtain a report on the activities of IMCO for its future guidance, and IMCO should be given up-to-date information on the Sub-Committee's work and some suggestions that might be of use in the performance of its own tasks. Similarly, it was not enough for the Sub-Committee to study the reports on the Stockholm Conference; it should also make known its views on the law of the sea questions, particularly marine pollution issues raised in those reports, where they were of interest to it. As the representative of Chile had pointed out, the Sub-Committee should also be given accurate information on the recent meetings at Paris of the Intergovernmental Oceanographic Commission on Ocean Data Acquisition Systems and on the earlier FAO Marine Pollution Conference. Examples of specific law of the sea issues raised by these various conferences were as follows. With respect to the IMCO preparatory work on a convention on discharges of pollutants into the sea, the question arises of all parties to the convention being responsible for policing and enforcement of such a convention so that "port states" as well as flag states could share such responsibility. This

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(Mr. Beesley, Canada)

proposed convention could therefore provide an opportunity for a real break-through in the law of the sea, as the first example of "delegation of powers" from flag states to coastal states. With respect to the ODAS Conference it was presumably for the 1973 law of the sea conference to attempt to resolve the conflict between the desire of coastal states to control scientific research on the sea-bed and in the waters adjacent to their shores and the general desire for freedom of scientific research and free exchange of the results. With respect to the proposed dumping convention the sub-committee should consider whether follow-up action on the convention after Stockholm should occur in IMCO or the law of the sea conference. It was absolutely essential that the question of marine pollution should be studied in a consistent, comprehensive and co-ordinated manner, so as to avoid the adoption of different positions by different bodies or even by different government administrative offices, which could prove to be a source of conflict. Of course, as the Chairman had said, the Sub-Committee should hear what various delegations might have to say on matters concerning its terms of reference, but it was the opinion of his delegation that the terms of reference were very broad and that the Sub-Committee should now concentrate on keeping abreast of all new developments in its field and commenting on the principles and issues raised by a number of delegations in their statements.

With regard to the report of the Intergovernmental Working Group on Marine Pollution on its second session (A/CONF.48/IWGMP.II/5), his delegation wished to draw attention to some important points, and particularly to the objectives stated in paragraph 11 of the report. The Sub-Committee should ensure that the attention of the participants in the Stockholm Conference was drawn to those objectives, and to the 23 principles set out in the same paragraph. It would be noted that those principles mainly stressed the responsibilities of coastal States but did not focus on the rights of coastal states except for the twenty-first principle, affirming that coastal states could take appropriate measures when their interests were exposed to grave danger following an accident on the high seas. It would also be noted that the Canadian delegation had proposed three other principles, which were set out in paragraph 12 of the report and which specified the rights of coastal States. Some 22 delegations, listed in paragraph 13, had supported the general concept embodied in those draft principles. He hoped also that progress would be made on the question of ocean dumping at the

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(Mr. Beesley, Canada)

Stockholm Conference. However, if the Conference had insufficient time to solve that problem completely, it would obviously be necessary to determine whether IMCO or the Law of the Sea Conference should continue the study of the question. His delegation hoped that other delegations would carefully study the report of the Intergovernmental Working Group on Marine Pollution on its second session (A/CONF.48/IWGMP.II/5) and comment on it.

Mr. ARIAS-SCHFIBER (Peru) observed that if agreement was to be reached on a body of rules governing ocean space, some body would have to make a thorough study of all the questions involved. It was clear from General Assembly resolution 2750 (XXV) that it was the responsibility of the Committee and its Sub-Committee III to deal with the preservation of the marine environment, including the prevention of pollution. It would be regrettable if partial international agreements were reached as a result of proceedings by other bodies, and the Chairman should therefore inform the other United Nations bodies studying the marine environment of the Sub-Committee's mandate. A special conference on the law of the sea should be convened in the near future to study all such problems.

Mr. PARDO (Malta) said he agreed with the opinions expressed by the representative of Canada concerning the most urgent questions. He, too, felt the Committee's terms of reference were broad and hoped that the differing viewpoints expressed the previous year on the matter would be rapidly reconciled so that the Sub-Committee could soon begin work on the definition of general principles for the preservation of the marine environment.

Mr. GONZALEZ-GALVEZ (Mexico) said he was very concerned, like the representatives of Canada and Peru, about the risks of duplication. Other United Nations bodies dealing with problems of the sea should be informed of the mandate of the Committee, and particularly that of its Sub-Committee III, and measures should be taken at the next General Assembly to clarify the situation.

Mr. BAUM (Assistant Director-in-Charge, Ocean Economics and Technology Branch) thanked the representative of Canada for his clear presentation of the report of the Intergovernmental Working Group on Marine Pollution on its second

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(Mr. Baum)

session (A/CONF.48/IWGMP.II/5). The most important points in that document were paragraphs 10 and 11, as the representative of Canada had said, and the draft articles on ocean dumping contained in paragraphs 14 to 19.

As the Chairman had said, information on the preparatory work for the Stockholm Conference should continue to be exchanged, since that Conference could no doubt benefit from the discussions in Sub-Committee III. The Secretary-General of the Conference would shortly be stopping in New York to attend the fourth session of the Preparatory Committee for the Conference, and it was to be hoped that arrangements could be made for him to inform the Sub-Committee of the progress made by the Preparatory Committee and of the activities planned for the Conference itself. In addition, the Chairman of the Intergovernmental Oceanographic Commission would also be in New York soon and he would no doubt be able to provide the Sub-Committee with information on the work of that body.

The CHAIRMAN suggested that the Secretary-General of the United Nations Conference on the Human Environment, a representative of the Intergovernmental Oceanographic Commission and a representative of FAO should be invited to give the Sub-Committee information on the activities of those bodies.

It was so decided.

Mr. KODMANI (Inter-Governmental Maritime Consultative Organization) pointed out that IMCO was the depository of the International Convention for the Prevention of Pollution of the Sea by Oil and said that, as such, it was fully prepared to collaborate with Sub-Committee III and with the Conference on the Law of the Sea. In fact, it was essential that IMCO should be associated with such proceedings. The Assembly and the Council of the organization had, furthermore, requested that it should take into account the results of the deliberations of the Stockholm Conference and of the Conference on the Law of the Sea. Finally, IMCO was ready to deal with the matter of ocean dumping if entrusted with the task.

The meeting rose at 4.50 p.m.

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SUMMARY RECORD OF THE SIXTEENTH MEETING

_____Held on Friday, 10 March 1972, at 3.15 p.m._____

Chairman:

Mr. Van der ESSEN

Belgium

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STATEMENT BY THE CHAIRMAN OF THE INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION

Mr. LANGERAAR (Chairman, Intergovernmental Oceanographic Commission) said that he was pleased to have the opportunity to describe the background to, and developments at, the Preparatory Conference of Government Experts to Formulate a Draft Convention on the Legal Status of Ocean Data Acquisition Systems convened in Paris in February 1972 under UNESCO-IMCO auspices.

Man's knowledge of the ocean, the ocean floor and their living and non-living resources was dangerously limited compared to his technical ability to influence the aquatic environment. It had often been said that if space exploration was a mission, then oceanography was a must, and it was gratifying to note that a "sense of mission" long lacking with respect to ocean exploration was now emerging. The Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor Beyond the Limits of National Jurisdiction was instrumental in promoting that change of vision.

The Intergovernmental Oceanographic Commission (IOC) made every effort, within its term of reference and the means available to it, to respond to requests for scientific advice, even though its knowledge of the oceans was only scanty. Pure scientific research in the oceans was an absolute necessity. However, the raw data which it yielded required evaluation, which in turn called for the training of scientists and experts. Thanks to the work of the Sea-Bed Committee, UNESCO and other regional and international organizations, the training of marine experts was finally beginning to receive the emphasis it deserved.

The pursuit of more profound knowledge of the oceans required that all ocean-oriented communities pool their expertise and experience in the fight for a safer, cleaner, healthier and more productive marine environment. Research must be steadfastly pursued without hindrance to other legitimate uses of the oceans and without losing sight of the special needs of developing nations. Research techniques included the expensive, but highly productive, observation of the oceans by satellite, investigation by oceanographic research vessels, light vessels and weather ships, and the use of oil production platforms, light islands, anchored or floating buoys, tide and wave gauges and selected ships. Many measuring devices collected data on ocean parameters not only in a geographically defined area, but also from great depths, and were therefore equipped with sensors which probed

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(Mr. Langeraar)

several hundred metres of water. The data were either directly transmitted to a shore station or stored in a memory bank which delivered specific information at the command of a satellite.

Ocean Data Acquisition Systems used all those research methods. The tools required were often large and cumbersome, and were always extremely expensive. It was not without reason that the legal status of ODAS had been studied. Such instruments not only could be damaged by other legitimate users of the ocean, but -- also were capable of inflicting damage themselves on ships innocently engaged in their lawful trade. A working group of IOC had therefore been charged with the responsibility of preparing the substance of a convention in which those problems would be covered and which could serve as a basis for further discussion by a group of government experts.

During the general preliminary debate at the Preparatory Conference of those experts the consensus had emerged that the convention should not encroach upon wider issues basic to the law of the sea, as that would prejudice decisions to be taken elsewhere. Some delegations had believed that the plenipotentiary conference which would be called to adopt the ODAS convention should not meet until after the next United Nations Conference on the Law of the Sea had completed its work and reported. Other delegations, however, had considered that the adoption of the ODAS convention should not be related to the results of the Conference on the Law of the Sea and that the convention should restrict itself to specifying regulations for the placing and use of ODAS to ensure the protection of those systems and the safety of navigation.

A consensus had also developed on the advantages for the international community of adopting regulations as foreseen in the draft convention. The development of the Integrated Global Ocean Station System (IGOSS) had been mentioned as an indication of the expected growth and importance of ODAS. Although essentially global in concept, IGOSs would require the establishment of regional measuring networks, selected on the basis of environmental factors. Every observation platform within an IGOSs network had to be regarded as an Ocean Data Acquisition System.

In summarizing the general discussion, the Chairman of the Conference had observed that it would be for the UNESCO General Conference and the IMCO Assembly

(Mr. Langeraar)

to take any further decisions considered necessary should the Conference on the Law of the Sea be deferred or take longer than expected to reach its conclusions. There had been extensive discussion on the necessity of attributing nationality to ODAS. It had been pointed out that that would prejudice the outcome of the Conference on the Law of the Sea, in particular as regarded ODAS fixed on the sea-bed. The right of deployment of ODAS had also been discussed because of the inference that there was a link between deployment and the principle of the freedom of the high seas, a principle which had been under examination. A number of articles of the draft convention had been rewritten, and a number of controversial points had been left open.

Mr. ZEGERS (Chile) welcomed the long-standing collaboration between the Chairman of IOC and the Sea-Bed Committee. In view of the inseparable link between scientific research and ODAS, he suggested that the draft convention which had emerged from the Preparatory Conference, as well as the basic data discussed, should be made available to the Sub-Committee. He would also welcome a further statement by the Chairman of IOC regarding the Commission's work.

REPORT TO THE SUB-COMMITTEE ON THE FAO TECHNICAL CONFERENCE ON MARINE POLLUTION AND ITS EFFECTS ON LIVING RESOURCES AND ON FISHING

Mr. NEEDLER (Canada) said that although he had been Chairman of the FAO Technical Conference on Marine Pollution and its Effects on Living Resources and on Fishing held at Rome in December 1970, he was reporting to the Sub-Committee in his capacity as representative of Canada. He referred members to FAO Fisheries Report No. 99 for the official record of the Conference.

The majority of the participants had been scientists representing Governments, universities or industries, and most of the others had had experience in the study and control of pollution. The Conference had made a major contribution to the scientific basis for tackling pollution control. Its report had been communicated to the secretariat of the United Nations Conference on the Human Environment and to the Preparatory Committee for that Conference, and provided equally important background for the work of the Sub-Committee.

The Conference had failed to reveal any evidence that pollution had yet caused damage to the fishery resources in the open ocean. Having said that, however he

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(Mr. Needler, Canada)

had no other good news to offer. The sober truth was, firstly, that there were already numerous cases of pollution around the ocean margins which had seriously damaged the living resources and the recreational value of in-shore waters, and threatened public health; those cases were becoming more numerous, widespread and serious year by year. Secondly, many kinds of dangerous substances were already present, and were increasing ever faster in quantity, throughout the world's oceans. If present trends continued, it was his belief that serious damage to the resources of the world ocean would result within a century. With air pollution increasing in a similar manner, it was imperative that those trends should be reversed.

Although the Conference had been designed to provide background for the attack on problems of marine pollution, rather than to spell out solutions, some recommendations had emerged. The importance of new and increased research into all aspects of pollution had been pointed out, as had the need to help developing countries acquire the technical and scientific capacity to participate in the world-wide effort. The Conference had also recommended strongly that dumping of toxic or solid wastes on fishing grounds and other shallow-water areas should be prohibited and that the least dangerous means of waste disposal in the sea should be thoroughly investigated as a matter of urgency. It had made specific recommendations regarding pollution by mercury, oil and pesticides. A series of recommendations had dealt with the urgent need to establish an effective world-wide programme to monitor marine pollution, a programme which would function as an early-warning system.

Perhaps the most important outcome of the Conference had been the attention devoted to the sources of marine pollution, both direct and indirect. In the final analysis, the control of marine pollution must become part of the control of pollution as a whole. The Conference had concluded that the only satisfactory basis for control was at the source, i.e. where the potential pollutant was first released, whether into the air, land or sea. In most instances that meant applying restraint, by local action under national jurisdiction, so as to restrict releases to levels and methods accepted as potentially harmless.

A successful attack on the growing menace of pollution required not only international co-operation in a technical sense, but also recognition - in both

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(Mr. Needler, Canada)

national and international measures -- that pollution within national borders was a potential threat to the sea as well as to the environments of neighbouring countries. That consideration had led his delegation to co-sponsor a draft resolution at the preceding session of the Sub-Committee on preliminary measures to prevent and control marine pollution. He wished to make it clear that he was referring not to the continuing difference of views regarding the relative merits of unilateralism and multilateralism, but to the fact that any realistic and effective approach to the pollution problem must be comprehensive and required national, regional and global measures carefully co-ordinated within government administrations and the United Nations family of organizations. The forthcoming United Nations Conference on the Human Environment would provide an opportunity for an interdisciplinary approach to the development of an urgently required body of law to protect the environment.

REPORT TO THE SUB-COMMITTEE ON THE OSLO CONVENTION FOR THE PREVENTION OF MARINE POLLUTION BY DUMPING FROM SHIPS AND AIRCRAFT

Mr. EVENSEN (Norway) said that, at the invitation of the Norwegian Government, 12 of the States Parties to the North-East Atlantic Fisheries Convention had met at Oslo in October 1971 and had drafted a Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft. It had been felt that a regional approach would be natural for the first attempt to conclude an anti-dumping convention, and that the States concerned had a special responsibility to protect the waters of the North-East Atlantic region. Unfortunately, some of the invited States had been unable to participate in the Conference due to the complicated political question regarding the status of the German Democratic Republic. The Convention had been duly signed by the States present and thus constituted an important step forward in the struggle to combat pollution of the marine environment and its living resources.

Turning to the provisions of the Convention, he said that the preamble emphasized that marine pollution had many sources, that concerted action by all Governments was required to prevent and combat marine pollution and that products and processes should be developed to minimize the amount of harmful wastes requiring disposal.

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(Mr. Evensen, Norway)

Under article 1, "The Contracting Parties pledge themselves to take all possible steps to prevent the pollution of the sea 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." The article had general bearing on the work of the Sub-Committee with respect to the interests it was designed to protect, the pollutants covered by it and the fact that the principle it proclaimed applied to the sea in general.

Article 2 defined the geographical area to which the Convention applied, specifically excluding the Baltic and Mediterranean seas. Subsequent articles contained various anti-dumping provisions.

Article 3 was an exception to the regional approach to anti-dumping measures. In it, the Contracting Parties, adopting the view that the ocean areas of the world constituted a unity for environmental and ecological purposes, undertook to prevent the diversion of dumping of harmful substances into seas outside the North-East Atlantic area.

With regard to specific anti-dumping provisions, the Convention operated within a framework of three major categories of wastes and pollutants, informally called the "black list", the "grey list" and the "white list". The black list (Annex I of the Convention) identified the most dangerous pollutants, the dumping of which was absolutely prohibited by article 5. The grey list (Annex II to the Convention) enumerated materials and substances which were dangerous, but not to the same degree as the substances on the black list. While not absolutely prohibiting the substances on the grey list, article 6 of the Convention severely restricted the present lax dumping practices by providing that no dumping of the substances in question should take place without a specific permit in each case from the appropriate national authorities. In issuing such permits, the national authorities were to be guided by the provisions of the Convention. Finally, the materials on the white list (Annex III of the Convention), which in principle were not harmful per se, were covered in article 7, which provided that such materials could not be dumped without the approval of the appropriate national authorities. The approval referred to would not necessarily entail a licence in each case; it would, however, be subject to the provisions of Annex III which stipulated that

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(Mr. Evensen, Norway)

the national authorities must evaluate the characteristics of the waste to be dumped, the characteristics of the dumping site and the method of dumping to be used. Possible interference with shipping, fishing, recreation and other uses of the area as well as the availability of alternative means of disposal or elimination were to be taken into consideration in each case.

The Convention also contained interesting provisions concerning co-operation among the Contracting Parties, co-ordination of their efforts to prevent marine pollution by dumping and co-operation with international organizations and agencies. The main organ for co-ordinating and harmonizing the provisions of the Convention and exercising over-all supervision over its implementation was the Commission established under article 16. It was the Commission's duty, inter alia, to receive and consider records of the nature and the quantities of the substances and materials dumped under specific permits or approvals; the Commission thus functioned as a monitoring body. Additionally, its duties included reviewing the condition of the marine areas to which the Convention applied and recommending amendments, additions or deletions to the Annexes. The latter power was a very important one in that it would prevent the lists from becoming obsolete owing to changes in technology and chemistry.

Article 15 provided that each Contracting Party undertook to ensure compliance with the Convention by three categories of ships and aircraft: (a) ships and aircraft registered in its territory; (b) ships and aircraft loading cargoes in its territory which were to be dumped; (c) ships and aircraft believed to be engaged in dumping within its territorial sea. The Contracting Parties further agreed to take appropriate measures within their respective territories to prevent and punish violations of the Convention. In that connexion, it should be noted that the provisions of the Convention were not confined to industrial waste but in principle were also applicable to military wastes and substances.

As extensive national legislation was required to implement the far-reaching provisions of the Convention, it seemed unlikely that a sufficient number of ratifications would be received for it to enter into force before the Stockholm Conference. The Convention had, however, been duly signed by all participating

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(Mr. Evensen, Norway)

States, and it was to be hoped that it would serve as a useful precedent for the work of the Stockholm Conference.

Mr. SMALL (New Zealand) proposed that the text of the Convention, which promised to be highly valuable for the future work of the Sea-Bed Committee, should be circulated as an official document.

The CHAIRMAN said that, if he heard no objection, he would take it that the members of the Sub-Committee agreed to that proposal.

It was so decided.

GENERAL DEBATE - MARINE POLLUTION

Mr. FRANGOULIS (Greece) said that, despite the existence of a number of international legal instruments on the subject of marine pollution, no coherent, efficient and consistent way of dealing with the problem as a whole had yet been developed. Elimination of the problem would clearly require a global strategy. There was, however, some divergence of views as to how the Sub-Committee should proceed in working out such a global strategy. Some delegations, concerned to avoid overlapping jurisdiction with other bodies, had suggested that the Sub-Committee should focus solely on pollution arising from the exploration and exploitation of the international sea-bed area. Other delegations, considering that there should be a single organ to regulate all activities in the field of marine pollution, insisted on embarking immediately upon the task of drafting treaty articles on pollution regardless of origin. The difficulty with the latter approach was that the Sub-Committee lacked the necessary expertise to act as a co-ordinating body for all bodies and institutions involved in the campaign against pollution. Mindful of that fact, his delegation at the last session had urged the Sub-Committee to proceed carefully and to refrain from precipitate action. Before reaching any decision on such a complex subject, due consideration should be given to the conclusions reached by the specialized agencies and international organizations active in the field. In that connexion, he referred to a statement made by the Greek Minister of Economic Affairs before the General Fisheries Council for the Mediterranean which was currently meeting in Athens. In his statement

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(Mr. Frangoulis, Greece)

the Minister had stressed the need for further action to develop the biological resources of the Mediterranean and had urged the Council to take all necessary measures to prevent marine pollution.

Turning to the programme of work suggested by the Canadian delegation (A/AC.138/SC.III/L.7), he suggested that the list of international or intergovernmental agencies which might report to the Sub-Committee should be left open so that no agency concerned with the problem of marine pollution would be denied an opportunity to be heard, if duly invited. In particular, it would be interesting to hear from the World Health Organization, which had been involved in important research on the pollution of coastal waters. He was pleased that an invitation had been extended to IMCO in connexion with its work on the elaboration of anti-pollution rules. The forthcoming IMCO Marine Pollution Conference was a positive contribution to the campaign for the preservation of the marine environment. His Government looked forward to the Stockholm Conference on the Human Environment in the hope that it would provide general guidelines for a solution to the complex problem of pollution in general and marine pollution in particular. With the results of that Conference in hand, the Sub-Committee would be in a position to work out specific solutions to marine pollution problems in co-operation with the specialized agencies concerned.

ORGANIZATION OF WORK

Mr. BEESLEY (Canada) said that in the process of drawing up the suggested programme of work submitted to the Committee in document A/AC.138/SC.III/L.7, his delegation had consulted widely with other delegations and had made every effort to incorporate their views in the final draft. The programme of work should, however, be regarded as a tentative outline which was subject to change. As far as the March session of the Sub-Committee was concerned, the programme proposed to focus discussion on the question of marine pollution. In that connexion, he wished to draw attention to an important document prepared by the Secretariat for the Preparatory Committee for the United Nations Conference on the Human Environment - document A/CONF.48/PC/15/Add.1 concerning institutional alternatives. The Annex

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(Mr. Beesley, Canada)

to that document should be required reading for all delegations as it compressed a great deal of valuable information into a small compass and provided an excellent survey of the various types of activities carried on in the field of marine pollution by the organizations in the United Nations system.

As the basic function of the Sea-Bed Committee was to provide a legal framework for the regulation of activities in the international area, it could be greatly assisted in its task by receiving information from representatives of the specialized agencies and intergovernmental organizations regarding their work along similar lines. There was real need for a two-way exchange of information between the Committee and other bodies active in the field. In his delegation's view, the Committee could usefully devote its March session to preliminary discussion and ~~leave the work of elaborating draft articles to the July/August session~~ when the results of the Stockholm Conference would be available. However, if it was the general will to go forward immediately with the drafting of articles, his delegation would certainly not stand in the way.

In his opinion, it was important for the Sub-Committee to make its views known to FAO, IOC, IMCO and the Stockholm Conference. Any observations on which the Committee was in substantial agreement should be passed on for the benefit of those organizations. As to whether the transmission of views to the organizations in question should be called "recommendations", his delegation had no strong feeling and would not object to the use of some other term.

At some stage it would be useful for the Committee at least to take note of the draft Declaration on the Human Environment. It should be realized, however, that the Declaration represented a rather delicate compromise and that it would be beyond the mandate of the Sub-Committee to attempt any redrafting of that document. As it did have important implications for the future work of the Committee, however, it should be brought up for discussion.

In conclusion, he would be happy to entertain any suggestions aimed at improving or amending the draft programme of work, although it was to be hoped that the document would be acceptable to the Committee without major changes.

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Mr. PINTO (Ceylon) expressed appreciation to Admiral Langeraar, Dr. Needler and Mr. Evensen for the valuable informational statements they had made to the Committee earlier in the meeting. In particular, Dr. Needler had performed a signal service for the Ceylonese delegation in summarizing the highly technical proceedings of the FAO Technical Conference on Marine Pollution and Its Effects on Living Resources and on Fishing. His delegation whole-heartedly approved of the emphasis Dr. Needler had placed on the fact that the control of marine pollution was an integral part of the control of pollution as a whole.

Turning to the suggested programme of work submitted by the Canadian delegation he suggested that there should be some mention of the topic of "scientific research" in part A of that document so that delegations wishing to comment on that issue in the course of the current session would be allowed to do so. He also proposed the inclusion, in parts A and B, of a new item to be entitled "transfer of ocean-oriented technologies". Ceylon, like all developing countries, attached great importance to that topic, which was often not accorded the prominence it deserved. With regard to the use of the word "recommendations" in the programme of work, his delegation was in some doubt as to what was intended. He was glad to hear that the Canadian representative was not wedded to the term, although for its part the Ceylonese delegation would not be opposed to retaining it on the understanding that it should be interpreted as meaning nothing more than proper liaison and co-ordination of activities. On the subject of required reading, mentioned by the Canadian representative, his delegation would like to recommend two additions to the list. The first was the Founex Report entitled "Development and Environment", which viewed measures for the preservation of the environment in the context of the economic development policies of the developing countries. The second document which his delegation would enthusiastically recommend for inclusion on the list of required reading was the GATT study entitled "Pollution and International Trade".

Mr. PARDO (Malta) thanked Admiral Langeraar, Dr. Needler and Mr. Evensen for their most interesting statements.

Turning to the suggested programme of work (A/AC.138/SC.III/L.7), he said that his delegation could accept the programme suggested for the Sub-Committee's current session. It was unlikely, however, that the Canadian suggestions would

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(Mr. Pardo, Malta)

help to solve the basic problem confronting the Sub-Committee which, despite the explicit wording of General Assembly resolution 2750 C (XXV), had not yet decided what its programme of work with regard to the preservation of the marine environment and scientific research should be. It was also unlikely that consideration of reports prepared by other organizations would keep the Sub-Committee constructively occupied for very long or contribute towards international regulation of the problems with which the Sub-Committee was supposed to deal.

There were already six international organizations - not one of them, according to their Constitutions, with specific competence in the field - busily engaged in examining various aspects of marine pollution and preparing technical conventions thereon, while another organization to deal with pollution was struggling to be born. There were also more than 20 States engaged in preparing conventions of various kinds on the subject. Already there were signs of fragmentation, overlap, gaps and growing rivalry between various organizations, each anxious to ensure for itself the greatest possible control of a new subject of international concern. It would not be useful if the Sub-Committee were to encourage such a fragmented approach to the problem of pollution by itself adopting a similar method of work. It was high time that the Sub-Committee decided to do its threefold task. In the first place, it should examine the feasibility of drafting, for the 1973 Conference on the Law of the Sea, treaty articles of a general nature concerning pollution from all sources in ocean space as a whole to replace articles 24 and 25 of the 1958 Geneva Convention on the High Seas. The numerous technical conventions, already concluded or under consideration, on various aspects of marine pollution or on pollution in specific regions of the world, could find their proper place within the framework of such general treaty articles.

Secondly, the Sub-Committee should examine the feasibility of drafting treaty articles of a general nature concerning the conservation of the marine environment. Thirdly, the Sub-Committee should examine the possibility of drafting treaty articles of a general nature concerning scientific research in the ocean space both within and beyond national jurisdiction. In drafting general treaty articles

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(Mr. Pardo, Malta)

on those subjects, the Sub-Committee should, of course, keep in mind existing relevant conventions and current and prospective work of the specialized agencies.

Until it got down to the work which was properly its, the Sub-Committee, which could be so important, would lead a precarious life.

Mr. ARIAS SCHREIBER (Peru) said that the Canadian suggestions (A/AC.138/SC.III/L.7) provided a useful basis for the Sub-Committee's work. It did seem, however, that the Sub-Committee should do more than merely examine reports produced by other organizations. One of the tasks of the Sea-Bed Committee was to prepare principles on questions relating to the law of the sea, including the protection of the environment and scientific research. Since those matters were linked to subjects falling within the purview of the Sub-Committee and had implications for the rights of States, it was essential that the Sub-Committee should prepare basic principles relating to the protection of the marine environment and scientific research as a single whole. Such principles would form a legal framework for technical agreements to be prepared by other organs. The question of scientific research should be dealt with at the current as well as the summer session.

In conclusion, he said that it would be useful if the draft convention on the legal status of ocean data acquisition systems (ODAS) could be circulated to the Sub-Committee.

Mr. YTURRIAGA (Spain) thanked the Canadian delegation for its suggested programme of work. There was indeed a need for co-operation and co-ordination between the various bodies dealing with the preservation of the marine environment and scientific research, but that did not mean that the Sub-Committee should accept a subordinate and passive role and merely examine the work being done by other organizations. The Sub-Committee had its own field of competence and should start to perform its functions immediately without waiting for suggestions from other bodies.

His delegation wished to suggest further that the general debate both on the preservation of the marine environment and on scientific research should still be regarded as open. The Sub-Committee should adopt the procedure followed by the main Committee and allow new delegations, and other delegations which had not yet

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(Mr. Yturriaga, Spain)

done so, to state their views on those questions. In that connexion, there seemed no reason why consideration of questions relating to scientific research should be deferred until the Sub-Committee's summer session. His delegation was planning to make a general statement on the question of scientific research at the current session.

Referring to the Ceylonese representative's apprehensions concerning the use of the word "recommendations", he suggested that the difficulty was one of semantics only. The idea was that the Sub-Committee and other organizations dealing with the subject should make the maximum use of each other's knowledge and documents.

Experience gained at the Paris ODAS conference proved that it was very difficult for a technical conference to draft general principles on such questions as the preservation of the marine environment and scientific research. The Sub-Committee was therefore the body competent to prepare general principle for the guidance of other bodies and for use at the regional level. It might be useful, therefore, if an item on consideration of general articles on the preservation of the marine environment and scientific research were added to the suggested programme of work.

Mr. GRABOVSKY (Union of Soviet Socialist Republics) made a number of comments on the suggested programme of work submitted by the delegation of Canada. While endorsing the proposal that the Sub-Committee should consider reports and hear statements by representatives from the specialized agencies and other organizations with special qualifications in the field, his delegation wished to point out that the Sub-Committee under its terms of reference was not empowered to make recommendations of any kind to other international bodies. The Sub-Committee could not usurp the functions of other international bodies in the campaign against pollution of the marine environment and in the field of scientific research. The Sub-Committee had its own duties to perform under the mandate entrusted to it by the General Assembly.

His delegation would have no objection to a discussion of the draft resolution of Norway and Canada in the Sub-Committee but reserved its right to make comments on the substance of the draft resolution should it come up for discussion.

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Miss MARTIN SANE (France) expressed her delegation's thanks to Admiral Langeraar, Dr. Needler and Mr. Evensen for their most interesting statements. Thanks were also due to the delegation of Canada for having prepared a suggested work programme and for having introduced it so ably. Her delegation tended to agree with the delegations of Ceylon and the USSR, however, that the Sub-Committee could not submit formal recommendations to other bodies; it must confine itself to expressing hopes concerning such bodies' work. Referring to paragraph 2 (a) (ii) of the suggested programme of work, she said that it would not be easy for the Sub-Committee to comment on proposed articles at Reykjavik. The documentation was not available and the Sub-Committee might find itself discussing texts which were more or less outdated and thus add to the confusion. It would seem advisable to defer discussion of the Declaration on the Human Environment until the summer session by which time the Declaration would have been approved by the Stockholm Conference. The question was a delicate one and it would be difficult to comment on it until the Stockholm Conference had approved the text definitively.

Mr. ZEGERS (Chile) thanked Admiral Langeraar, Dr. Needler and Mr. Evensen for the valuable contributions they had made to the Sub-Committee's work.

The Sub-Committee had already agreed that the questions listed in the suggested programme of work should be dealt with in the Sub-Committee. Nevertheless, some members had drawn attention to the fact that, under the terms of General Assembly resolution 2750 C (XXV), the Sub-Committee's mandate was broader than was implied in the suggested work programme, and included the preparation of draft treaty articles. It would seem that the suggested programme of work could be brought into line with the mandate set out in resolution 2750 C (XXV) if its items were grouped under three main sections entitled "Marine pollution", "Scientific research" and "Preservation of the marine environment" and if the time-table suggested by the Canadian delegation were disregarded. The phrase "and preparation of legal principles and draft treaty articles" should be included under each heading. The fact that the Canadian delegation had not submitted an exhaustive list of topics for discussion would be made clear if an item reading "Other matters" were added to each section. In that connexion, account should be taken of the Ceylonese delegation's suggestion concerning the transfer of technology to the developing countries. In the opinion of his delegation, the programme of work should speak of

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(Mr. Zegers, Chile)

"directives", rather than "recommendations" to other bodies. The Sub-Committee had been instructed to prepare for a conference on the law of the sea which was to draft conventions. It was obvious, therefore, that the Sub-Committee had a more important role to play in the matter than did other technical bodies. Indeed, the Preparatory Committee for the Conference on the Human Environment itself recognized the Sub-Committee's competence in the matter.

In conclusion, he said that his delegation would submit written amendments to the suggested programme of work for consideration by the Sub-Committee at its next meeting.

Mr. VALLARTA (Mexico) thanked Admiral Langeraar, Dr. Needler and Mr. Evensen for the valuable information with which they had provided the Sub-Committee.

His delegation was convinced that in submitting the suggested programme of work the Canadian delegation had not intended that the Sub-Committee should abandon the idea of preparing draft treaty articles and decide merely to make recommendations. The idea surely was that in order to maximize its chances of success, the Sub-Committee should, before drafting articles, study the work that had been or was being done by other bodies engaged in activities similar to those of the Sub-Committee. When it had fully explored the subjects, the Sub-Committee would be in a position to draft articles on the preservation of the marine environment and scientific research. Indeed, it might be useful if the suggested programme were extended to cover not only the summer session but later sessions as well. Allowance should, of course, be made for any changes warranted by future developments.

Turning to the question of co-ordination, he drew attention to the fact that whereas the specialized agencies and the Preparatory Committee for the Conference on the Human Environment reported to the Second Committee of the General Assembly, the Sea-Bed Committee reported to the First Committee. Obviously, there was a need for co-ordination, and a way must be found to prevent duplication in the work of the First and Second Committees.

In conclusion, he said that his delegation supported the Canadian proposals.

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Mr. GOWLAND (Argentina) said that his delegation associated itself with the expressions of thanks addressed to Admiral Langeraar, Dr. Needler and Mr. Evensen.

It might be useful if provision were made in the suggested programme of work (A/AC.138/SC.III/L.7) for discussions on various Secretariat papers, including the Secretary-General's reports entitled "The Sea: Prevention and Control of Marine Pollution" (E/5003) and "The sea: marine science: long-term and expanded programme of oceanic research" (E/5017). It would be interesting to know what had become of those studies, how they had been received by the bodies to which they had been submitted and whether any resolutions had been adopted concerning them. By making provision for discussion of such documents the Sub-Committee would be complying with the provisions of paragraph 11 of General Assembly resolution 2750 C (XXV). His delegation also agreed with the suggestion that the report on the ODAS Paris meeting should be circulated to the Sub-Committee.

In conclusion, he said that his delegation was of the opinion that attention should be paid to the drafting of articles on the subjects assigned to the Sub-Committee in General Assembly resolution 2750 C (XXV).

Mr. BEESLEY (Canada) said that his delegation appreciated the comments made on the suggested programme of work and the constructive spirit in which they had been made.

Obviously, the Sub-Committee's programme of work must consist of more than the collection and discussion of reports prepared by other bodies, but surely there was no need to hold up that part of the programme on which members were agreed - namely, the collection and discussion of information - until a decision had been reached on other parts of the programme.

Several members had stressed the need for a specific reference, in the programme, to draft treaty articles. His delegation had explained its position on that question at the third meeting of the Sub-Committee (A/AC.138/SC.III/SR.3). No one wished to alter the Sub-Committee's mandate, and since the preparation of draft articles was undoubtedly the end-product of the Sub-Committee's work, his delegation proposed that reference be made, as appropriate, to the preparation of draft articles in the work programme. It must be borne in mind, however, that in order properly to prepare such articles the Sub-Committee must be in possession of the necessary information.

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(Mr. Beesley, Canada)

As members were aware, his delegation had strong views concerning the interrelationship between the Stockholm Conference on the Human Environment, IMCO and the proposed Conference on the Law of the Sea, the main United Nations organs concerned with codification of the laws of the sea, including the problem of the preservation of the marine environment and marine pollution. An opportunity would be provided at the Stockholm Conference for international discussion on the problems of the human environment, including marine pollution, and it remained his delegation's hope that as a result of the Stockholm Conference there would be a declaration of principles which would include some legal principles. The report of the Intergovernmental Working Group on Marine Pollution (A/CONF.48/IWGMP.II/5) included a set of principles which might also provide a basis for a Stockholm Conference declaration of principles intended to protect the marine environment and guard against marine pollution. His delegation intended to submit a comprehensive draft convention on the preservation of the marine environment and, in particular, the prevention of marine pollution at the Sub-Committee's summer session. Canada would have no objection to the Sub-Committee embarking, at its next meeting, on an attempt to draft treaty articles.

All suggestions made concerning the programme of work had been noted. His delegation awaited the written amendment promised by the delegation of Chile and hoped to submit a revised programme in the near future. In the meantime, it hoped that the Sub-Committee would not delay starting its substantive work until agreement had been reached on a work programme.

The meeting rose at 5.50 p.m.

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SUMMARY RECORD OF THE SEVENTEENTH MEETING

Held on Friday, 17 March 1972, at 3.30 p.m.

Chairman:

Mr. Van der ESSEN

Belgium

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GENERAL DEBATE - MARINE POLLUTION (continued)

Mr. YOUNG (Intergovernmental Maritime Consultative Organization) referred to the statement made by the IMCO representative at the Sub-Committee's fifth meeting (A/AC.138/SC.III/SR.5) concerning the IMCO Conference to be convened in 1973. In October 1971 the IMCO Assembly had decided that the main objective of the 1973 Conference would be the achievement, by 1975 if possible, but certainly by the end of the decade, of the complete elimination of the wilful and intentional pollution of the seas by oil and noxious substances other than oil and the minimization of accidental spills. The Assembly had also requested the Council, the Maritime Safety Committee and the Secretary-General to continue to participate fully in the preparatory work for the United Nations Conference on the Human Environment and to implement any decisions of that Conference entrusting responsibilities to IMCO. Those actions illustrated IMCO's readiness to deal with those aspects of marine pollution which fell within its purview and to co-operate, in so doing with all other organizations of the United Nations system in a concerted approach to the problems of marine pollution, whatever their source. In that connexion, IMCO regarded the work of the Sea-bed Committee and of Sub-Committee III in particular, as highly important.

With respect to the 1954 International Convention for the Prevention of Pollution of the Sea by Oil, the Assembly, acting on a proposal by the Government of Australia, had recognized the Great Barrier Reef as an area of unique scientific importance and extraordinary international significance. It had adopted an amendment to the Convention setting out the precise limits of an extensive protective zone within which no discharge of oil whatsoever would be permitted from the cargo spaces of a tanker.

Recognizing the urgent need for minimizing the amount of oil which could escape as a result of maritime accidents, particularly those involving very large tankers, the Assembly had adopted a further amendment to the Convention laying down requirements for tank arrangements and limitation of tank size in large tankers. Governments had been urged to implement those requirements as soon as possible without awaiting the formal entry into force of the amendment.

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(Mr. Young, IMCO)

The Assembly had also adopted resolutions containing recommendations to Governments on such matters as a code for the construction and equipment of ships carrying dangerous chemicals in bulk, international performance specifications for oil-water separating equipment and oil content meters, arrangements for the disposal of oily bilge and ballast water from ships in ports and provision of facilities in ports for the reception of oil residues.

In an endeavour to prevent or reduce the incidence of maritime accidents which could result in oil pollution, IMCO had developed traffic separation schemes designed to regulate traffic in areas of high traffic density by, inter alia, eliminating congestion or restricting movement in various directions. The schemes had generally been initiated by, or in consultation with, the Governments of States which used or controlled the areas in question. In each case, however, the actual contents of the arrangements could be the result of proposals from the users of the sea routes involved, for example, the shipping companies. When the proposals for a particular area had been worked out by, and with the agreement of, all the parties concerned, they were submitted to the appropriate bodies of IMCO where the views and observations of other Governments and interested organizations were brought to bear on them. If endorsed, the proposals were submitted to Governments with a recommendation that they apply them in respect of ships under their control. While some States might embody the proposals, or parts thereof, in mandatory legislation, others might find it necessary or feasible merely to bring them to the attention of ships under their control with a recommendation that they follow them. That meant that while it might be generally agreed that certain schemes were desirable or even necessary for maritime safety, it was not always possible to make their application mandatory. Despite that, many traffic separation schemes developed within IMCO had been effectively enforced. To ensure even wider and more effective application of the schemes, it had been suggested that they should all be made mandatory. Whether that was achieved or not depended on the recognition by Governments of the necessity and feasibility of such a procedure. Nevertheless, whether they were recommendatory or mandatory, there was no doubt that IMCO-sponsored traffic separation schemes had been successful in preventing oil pollution casualties and other maritime accidents and could be expected to be even more successful in the future.

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(Mr. Young, IMCO)

All those measures provided the background against which the preparatory work for the 1973 Conference was being carried out. In the technical field, that was the responsibility of the Maritime Safety Committee and its various sub-committees, among which the Sub-Committee on Marine Pollution had been allocated a co-ordinating role. In September 1971, that Sub-Committee had considered the possible methods of achieving the complete elimination of deliberate pollution from ships and had initiated nine specific studies in order to assess the design, operational and economic implications of each possible approach and the degree of pollution abatement each approach might be expected to achieve. Preliminary reports on each of the studies had already been examined by the Sub-Committee and the final reports, or if necessary further progress reports, would be examined in June when a start would be made on the substantive work of formulating the principles on which the draft convention, or conventions, to be prepared at the 1973 Conference, would be based. The drafting work would then be continued by an ad hoc working group, would be considered by the Maritime Safety Committee at its spring session in 1973 and would be circulated to Governments at least six months prior to the Conference which, as presently envisaged, would be held in October 1973.

With reference to the operation of chemical tankers and bulk carriers, the Sub-Committee, in November 1971, had requested the Joint Group of Experts on Scientific Aspects of Marine Pollution (GESAMP) to review available lists of products being transported by ships and to consider the hazard to the environment if they were released accidentally or deliberately into the sea. A special panel of GESAMP experts had met at IMCO from 21 to 25 February 1972 when it had developed criteria for evaluating the hazards of individual substances and produced examples of hazard ratings for some 40 selected substances in terms of bio-accumulation, damage to living resources, hazards to human health, and reduction of amenities. It had also developed a method of evaluating potential discharges in order to demonstrate the relationship between the hazard rating of the material, the quantity discharged and the properties of the aquatic systems, such as rivers, estuaries or coastal waters, which might be receiving the material. The Sub-Committee had then requested GESAMP to prepare, by September 1971, an expanded table, covering at least 250 substances. The report

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(Mr. Young, IMCO)

of the GESAMP panel was of particular concern to the IMCO Sub-Committee on Ship Design and Equipment which was preparing appropriate design criteria, construction standards and other safety measures for ships carrying chemical substances in bulk. An ad hoc group of the Sub-Committee would meet in Genoa from 28 to 30 March 1972 to consider the preparatory work for the 1973 Conference with respect to that subject.

Work was being carried out with a view to developing a procedure whereby the standards and regulations to be included in the instruments that were to be considered by the 1973 Conference could be speedily amended and the instruments kept abreast of changes in maritime transportation. Efforts were also being made to establish a scheme for the effective enforcement of such instruments, particularly with respect to cases of infringement in which co-operative action by two or more Governments would be efficacious.

Pending the outcome of the United Nations Conference on the Human Environment and the Conference on the Law of the Sea, IMCO was continuing its consideration, with a view to establishing such instruments as might be necessary, of deliberate or accidental pollution of the sea from off-shore facilities and the deliberate dumping of shore-generated waste into the sea by ships and barges. Work was also continuing on the question of possible extension of the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties and the International Convention on Civil Liability for Oil Pollution Damage to cover pollution casualties involving noxious or hazardous cargoes other than oil.

The Sub-Committee on Marine Pollution had noted that the question whether the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, included the discharge of shore-generated oily waste from ships had been raised during the discussion on draft articles on ocean dumping, at the Ottawa meeting of the Intergovernmental Working Group on Marine Pollution (A/CONF.48/IWGMP/II/5). The Sub-Committee had felt that, although the 1954 Convention formally covered the discharge of oil or oily waste from ships, whether shore- or ship-generated, the provisions of the Convention, particularly the 1969 amendments thereto, might not deal adequately with the whole situation.

In conclusion, he said that IMCO's legal and technical bodies were ready to co-operate with the Sea-Bed Committee and the United Nations Conference on the Human Environment in matters falling within IMCO's competence.

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Mr. CARROZ (Food and Agriculture Organization of the United Nations) said that FAO was the specialized agency with specific responsibilities for promoting and ensuring the rational management and utilization of the living resources of the sea. Those resources were not limitless but they were rich. Indeed, the world's production of fish had almost doubled in the last decade and it was estimated that the world marine fish catch of currently exploited species, with known techniques and in already fished areas, might amount to some 120 million tons a year by 1985. It should be realized, however, that the maintenance of the present catch and any increase in it were conditional upon a healthy marine environment. So far, the deleterious effects of marine pollution, which originated mostly from land, were particularly obvious in estuaries and coastal waters which produced a great part of the marine food harvest. In that connexion it seemed appropriate to mention the ability of certain marine organisms to accumulate and concentrate specific pollutants to an unusual degree. More encouragingly, there were few, if any, cases of critical pollution in the open sea affecting the living resources of the sea. However, the levels of some toxic materials were known to be increasing. Furthermore, the detection, far from any obvious sources, of pesticides and toxic substances in the marine environment and in marine organisms had brought to light the devious ways in which dangerous materials could be transmitted through the marine food chain and transported long distances by physical and biological processes. Besides their effects on the living resources, pollutants affected fishing operations in a variety of ways. Trawlers could tear their nets on discarded automobile bodies and other heavy objects. They could also catch explosives and containers of dangerous chemicals in their nets. Nets could be fouled by oil and other similar substances. The means of controlling those nuisances and hazards to fishermen were vital for the continuing exploitation of the sea for commercial and sports fisheries. Lastly, pollution - and the public's fear of pollution - could have adverse effects on the economy of the fishery industries. Marine products might be tainted or poisonous, hence unsalable, or quality might be impaired and prices consequently depressed. Public knowledge that some fish and marine products were affected by pollution could lead to a buyer's reaction against all such products.

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(Mr. Carroz, FAO)

Those examples of the damage pollution might cause to the living resources of the sea, to fishing operations and to the fishery industries would suggest that fishery interests and other interests, such as human health and the protection of amenities, did not always coincide. In fact, they might even be divergent, as when authorities reacted to public pressure to maintain clean inland and coastal waters by moving wastes further offshore by pipelines, tankers and barges. Such were some of the special problems tackled by FAO.

In December 1970, FAO had organized a world-wide Technical Conference on Marine Pollution and its Effects on Living Resources and Fishing, which had been designed to provide a forum for the exchange of scientific and technical information on marine pollution, to focus attention on scientific problems where international co-operation and co-ordination were required, and to provide guidelines for future FAO programmes, including field activities and other technical assistance work. The Conference had identified areas presenting serious pollution problems, particularly in coastal waters and closed seas, and had given special attention to areas which were particularly vulnerable, like coral reefs and mangroves in tropical regions, arctic waters and coastal zones with aquaculture. It had also identified major sources of pollution, the fate of pollutants in the marine environment and their short- and long-term effects on marine organisms and ecosystems. FAO had been asked to continue and intensify its work in close collaboration with other appropriate United Nations agencies and with the Intergovernmental Oceanographic Commission, especially on the implementation of relevant marine pollution projects under the long-term and expanded programme of oceanic exploration and research. The Conference had also recommended that FAO should initiate negotiations with UNDP in order to ensure the provision of technical assistance in existing and future projects in environmental research related to marine pollution and its effects on living resources and fishing. Its other recommendations related to: the promotion of further research on the effects of oil on marine organisms and on pesticides as well as the development of biological techniques for pest control; the prohibition of deliberate dumping of toxic wastes on recognized and potential fishing areas and other shallow water grounds; the establishment of a system of registration of

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(Mr. Carroz, FAO)

the dumping of all persistent and highly toxic pollutants; Government measures to reduce mercury discharges into the environment; and the establishment of a task force of specialists to assist Governments, particularly Governments of developing countries, in cases of accident leading to marine pollution.

With a view to implementing those recommendations, FAO was preparing to appoint pollution experts in field projects. With the financial and administrative support of the Swedish International Development Agency (SIDA), FAO was organizing the first FAO/SIDA training course on marine pollution in relation to protection of living resources which would be held in Göteborg, Sweden, in May 1972.

The course was intended for senior scientists or research managers in charge of planning of pollution research or development of monitoring programmes in their countries. A second training course was being planned for 1973, again with the assistance of SIDA. It would be for research workers and technicians and would provide training in and demonstration of techniques and equipment currently used for research into the effects of pollutants on important marine organisms and ecosystems. In certain areas, FAO was promoting national and regional laboratories to deal with pollution matters of specific interest to fisheries and possibly to participate in monitoring programmes.

In view of the 1970 Conference's emphasis on regional activities, FAO was endeavouring to promote action by various regional fishery bodies. For example, the General Fisheries Council for the Mediterranean, with the assistance of experts nominated by the International Commission for the Scientific Exploration of the Mediterranean, had prepared a detailed review on the state of marine pollution in the Mediterranean Sea. The review and any follow-up action that would be required were being considered by the Council which was currently holding its eleventh session in Athens.

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(Mr. Carroz, FAO)

The collection, exchange and analysis of information was also of great importance. In that respect, the Intergovernmental Working Group on Monitoring and Surveillance, one of the working groups relating to marine pollution set up by the Preparatory Committee for the United Nations Conference on the Human Environment, had recognized that the FAO Fisheries Data Centre was particularly suited to provide facilities for storage and retrieval of data on pollutants in aquatic organisms and to assist in using such data for research and practical purposes.

If pollution was to be restricted and the marine environment managed, information on present conditions and on trends of change must be available. The need for intensive scientific research, encompassing a wide range of biological, ecological and environmental investigations, was crucial to a solution of the problem. A multidisciplinary approach of that nature would obviously require a large international effort. In that connexion, the considerable progress made by the ACC Sub-Committee on Marine Sciences and their Application in assisting with the co-ordination of activities carried out in the field of marine pollution by the United Nations and its agencies was worth noting. Reference to the increasing role of the Intersecretariat Committee on Scientific Programmes relating to Oceanography was also appropriate. The establishment of the Committee had constituted a first step towards broadening the base of the Intergovernmental Oceanographic Commission, which would thus be used as a joint specialized mechanism to assist the supporting agencies in discharging some of their functions relating to the scientific aspects of ocean affairs. To give but one example, the Commission's group of experts on long-term scientific policy and planning had proposed, in November 1970, that it (the Commission) should undertake a global investigation of pollution in the marine environment as a major project in its long-term and expanded programme of oceanic exploration and research. At the request of the Commission, a joint working party had met in October 1971 under the sponsorship of the FAO Advisory Committee on Marine Resource Research. Following the meeting, the Commission had adopted a series of resolutions on such subjects as global investigation of pollution in the marine environment, an

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integrated global ocean station system and monitoring marine pollution. Those resolutions were important as they confirmed that the Commission was prepared to take responsibility in promoting, planning and co-ordinating the marine pollution monitoring programme.

In conclusion, he said that the 1970 FAO Seminar on Methods of Detection, Measurement and Monitoring of Pollutants in the Marine Environment had noted that the future consequences of society's destruction of the human environment could be viewed in a variety of ways: the prophets of gloom predicted the extinction of the human race while other scientists insisted that the powers of technology could overcome any inconveniences resulting from the dispersion of man's wastes. The participants in the seminar had suggested that a more pragmatic and subtle approach was required to define critical environmental problems and to provide alternative courses of action so as to minimize the deleterious effects of man's infringements. It was in that spirit that FAO was ready to contribute to the work of the Sub-Committee.

Mr. MALAFATOPOULOS (World Health Organization) said that the interests and activities of WHO in the field of marine pollution were mainly related to coastal pollution. A study of public health aspects of coastal pollution had been undertaken in order to ascertain existing and potential health hazards associated with the use of polluted coastal areas. It had been found that the marine environment was generally unfavourable to the survival of most pathogenic organs. Many factors, including dilution, temperature, absorption, sedimentation and nutrient deficiencies contributed to the self-purification of the marine environment. Under special circumstances, however, particularly in temperate and warm coastal water near large cities, the self-purification capacity might not be sufficient and pollution could give rise to health hazards. Some countries had therefore prohibited the discharge of raw sewage into the sea. The study had also included a review of some epidemiological findings; however, no definite conclusions had yet emerged. So far there was no scientific basis for

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(Mr. Malafatopoulos, WHO)

establishing maximum microbial counts above which there was a danger of infection and there was no international legislation regarding the quality of coastal water, either with respect to microbiological contamination or chemical pollution.

A number of UNDP/SF/WHO projects on waste disposal in coastal areas were being conducted in the Philippines, Ghana, Turkey, Ceylon, Morocco, Senegal and the Ivory Coast. The projects aimed at the development of an immediate and long-term programme for the collection, treatment and disposal of domestic and industrial wastes which were currently being discharged into coastal waters without adequate treatment, thus causing serious pollution problems.

In view of the world food shortage and the need to increase the use and production of marine food products, the health hazards caused by seafood grown in polluted waters had become a cause for concern. Since the discovery of myco-toxins and their carcinogenic properties, public authorities were becoming aware of the possible long-term effects of natural toxins. In many parts of the world, too, the use of industrial and agricultural chemicals had been increasing and had resulted in widespread contamination of the environment, including the sea. Almost all marine vertebrates and invertebrates were now found to contain residues of compounds such as DDT. The Scandinavian countries and the United States were paying increased attention to mercury as an environmental pollutant. Recognizing the importance of those problems, the Director-General of WHO had convened an informal meeting of a group of consultants at the end of 1968 to assess possible hazards from the consumption of marine food products containing natural toxins or man-made pollutants. A joint WHO/FAO International Reference Centre on Marine Biotoxins had also been established in the World Life Research Institute at Colton, California. There were currently very few data in the over-all areas of marine toxicology as it related to pollution. Future monitoring systems should therefore take into consideration all the various toxicological aspects of marine pollution.

Pollution of the sea by oil was a serious problem, and if it occurred in coastal waters might be a health hazard. Accordingly,

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(Mr. Malafatopoulos, WHO)

WHO kept under review all developments in oil pollution control. A seminar on oil pollution control had been organized in Aviemore, Scotland, by the Institute of Water Pollution Control in association with the Institute of Petroleum of the United Kingdom and assisted by the WHO Regional Office for Europe.

Well trained public health staff with experience in coastal pollution control were practically non-existent in most developed countries. A broad training programme in sanitary engineering, waste treatment and disposal had been organized by WHO. The programme included various forms of training and exchange of information and was carried out by WHO headquarters or the regional offices in collaboration with the Governments of Member States. An interregional training course had been organized in Copenhagen in 1970 with the assistance of the Danish Government to meet some of the needs for experts trained in coastal water pollution control.

An International Reference Centre on Waste Disposal had been established to develop a long-term research and development programme related to storage, collection, treatment, reuse and ultimate disposal of liquid and solid wastes, and an International Reference Centre on Water Quality Monitoring had been set up to promote uniform methodology for measuring water quality, including coastal and estuarine waters. Those reference centres were being assisted by a number of laboratories located in the WHO regions.

A number of applied research institutes had been set up with UNDP/SF/WHO assistance for developing research and training facilities in environmental sanitation in member countries. One such institute, the Sursan Institute of Sanitary Engineering in Rio de Janeiro, had initiated a programme for systematic collection of data on coastal pollution in the Rio de Janeiro area.

Activities related to marine pollution were considered part of WHO's environmental pollution control programme. The organization also collaborated with other international agencies interested in marine pollution problems and was a member of the Joint Group of Experts on Scientific Aspects of Marine Pollution (GESAMP). It would be taking an active part in the forthcoming United Nations Conference on the Human Environment.

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(Mr. Malafatopoulos, WHO)

In conclusion, he said that a meeting on health criteria for the quality of recreational waters, with special reference to coastal waters and beaches, was being held in Ostend, Belgium, from 13 to 17 March 1972.

Mr. ANDERSEN (Iceland), describing the background to the forthcoming meeting in Reykjavik to consider draft articles on ocean dumping, recalled that the Intergovernmental Working Group on Marine Pollution had discussed a set of draft articles, had taken note of them, without commitment on the part of the Governments concerned, and had agreed that Governments should consult further in the hope that agreement on concrete global action might be reached before the United Nations (Stockholm) Conference on the Human Environment (A/CONF.48/IWGP.II/5, para. 19).

The Government of Iceland had decided, following consultations with a number of Governments and the Secretary-General of the Conference, to call a meeting in Reykjavik in April in the hope that that work could be carried further. By striving towards effective action to curb ocean dumping, which had already attained serious proportions in various parts of the world, Governments were taking an important step towards safeguarding the human environment. The subject had been receiving attention in various international forums, and the nations participating in the Reykjavik meeting hoped that early action would be possible. The results of that meeting and the Stockholm Conference would undoubtedly prove valuable to the Sea-Bed Committee. His delegation fully realized the need for co-ordinating the work of the Stockholm Conference and the Committee in the field of marine pollution and would welcome a review of the question of ocean dumping at the United Nations Conference on the Law of the Sea.

Mr. BEESLEY (Canada), introducing his revised suggested programme of work (A/AC.138/SC.III/L.7/Rev.1), said that his delegation was no longer calling specifically for preliminary discussion during the March session and substantive discussion of draft articles during the July/August session. At the suggestion of a number of delegations, the headings now reflected the mandate set out in General Assembly resolution 2750 C (XXV). Discussion under each item would begin with a general debate, as the delegation of Spain had suggested.

With regard to the form which the Sub-Committee's communications to other bodies concerned with the same subject should take, his delegation felt that a report to the General Assembly on the March session should be prepared. That report could

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(Mr. Beesely, Canada)

then be transmitted to those bodies and to the Stockholm Conference. A less desirable alternative, should it not be possible to prepare such a report, would be to send the Sub-Committee's summary records to the bodies in question.

The provision for action by the Sea-Bed Committee as a follow-up to the Stockholm Conference under heading "B" by no means precluded similar efforts by other bodies should the results of the Conference suggest that such efforts would be desirable. No reference had been made to relevant Economic and Social Council documents on the assumption that arrangements could be made to have them circulated. The majority of delegations appeared to agree that it was appropriate to refer to the forthcoming Reykjavik meeting on ocean dumping; indeed, the representative of Iceland had just provided useful information in that connexion.

With regard to the treatment to be accorded to the draft Declaration on the Human Environment, he reiterated his delegation's belief that the Sub-Committee should confine itself to an examination of the implications of the draft Declaration for the law of the sea, possibly indicating the importance it attached to its main principles. It was beyond the mandate of the Sub-Committee to redraft that document.

Mr. VALDEZ (Peru) said that it was the Sub-Committee's task to elaborate a set of general principles and recommendations on the preservation of the marine environment and, taking into account views on other subjects relating to the law of the sea, and documents prepared by other bodies, to decide whether such provisions should be incorporated in a single convention on the oceans or in one or more specialized conventions.

Given the unity of the marine environment and its ecology, those principles and recommendations not only should cover the high seas, but should also include recommendations to coastal States concerning measures to avoid all forms of pollution and other damage within their territorial seas or areas over which they exercised special jurisdiction. In discharging its task, the Sub-Committee should utilize pollution studies prepared by the specialized agencies and maintain two-way contact with the Stockholm Conference.

One of the major questions which the Sea-Bed Committee would have to discuss was the extent to which regional and international collaboration for the preservation of the marine environment should be institutionalized. Moreover, further studies of marine ecology and the effect of pollutants on the marine

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(Mr. Valdez, Peru)

environment were a prerequisite to the success of the forthcoming Conference on the Law of the Sea. The countries of Latin America agreed that attention must be focused on the problems of pollution and were taking action to prevent it. For example, companies producing hydrocarbons were required to adopt special measures to preserve the marine environment, and Peru had adopted various legal provisions to control water pollution.

Inasmuch as developed and developing countries alike had a stake in protecting the environment, international co-operation to that end was needed at the economic, scientific and technical levels. He recalled that the Latin American Meeting on Aspects of the Law of the Sea held at Lima in August 1970 had adopted a resolution on the pollution of the marine environment; the possibility of adopting regional agreements to prevent the pollution of the seas would in all likelihood be considered at a later stage.

It was also necessary to put an end to nuclear tests, which were harmful to the resources of the sea and marine ecology, as well as to States nearest to the test sites.

To be truly effective, research should cover the entire marine environment, including living resources, while fully respecting the existing rights of coastal States regarding scientific research in areas under national jurisdiction, and taking into account existing norms governing such research on the continental shelf. His delegation planned to submit general recommendations on the preservation of the marine environment for the consideration of the Sub-Committee.

Turning to the suggested programme of work, his delegation could in principle go along with the Canadian document. He welcomed in particular the inclusion of the item on the transfer of technology to developing countries.

He agreed with the representative of Greece that the list of international agencies which might report to the Sub-Committee should be left open. Lastly, his delegation endorsed the view that marine pollution must be considered an integral part - indeed, the major aspect - of the problem of the pollution of the human environment.

Mr. BOUAYAD-AGHA (Algeria) said that the Oslo Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft was a praiseworthy initiative. However, his delegation considered it a breach in which it had hoped would be a united front aimed at achieving concerted action at Stockholm and the

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(Mr. Bouayad-Agha, Algeria)

United Nations Conference on the Law of the Sea. Although Algeria was deeply committed to regional co-operation, it feared that the Oslo Convention would adversely affect the struggle to prevent the deterioration of the marine environment of the Mediterranean, for vessels avoiding the waters covered by the Convention would henceforth dump their wastes in the Mediterranean.

His delegation hoped that the Convention would not be ratified before the Conference on the Law of the Sea. The developing countries urged the signatories to the Convention to understand their position and to make a greater effort to combat marine pollution everywhere.

The approach to the protection of the marine environment adopted by the developing countries was directed at obtaining international assistance to solve national and regional problems. A solid scientific basis was required to combat the deleterious effects of pollution resulting from the exploitation of the resources of the sea-bed. Those countries also wished to put an end to the economic wastage which resulted from the intensive exploitation of those resources, particularly fishing. Moreover, a regional effort was required in the field of scientific research and training.

It was regrettable that the draft articles on ocean dumping submitted by the United States to the second session of the Intergovernmental Working Group on Marine Pollution in fact attempted to legalize, rather than prohibit, certain dumping practices. Moreover, the United States draft covered only the dumping of wastes from merchant vessels; however, the situation in the Mediterranean was very serious, for pollution there was caused by all kinds of vessels, including warships.

In approaching the problem of marine pollution, it was essential to bear in mind that marine ecology differed from land ecology, and that ecological conditions varied from one body of water to the next.

The Sub-Committee would do well to adopt the programme of work suggested by the Canadian delegation and should assume its responsibilities outlined in General Assembly resolution 2750 C (XXV). The Sub-Committee should also study the draft articles on ocean dumping prepared by the Intergovernmental Working Group and submit its comments and directives to the Stockholm Conference.

Mr. PARDO (Malta) said he wished to make a number of comments regarding the revised programme of work, which represented a considerable improvement on the original text. Although he hoped that he would be proved wrong, he felt that

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(Mr. Pardo, Malta)

the provision for communication of views to the Stockholm Conference under heading "B" was too optimistic. In view of the slow progress made thus far and the fact that the session was nearly over, it was unlikely that the Sub-Committee would be able to transmit well-considered, meaningful comments on the relevant reports.

The points covered under heading "A.2" and "4" could more appropriately be discussed in Sub-Committee II, where the question of the conservation of the resources of the high seas were likely to influence decisions ultimately taken. However, if other delegations wished to discuss those points in the context of the preservation of the marine environment, his own delegation would co-operate. He suggested that provision should be made under heading "A" for consideration of the draft Convention on Conservation of Certain Islands for Science (A/CONF.48/IWGC.I/12), the draft Convention on Conservation of the World Heritage (A/CONF.48/IWGC.I/13) and the comments thereon in document A/CONF.48/IWGC.I/11. Those documents, which had been prepared by the Intergovernmental Working Group on Conservation, dealt with questions which provided a point of departure for the drafting of legal principles and articles of a general nature on the preservation of the marine environment. Discussion could also usefully be held under item "A.5" on the possibility of drafting treaty articles to control the use of technologies which could bring about changes in the marine environment without necessarily causing pollution.

Lastly, he endorsed the remarks of the representative of Peru regarding the unity of the marine environment and said that his delegation understood the concern expressed by the representative of Algeria.

Mr. PINTO (Ceylon) said that the revised programme of work provided a very satisfactory basis for the Sub-Committee's work. Although he welcomed the inclusion of discussion of the transfer of technology to developing countries, he felt that the scope of the item he had suggested at the preceding meeting had been substantially narrowed. His own delegation planned to direct its attention to the broader category of all ocean-oriented technologies.

With regard to the communication of the Sub-Committee's views to the Stockholm Conference, his delegation believed that it was for the Sub-Committee, which was a specialized body with competence in the field, to draft articles on marine pollution; the task should not be left to the Conference itself.

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Mr. STEVENSON (United States of America) requested the representative of IMCO to provide the Sub-Committee with more information concerning the traffic separation schemes to which he had referred. In particular, information concerning the areas to which such schemes applied would be appreciated.

With regard to the revised programme of work submitted by the delegation of Canada, he agreed with the representative of Malta that items 2 and 4 in part A could more appropriately be dealt with by Sub-Committee II in connexion with its discussion of fisheries. He was grateful to the representative of Canada for clarifying the reference to follow-up action on the Stockholm Conference; that reference, as he understood it, should not be construed as excluding the possibility of participation by agencies other than the Sea-Bed Committee in such follow-up action.

Mr. ZEGERS (Chile) expressed his gratitude to the representative of Canada for incorporating the suggestions his delegation had made in the revised programme of work. The revised programme was, on the whole, acceptable. In particular, he was pleased to note that the tripartite division of the revised draft was in conformity with the terms of reference of Sub-Committee III as established by the Sea-Bed Committee at its 45th meeting (A/AC.138/SR.45). There were one or two points, however, where the text might be slightly changed for the better. For example, the title of part B would be more general and closer to the wording used in the Sub-Committee's terms of reference if the phrase in brackets "(including sea-bed)" were deleted. Another problem arose in connexion with the phrase "communication of views", which appeared in several places throughout the draft. His delegation, as it had stated previously, would prefer the term "directives" or even the formulation in the original programme of work, which had referred to "recommendations". Recognizing, however, that there were two schools of thought on the question, he wished to suggest a compromise formulation which should prove acceptable to both, namely "communication of results".

With regard to items 2 and 4 of part A, he agreed with the delegations of Malta and the United States that Sub-Committee III should not infringe on the mandate of Sub-Committee II by discussing questions relating to fisheries. On the other hand, the report of the forthcoming meeting of the FAO Committee on

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(Mr. Zegers, Chile)

Fisheries might contain valuable information concerning the preservation of the marine environment and should therefore be discussed in Sub-Committee III.

Finally, he welcomed the inclusion of the new item "Transfer of technology to developing countries" in all three parts of the programme of work and agreed with the representative of Ceylon that any delegation desiring to do so should be free to discuss in general terms the problem of transfer of technology and should not be obliged to confine its remarks to the three main divisions covered by the programme of work.

Mr. DEBERGH (Belgium) said that the revised programme of work provided a sound basis for the Sub-Committee's future endeavours and that, subject to the following three observations, his delegation would be happy to accept it. First, he noted that an item entitled "General debate" appeared in each part of the programme of work. In his delegation's view that meant the general debate was still open and, in particular, that a debate on the terms of reference of the Sub-Committee was not excluded as a possible topic of discussion. Secondly, the programme of work should not be regarded as an exhaustive list but rather as an open-ended enumeration of topics of immediate interest. If new topics relevant to the Sub-Committee's terms of reference should arise, there should be no objection to adding such topics to the present list. Thirdly, with regard to the item concerning "Transfer of technology to developing countries", he shared the feeling of the representative of Ceylon that the item was somewhat narrowly conceived. Indeed, the problem of the transfer of technology was a matter of concern not only to developing countries but also to a number of industrialized States which, while advanced in other areas, might not necessarily possess the most sophisticated technology in particular fields, for example, outer space or the sea-bed. It would be preferable, therefore, to phrase the item in such a way that the interests of the international community as a whole in the transfer of technology would be adequately safeguarded. He wished therefore to put forward the following formulations for the Sub-Committee's consideration: items A.5 and B.9 might be replaced by "Access to scientific information and technology, taking into consideration the special interests and needs of the developing countries"; item C.6 could be replaced by "Access to the results and techniques

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(Mr. Debergh, Belgium)

of scientific research, taking into consideration the special interests and needs of developing countries."

Mr. YTURRIAGA (Spain) expressed appreciation to the representative of Canada for the revised programme of work, which was acceptable to the Spanish delegation. There should be no conflict of interest between the Sea-Bed Committee and the Stockholm Conference. The mandates of both groups were clearly different, and they were pursuing complementary rather than conflicting objectives. The Sea-Bed Committee should move forward with its own work without waiting for the results of the Conference. On the other hand, there was a certain overlapping between the Sea-Bed Committee and the Conference with respect to their spheres of interest and the documentation which they both needed for their work. He wished to draw attention to an extremely useful conference document that would be of great value to the Committee, namely, document A/CONF.48/8. Sub-Committee III could, in fact, profitably make use of that document even before the Stockholm Conference; therefore he suggested that it should be made available immediately.

Mr. DIGGS (Liberia) shared the views expressed by the representative of Belgium with regard to the transfer of technology. However, the points raised by the Belgian representative might be covered more succinctly in an omnibus item which could be worded: "Transfer of technology to the international community and freedom of access to information, taking into account the special needs and interests of the developing countries".

Mr. PINTO (Ceylon) said that, in general, he agreed with the views expressed by the representatives of Belgium and Liberia concerning the transfer of technology. He would have to study the proposed formulations carefully before taking a position in favour of one or the other. His initial reaction, however, was that the Belgian text, which laid stress on "access" to technology was somewhat too narrow since there was a considerable difference between mere "access" to technology and a comprehensive programme for the transfer of technology. In view of the great importance of the item, it would be advisable to devote a separate section, i.e. part D of the programme of work, to it. That solution would also have the merit of avoiding an excessively restrictive interpretation of the item in relation to the topics under which it currently appeared.

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Mr. VALDEZ (Peru) supported the formulation "communication of views" adopted in the revised programme of work. He agreed that it would be useful for the organizations in question to receive the Sub-Committee's views on matters touching their respective spheres of competence. However, he could not support the contention that the organizations were under any obligation to act in accordance with the views expressed by the Sub-Committee.

With regard to the Reykjavik Meeting, concerning which the representative of Iceland had informed the Sub-Committee, his delegation questioned the desirability of any single country taking on itself the responsibility of convening a meeting to deal with a matter of world-wide importance which was being concurrently discussed in international bodies. Such meetings should be organized at the international level to ensure that all countries would be afforded the opportunity to participate.

On the question of transfer of technology, he was in substantial agreement with the arguments advanced by previous speakers. In particular, his delegation supported the observations made by the representative of Belgium without, however, endorsing the precise wording proposed by the latter.

Mr. VINDENES (Norway), referring to the statement made earlier by the representative of Algeria concerning possible harmful repercussions of the Oslo Convention for other regions, drew attention to article 3 of the Convention which stated: "The Contracting Parties agree to apply the measures which they adopt in such a way as to prevent the diversion of dumping of harmful substances into seas outside the area to which this Convention applies." At a later date his delegation would give a more detailed reply to the points raised by the representative of Algeria.

Mr. POLLARD (Guyana) suggested that it would be logical to rearrange the sections of the revised programme of work so that they would more closely correspond to the order followed in the Sub-Committee's terms of reference. If that were done, the present part B would become A; C would become D; and A would become C.

Mr. BEESLEY (Canada) said that he would have no objection to the change suggested by the representative of Guyana; however, the Sub-Committee was already

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(Mr. Beesley, Canada)

well into part A of the programme of work and should perhaps continue without changing course in mid-stream. As the revised programme of work seemed to be generally acceptable to the members of the Sub-Committee, he suggested that it might be adopted subject to incorporation of the amendments put forward. The final text could be worked out in informal consultations before the next meeting of the Sub-Committee.

Mr. ZEGERS (Chile) agreed that a consensus could probably be reached with regard to the outstanding amendments before the next meeting.

The CHAIRMAN suggested that the Sub-Committee might adjourn its deliberations in anticipation of an early emergence of the consensus referred to by the representative of Chile. Before concluding, however, he wished to point out that the matter of "communication of views" to the various bodies mentioned in the revised programme of work raised the question of the form in which the Sub-Committee's views should be communicated. If a formal report was to be prepared, the members of the Sub-Committee should bear in mind that time would have to be allocated for consideration and approval of the report both in the Sub-Committee and in the plenary. No such problem would, of course, arise if the Sub-Committee's views were to be communicated via the summary records. While it was still too early to take a final decision, delegations should reflect on the matter and give some thought to the submission of draft statements of positions if a formal report was desired.

The meeting rose at 6.05 p.m.

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SUMMARY RECORD OF THE EIGHTEENTH MEETING

Held on Friday, 24 March 1972, at 11 a.m.

Chairman:

Mr. Van der Essen

Belgium

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ORGANIZATION OF WORK (A/AC.138/SC.III/L.7/Rev.2) (continued)

Mr. LEGAULT (Canada), introducing the second revision of his delegation's suggested programme of work (A/AC.138/SC.III/L.7/Rev.2), said that the document reflected comments and suggestions made at the preceding meeting. He expressed the hope that a consensus could now be reached on it.

He was prepared to make further changes at the suggestion of various delegations. Firstly, the words "and interests" should be inserted after the word "needs" in items A.6, B.9 and C.6. Secondly, item B.10 should read simply "Formulation of legal principles and draft treaty articles"; reference to follow-up action to the Stockholm Conference already appeared in items B.2, 3 and 4. Thirdly, a new section C, entitled "Transfer of technology", should be inserted.

He appealed to the spirit of compromise of those delegations which might have difficulty with the wording of any of the items. The Sub-Committee was not at present negotiating draft treaty articles, and the inclusion of particular items in a particular form in the programme of work did not prejudice the position of delegations on the substance of those items. If any results were to emerge from its discussions, the Sub-Committee should adopt and proceed to carry out its programme of work immediately.

The important statement by the Secretary-General of the United Nations Conference on the Human Environment in the plenary Committee (A/AC.138/SR.74) provided the Sub-Committee with further encouragement in that direction. He drew particular attention to the Secretary-General's remarks regarding the need for co-ordination between the Stockholm Conference and the work of the Sea-Bed Committee and the Conference on the Law of the Sea, the importance of the draft declaration on the human environment in advancing the work of the Sea-Bed Committee, and the various stages in the formulation of treaty articles for the preservation of the marine environment.

Mr. OGISO (Japan), referring to items A.2 and A.4 of the suggested programme of work (A/AC.138/SC.III/L.7/Rev.2), pointed out that intensive discussions on fisheries were being conducted in Sub-Committee II. Despite the phrase in brackets added to those items, it would seem that simultaneous

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(Mr. Ogiso, Japan)

discussions in Sub-Committees II and III would inevitably lead to duplication of work and competition between the two Sub-Committees. It would seem advisable, therefore, to defer consideration of those items until Sub-Committee II had completed its discussions of the matter.

It was doubtful whether the Conventions referred to in item A.5 should be discussed within the framework of the Conference on the Law of the Sea. All the islands to be conserved for scientific purposes were under the national jurisdiction of one State or another and the objects to be conserved were not necessarily found in or under the waters. As to the conservation of the world heritage, since specific items to be conserved, such as monuments, groups of buildings and sites of universal value were in most cases situated on land, it was difficult to see how the subject could properly be incorporated into the law of the sea. It would seem more appropriate to leave those questions to more competent organs, such as UNESCO.

Turning to section B of the suggested programme, he said that the principles on marine pollution adopted at the Ottawa meeting of the Intergovernmental Working Group on Marine Pollution (A/CONF.48/IWGMP.II/5) could serve as a point of departure for the Sub-Committee in its task of drafting treaties on marine pollution. The Sub-Committee might also be guided by the spirit of the Declaration on the Human Environment to be adopted at the Stockholm Conference. In that sense, therefore, it seemed that item B.4 should be studied after the proposed Declaration had been adopted. It was important that the Sub-Committee should take follow-up action on the principles on marine pollution to be formally adopted at Stockholm.

With respect to item B.3, the Sub-Committee should examine carefully the manner in which the draft ocean dumping convention was to be dealt with at the Reykjavik Meeting and the Stockholm Conference. At its summer session it might consider further the follow-up action to be taken on that subject. In that connexion, he stressed the need for co-ordination between IMCO and the Sub-Committee.

Turning to item B.6, he said that the Oslo Convention seemed to embody the best measures for dealing with ocean dumping. The provisions of that Convention should prove most useful to the Sub-Committee when it embarked upon its task of drafting a global convention on ocean dumping. He proposed in that connexion that the Sub-Committee should consider the possibility of obtaining reports on any other regional conventions being prepared.

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Mr. SHNYUKOV (Ukrainian Soviet Socialist Republic), referring to the fact that, according to items A.3 (c), B.2 (c), B.3 (c), B.4 (c) and B.7 (b), the Sub-Committee was to communicate the results of its discussions to the Stockholm Conference, asked whether it would be possible to compile the results of the discussions in time for submission to the Stockholm Conference. The short time available would seem to preclude that possibility.

As the representative of Japan had said, item A.5 (a) related to a complicated question and it was difficult to determine whether it should properly be dealt with by UNESCO or the Sea-Bed Committee. Similar difficulties arose with respect to item A.5 (b); it would be necessary to clarify exactly what the Sub-Committee was to deal with under that item.

In so far as items B.8 and C.5 were concerned, it would be necessary to determine exactly what the Sub-Committee's examination would consist in. Was it intended that the Sub-Committee should revise existing conventions and existing conventional provisions? The items should be more clearly formulated.

Mr. McKERNAN (United States of America) said that his delegation shared the concern expressed by the representative of Japan with regard to item A.2 of the suggested programme of work. However, it felt that such an item, if properly identified, could give rise to fruitful discussions. The discussions in Sub-Committee II related to the rules and regulations for commercial fishing enterprises, while Sub-Committee I would discuss the living resources of the sea-bed. There remained other living resources of the sea which merited attention, including those species which were not intensely exploited or likely to be so, and those which had as a result of excessive exploitation become rare or endangered species. Accordingly, his delegation suggested that item A.2 might be amended to read "Preservation of the living resources of the high seas other than those considered in Sub-Committees I and II".

His delegation had also shared the Japanese concern with regard to item A.4 but, on the understanding that the FAO Committee on Fisheries would discuss the preservation of living resources and that the Sub-Committee might derive some benefit from the results of those discussions, it would not suggest any change in

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(Mr. McKernan, United States)

the item. Item A.6 could already be discussed profitably, but the discussion would be even more worth while, particularly in relation to the preservation of the marine environment, if it were amended to read "Requirements of research and monitoring, including freedom of access...". The same amendment should also be made to item B.9.

With those changes, his delegation would be pleased to accept the suggested programme of work, which it hoped would facilitate the Sub-Committee's discussions.

Mr. BONNICK (Jamaica) said that in his delegation's view the question of the transfer of technology was so important to the developing countries as to warrant its inclusion in the programme of work as a separate section. Accordingly, it proposed that item A.6 should be deleted, and that a new section D should be added, entitled "Development and transfer of technology". That section would include four items: "1. Development of technological capabilities of developing countries", "2. Sharing of knowledge and technology between developed and developing countries", "3. Training of personnel from developing countries" and "4. Transfer of technology to developing countries". It would then be necessary to amend items B.9 and C.6 by the deletion of the words "and transfer of technology taking into account the special needs of developing countries".

Section B of the suggested programme accorded many subjects which his delegation would have regarded as subitems equal status with the Stockholm Conference on the Human Environment. The whole section could be reorganized to include a general debate, an item taking cognizance of the Stockholm Conference, another dealing with all the reports mentioned in the present items 5-8, and one line calling for follow-up action by the Sea-Bed Committee. However, as the suggested programme represented a compromise on the part of a number of countries with special interests, his delegation would not insist on any change being made in the section.

Item C.1 would benefit from the addition of the words "on the nature, characteristics and objectives of scientific research". His delegation had reservations with regard to the wording of a number of other items but in order to facilitate agreement, it would propose no amendments.

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Mr. PARDO (Malta) said his delegation shared the reservations expressed by the Ukrainian delegation with regard to items B.3 (c) and B.4 (c); since it did not appear likely that the Committee would have significant results to communicate to the Stockholm Conference. However, he would not insist on any change, since his delegation would naturally be delighted if such results were forthcoming.

He noted the reservations expressed by the delegations of Japan and the Ukraine with regard to item A.5, which his delegation had suggested. Its purpose in doing so had been to bring to the attention of the Sub-Committee current dangers to the ecology of reefs and oceanic shallows and the situation with regard to certain submerged archaeological treasures under the high seas. It had not intended that the Sub-Committee should duplicate the work of UNESCO, nor that treaty articles relating to archaeology or reefs should necessarily be drafted. The draft conventions referred to in the item were mentioned simply as points of reference to work being carried out elsewhere within the United Nations system, which members of the Sub-Committee might wish to consider without discussing it in detail or making recommendations on it.

In spite of its reservations with regard to certain details, his delegation hoped that the suggested programme of work would be adopted as soon as possible.

Mr. ZEGERS (Chile) said that the suggested work programme represented a compromise which could not fully satisfy any member of the Sub-Committee, and his delegation was prepared to accept it as such.

A number of delegations had expressed reservations concerning item A.2, which had been proposed by his delegation. The preservation of the marine environment, a phrase taken from General Assembly resolution 2750 C (XXV), covered more than the question of pollution. The environment included not only the mineral resources of the area, but also its living resources, both animal and vegetable. There was clearly a need to make explicit reference to those resources in the suggested programme of work. His delegation fully understood the concern of some members of the Sub-Committee that the competence of Sub-Committee II should not be infringed upon. It recognized that the latter Sub-Committee was competent to deal with the question of fisheries in the high seas, but that did not mean that

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(Mr. Zegers, Chile)

Sub-Committee III should not discuss the living resources of the area. In any case, the phrase "without prejudice to the terms of reference of Sub-Committee II fully met the concern which had been expressed.

With regard to the communication of the Sub-Committee's results to the Stockholm Conference, it must not be forgotten that the Sea-Bed Committee was fully competent to discuss and draft articles on the whole question of pollution, the whole question of scientific research and the whole question of preservation of the environment. The Secretary-General of the Conference had stressed the need for close co-ordination between the Committee and the preparations for the Conference (A/AC.138/SR.74). Accordingly it was important, both in order to emphasize the competence of the Committee and to ensure the success of the Conference, to report the results of the Committee's discussions.

The proposal by the Jamaican delegation appeared unnecessary. The Sub-Committee had agreed in principle to discuss the transfer of technology, and his delegation did not think it essential to spell out in detail, in four separate items, the various areas which that discussion might cover. His delegation had reservations with regard to the United States proposal for an amendment to items A.6 and B.9, since it did not fully understand the implications of the word "monitoring", it could therefore not accept the proposal at the present stage.

Mr. HARRY (Australia) said it was clear in retrospect that the Sub-Committee had suffered because of its inability to agree at an early stage on a work programme. Many of the amendments proposed to the Canadian draft programme of work, although not without point, did not appear essential. His delegation had doubts with regard to some of the items in the programme, for example that relating to the conservation of certain islands for science, but was prepared to accept the programme as a whole.

However, it wished to comment on the procedure for communicating the results of the Sub-Committee's discussions to the Stockholm Conference. There would not be time to prepare a draft resolution on the subject. Nevertheless, it was important that the Sea-Bed Committee should make clear to the Conference that the Sub-Committee was dealing with the international legal aspects of the marine

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(Mr. Harry, Australia)

environment and pollution. Accordingly, his delegation proposed that the Chairman of the Sub-Committee should be authorized to issue a communication which would be conveyed to the Stockholm Conference through the Chairman of the Sea-Bed Committee. The communication should describe the Sub-Committee's mandate, inform the Conference of its work, by summarizing the course and results of its discussions, and explain that the Sub-Committee would await the outcome of the Conference with interest, because it intended at its summer session to move ahead with consideration of legal norms concerning the marine environment. The summary records of the Sub-Committee's meetings should be annexed to the communication. His delegation was prepared to entrust to the Chairman the task of drafting a suitable text.

The CHAIRMAN said it did not appear feasible for the Sub-Committee to approve a programme of work in a situation where amendments were continually being proposed and there was no means of ascertaining the degree of support they commanded. There was a danger that, if that situation continued, the Sub-Committee would in fact not achieve any results which could be communicated to the Stockholm Conference.

There appeared to be general agreement on the programme of work suggested by the delegation of Canada, in that few delegations were firmly opposed to any of the items it contained. Delegations which were should submit written amendments, and if no such amendments were received by the morning of Monday, 27 March, he would assume that the programme was adopted by consensus.

Mr. LEGAULT (Canada) endorsed the approach suggested by the Chairman. It was particularly regrettable that some of the suggestions made during the meeting had not been communicated to his delegation during the preceding informal consultations. Since agreeing on a work programme was a rather more flexible process than drafting a treaty, for example, such points could be raised at any time while the programme was being implemented. His delegation felt that there was indeed a consensus in the Sub-Committee, subject to a number of minor changes in the programme of work, and would be glad to co-operate in making such changes before the next meeting. Finally, his delegation supported the proposal of the representative of Australia with regard to the preparation of a communication by the Chairman.

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GENERAL DEBATE - MARINE POLLUTION (continued)

Mr. EVENSEN (Norway) recalled that at the Sub-Committee's 17th meeting (A/AC.138/SC.III/SR.17) the representative of Algeria had expressed the fear that the Oslo Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft circulated in document A/AC.138/SC.III/L.9 might, as a regional convention, have negative repercussions on the fight against pollution in the Mediterranean, and that the 12 Governments which were parties to it might divert their dumping practices to other marine areas, including the Mediterranean.

In his own statement on the subject at the 16th meeting (A/AC.138/SC.III/SR.16), he had taken as his starting-point article 1 of the Oslo Convention, which stated that the Contracting Parties pledged themselves to take all possible steps to prevent the pollution of the sea by substances 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. That general principle was contained in the opening article of the Oslo Convention; it was not confined to the preamble. It therefore imposed legal obligations on participating States. It was a general principle in the sense that it included dumping but was not confined to dumping; it referred to marine pollution as a whole. To that extent the Oslo Convention was not merely an anti-dumping convention, but a general anti-pollution convention. The principle was also general in the sense that it was not regional in scope. It was not confined to the North-East Atlantic but applied to the pollution of the sea in general. One main concern of the participants in the Oslo Conference had been that pollution in one marine area should not affect other areas. The principle laid down in article 1 of the Oslo Convention could find a place in any general or special, universal or regional, convention on marine pollution. Indeed, it had been included verbatim as article I (a) of the draft articles on ocean dumping prepared by the Intergovernmental Working Group on Marine Pollution at its Ottawa session (A/CONF.48/IWGMP.II/5).

Under article 3 of the Oslo Convention the Contracting Parties had entered into a legal commitment not to divert the dumping of harmful substances into seas outside the area of the North-East Atlantic. There again, the view of the

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Contracting Parties was that the oceans of the world constituted a unity for environmental and ecological purposes. Two littoral States with extensive coastlines on the Mediterranean - France and Spain - had participated in the Oslo Conference and in the elaboration of the articles to which he had referred.

Turning to the question of regional approaches to the fight against marine pollution, he said that his Government hoped that effective and universal measures against marine pollution would be adopted at the Stockholm Conference. It felt, however, that it had a special responsibility towards the whole world with regard to the solution of problems arising out of uncontrolled dumping in the North-East Atlantic. The provisions of the Oslo Convention could supplement, not replace, any provisions formulated at the Stockholm Conference and, might prove useful to the Conference in its attempt to draft a more global anti-dumping convention. Indeed, the Convention had already served as an example for the draft articles adopted by the Conference's Intergovernmental Working Group on Marine Pollution at Ottawa.

A universal instrument on the prevention of marine pollution should encourage regional actions to supplement the broader prohibitions normally contained in such universal instruments. Regional instruments would be able to enter more deeply into specifics, to take greater account of regional needs and peculiarities and, perhaps, to impose sterner sanctions than general instruments. It would seem, for instance, that immediate and strict regional action was necessary in the Baltic which, because of increasing pollution, was in danger of becoming a dead sea within the foreseeable future. It was interesting to note, too, that in his statement to the plenary Committee (A/AC.138/SR.74) the Secretary-General of the United Nations Conference on the Human Environment had advocated a regional as well as a universal approach to the problem of marine pollution.

Section B of the Canadian delegation's suggested programme of work (A/AC.138/SC.III/L.7/Rev.2) provided that the Sub-Committee should discuss marine pollution and communicate the results of its discussions to the Stockholm Conference. It would seem in that connexion that a first issue to be considered by the Stockholm Conference would be the geographic limits of the instrument or instruments

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to be prepared. Work could not be confined to the high seas and the international sea-bed area. The oceans were, in the environmental and ecological sense, inseparable. Consequently, the general principles to be drafted at Stockholm should also cover activities in areas under national sovereignty, including national continental shelves, and territorial waters. They should even include activities on land, for land-based activities were causing some of the greatest threats to the marine environment. It would seem, therefore, that the principle in article 1 of the Oslo Convention and article I of the draft articles on ocean dumping prepared by the Intergovernmental Working Group on Marine Pollution could serve as a starting-point for the more general principle to be formulated at Stockholm, which should specify that it was the duty of all States to take appropriate measures, at home and in co-operation with each other, to prevent pollutants from even land-based sources from damaging the oceans, and that in their domestic legislation States should provide adequate sanctions against pollution.

A second main question to be decided at Stockholm was whether an attempt should be made to draft a single global convention, or whether conventions relating to specific modes of pollution, especially dangerous pollutants, or regional conventions should be prepared. It was to be hoped that the Stockholm Conference would decide that the Sea-Bed Committee should attempt to draw up general legal norms and treaty articles on the preservation of the marine environment as a whole. In formulating such general norms and instruments, the Sea-Bed Committee should also encourage regional approaches and specific approaches to special pollutants.

It was to be hoped that the Stockholm Conference would succeed in drafting a universal anti-dumping convention along the lines of the articles drafted by the Intergovernmental Working Group on Marine Pollution, for it was essential that there should be some supervision of the disposal of pollutants from ships and aircraft.

Another principle that should be discussed at Stockholm was one to the effect that States should not be allowed to transfer or divert pollution hazards from one part of the marine environment to another or from one type of environment to another. There was mounting evidence that the length of the life of the biosphere

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as an inhabitable region for organisms was to be measured in decades rather than in hundreds of millions of years.

Another important principle would concern the prevention of pollution resulting from the exploration and exploitation of the mineral resources of the sea-bed and the ocean floor, including national continental shelves. Legal norms should be drawn up, both nationally and internationally, with a view to protecting traditional maritime activities, such as navigation and fishing, and safeguarding the world against catastrophic pollution resulting from the exploitation of the resources of the subsoil. For instance, although the dangers of drilling for oil were considerable on land, they were greatly increased in maritime surroundings. Very strict safety standards were, therefore, obviously necessary. Currently, no such standards existed in international or even national law. It might, however, be premature for the Sub-Committee to try to develop detailed safety codes for such activities, and it might be better to concentrate on more general standards and guidelines to the effect that exploration for and exploitation of petroleum, minerals or other resources on the ocean floor or the subsoil thereof must be carried out in such a manner as to avoid pollution or other harm, damage or nuisance to the marine environment. There might also be a standard to the effect that such activities were at all times to be carried out in accordance with good oilfield or mining practice.

There might also be a need for specific provisions concerning special types of pollutants, such as organohalogen and organosilicon compounds, mercury, lead, zinc, copper, cyanides, fluorides and pesticides, for which a special global monitoring system might be required.

Unless the Stockholm Conference included some provisions concerning poisonous gases and explosives in the expected anti-dumping convention, Sub-Committee III should be prepared to formulate general principles on that subject.

Such subjects as the monitoring of information concerning pollution, scientific research with a view to helping the developing countries, the international machinery and the work of other agencies could more profitably be dealt with at the Committee's summer session, when the results of the Stockholm Conference would be available.

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In conclusion, he said that his delegation intended to submit a draft resolution on preliminary measures against marine pollution to the Committee at its summer session.

Mr. PINTO (Ceylon) said that his delegation's position on the question of marine pollution was based on four considerations. Firstly, the prevention and control of environmental pollution was one of the most serious problems ever to challenge the ingenuity of man, and was one that affected some countries more than others. Secondly, the different areas of the marine environment were so closely interrelated that it was difficult to prevent and control marine pollution piecemeal in each such area. Effective centralized global supervision was essential. Thirdly, since pollutants reaching the ocean from land-based sources through the atmosphere, rivers and direct run-off were the major sources of marine pollution, the protection of the marine environment was an integral part of the protection of the human environment in general. Fourthly, environmental concern was only one dimension of the effort to achieve rapid economic growth and, consequently, environmental improvement must be regarded as one of the multiple goals of over-all economic development planning. He wished to emphasize that the developing countries attached the highest importance to that consideration, which was discussed at length in the Founex panel's Report on Development and Environment (A/CONF.48/10).

While his delegation believed that all developing countries naturally must help to minimize and ultimately eliminate environmental pollution, it would be guided by two major considerations. Firstly, the deterioration of the human environment from the discharge of noxious substances was a "social cost" which must be equitably apportioned among those primarily responsible for the deterioration of the environment, including the seas. The Secretary-General's report on prevention and control of marine pollution (E/5003) drew attention to that point and emphasized that the effort to combat pollution should not become an unwitting instrument to slow down the growth of developing countries. The second major consideration was that the capacity of the natural environment to absorb and

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dissipate wastes without suffering intolerable damage was an economic resource which could be exploited in a selective and reasonable manner by the less industrialized countries which had over the years subjected their environment to less degradation.

His delegation's approach to proposals for the preservation of the marine environment would be guided largely by the recommendations for action in the Founex report. He read out part of the summary of the recommendations on international trade relations and international financing for environmental action (A/CONF.48/10, paragraphs 32, 37 and 38), which emphasized the need to ensure that the establishment of an environmental standard did not prejudice the development of the developing countries or aim at gaining trade advantages. Some of those recommendations might well provide the basis for essential legal norms on marine pollution.

It was against that background that his delegation had examined the report of the Intergovernmental Working Group on Marine Pollution on its second session (A/CONF.48/IWGMP.II/5). In examining the general guidelines and principles for the preservation of the marine environment and the draft articles on ocean dumping in that document, his delegation had come to the conclusion that it would have been more appropriate had the Sea-Bed Committee, which was a specialized body, prepared them, rather than a Working Group in the framework of the Conference on the Human Environment, which had no special expertise in the area. IMCO did, of course, have a role to play. In any event, the draft articles on ocean dumping would be given final form at the forthcoming Conference on the Law of the Sea.

Turning to the general guidelines and principles outlined by the Intergovernmental Working Group, he expressed his delegation's support for the section headed "Objectives", which acknowledged the particular interest of coastal nations in the management of coastal area resources. It also supported the principles in paragraphs 6, 11, 12 and 13. The principles that internationally agreed criteria and standards should provide for regional and local variations in the effects of pollution and in the evaluation of those effects (paragraph 11) and that action to prevent and control marine pollution must guard against the effect

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of simply transferring damage or hazard from one part of the environment to the other (paragraph 13) should be fully reflected in any regulatory norms to be established.

A number of the principles, however, must be approached with caution and required substantial clarification before an acceptable text could be arrived at. Paragraph 3 would be acceptable if the phrase "the best practicable means available" for the discharge of potentially hazardous substances to the sea was interpreted, so far as developing countries were concerned, in the context of competing demands on the resources available for economic development and in the light of the priorities they had established. The "obligations" towards other States for pollution damage referred to in paragraph 7 must be worked out in a fair and equitable manner. The "internationally agreed rules, standards and procedures for the prevention of marine pollution on global, regional and national levels" referred to in paragraph 8, the "internationally agreed rules and standards relating to ship design and construction, operating procedures and other relevant factors" referred to in paragraph 20, and the "internationally agreed rules and standards" to be applied by coastal States following accidents off their shores referred to in paragraph 21 must be drafted in such a way that no undue burden was placed on developing countries seeking to raise their level of industrialization.

His delegation agreed with the Intergovernmental Working Group that further extensive consultations would be required on the draft articles on ocean dumping before agreement could be reached on concrete global action. His delegation considered the draft articles inadequate on four grounds. Firstly, the list of hazardous substances to be prohibited would have to be expanded before it could be approved even provisionally as a non-exhaustive list. Moreover, he wondered why brackets had been placed around the sentence in article III which read: "The dumping of biological and chemical warfare agents and high level radioactive waste is also prohibited", inasmuch as radioactive waste had been the only harmful agent specifically mentioned in article 25 of the Geneva Convention on the High Seas. Furthermore, it was not clear how equivalence was to be established between the deleterious effects of the substances listed and other matter so as to require the extension of the prohibition to the latter.

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Secondly, the draft articles contained no general rules relating to dumping sites and methods of containment and failed to take into account the particular interests of coastal States in the preservation of the marine environment adjacent to them. They would appear to apply to all areas beyond "internal waters", thus actually sanctioning the dumping of permitted matter by States other than the coastal State into waters immediately adjacent to the latter. Furthermore, they took no account of the contemplated recognition of the right of a coastal State to establish a pollution control zone adjacent to its coast, or of the vital interests of a coastal State in proximity to a location where emergency dumping of highly dangerous materials was to take place.

Thirdly, it would be necessary to determine what measures must be taken to ensure that no undue burden was borne by the developing countries. Fourthly, his delegation would prefer there to be a stronger global authority with greater control over dumping procedures and their adverse effects. It need not be a separate organization, for the sea-bed authority to be established under the international régime might eventually be given marine pollution control functions.

His delegation also had reservations regarding the second paragraph of article XII, whereby the parties to the Convention undertook to comply with any requirement of the International Convention for the Prevention of Pollution of the Sea by Oil and with the recommendations of IAEA. That provision appeared superfluous in the case of parties which were also parties to the Oil Pollution Convention and was a questionable method of making the ocean dumping Convention binding on States which were not parties to the former Convention. It was likewise questionable to what extent IAEA recommendations on the disposal of radioactive wastes into the sea could be made legally binding by that provision.

Both the guidelines and the draft articles dealt exclusively with the obligations of States. When it came to drafting the convention, it would be necessary to ensure that the activities and obligations of intergovernmental organizations were also adequately dealt with, particularly the case of vessels flying the flag of an intergovernmental organization pursuant to article 7 of the Geneva Convention on the High Seas.

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Lastly, his delegation welcomed the initiative taken by Norway and Canada at the preceding session in introducing a draft resolution on preliminary measures to prevent and control marine pollution (A/8421, annex V), which in some respects resembled the "moratorium" resolution, General Assembly resolution 2574 D (XXIV). Paragraph 7 of the two-Power draft rightly anticipated a global approach to the subject. His delegation would have preferred to see a prohibition of broader scope than that embodied in paragraph 4; the definition of pollution of the Joint Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP) had gained wide acceptance and could have been incorporated, perhaps in a slightly modified form.

The meeting rose at 1.10 p.m.

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SUMMARY RECORD OF THE NINETEENTH MEETING

Held on Monday, 27 March 1972, at 10.30 a.m.

Chairman:

Mr. Van der ESSEN

Belgium

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GENERAL DEBATE - MARINE POLLUTION (concluded)

Mr. BAUM (Secretariat), replying to the request of the Argentine representative at the 16th meeting for further information concerning the Secretary-General's reports entitled "The Sea: Prevention and control of marine pollution" (E/5003) and "The Sea: marine science: Long-term and expanded programme of oceanic research" (E/5017), said that the former had been prepared pursuant to General Assembly resolution 2566 (XXIV) and was largely a joint effort of the United Nations and the specialized agencies concerned with different aspects of the question. The report had drawn heavily on the work of the Joint Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP). The FAO Technical Conference on Marine Pollution and its Effects on Living Resources and Fishing held at Rome in December 1970 had provided valuable material for the report, and some of its more important recommendations were contained in annex I. The report was also intended as an aid to the preparatory work for the Stockholm Conference and the Conference on the Law of the Sea, and was also relevant to preparations for the IMCO Conference on the Elimination of Ship-Generated Pollution scheduled for 1973.

During the twenty-fifth session of the General Assembly, many delegations had expressed deep concern over the threat to fishing, human health and the preservation of the marine environment posed by increasing levels of pollution in the world's oceans. That concern had also been expressed in the replies of Member States to a note verbale issued by the Secretary-General in accordance with paragraph 1 (c) of General Assembly resolution 2566 (XXIV), in which the views of Member States had been sought on the desirability of an international treaty or treaties relating to the prevention and control of marine pollution. The replies received had been circulated at the preceding session of the Sea-Bed Committee as document ESA/ECOSOC/LI/Misc.1.

Document E/5003 also contained a review of legal instruments and institutional arrangements for the prevention and control of marine pollution at the national, regional and international levels. The Economic and Social Council had considered the report at its fifty-first session and had decided that the summary records of its discussions, in which many representatives had expressed their appreciation of the report and had emphasized the need for a continuing study of the complex problems posed by the prevention and control of marine pollution and the exploitation of marine mineral resources, should be transmitted to the Preparatory Committee for

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(Mr. Baum, Secretariat)

the Stockholm Conference. The report had also been transmitted to the General Assembly, which had taken note of it at its twenty-sixth session.

The document had served as the main background document for the Intergovernmental Working Group on Marine Pollution and in the drafting of action proposals for the Conference (A/CONF.48/8), which the Secretary-General of the Conference had described at the 74th plenary meeting of the Committee. The report had been submitted to the Sub-Committee at its preceding session in the belief that it provided a good general picture of the problem and a succinct review of all the marine pollution activities of organizations in the United Nations system.

Document E/5017, which had been prepared mainly by the Intergovernmental Oceanographic Commission (IOC) pursuant to General Assembly resolution 2560 (XXIV), reported on progress made in the updating and implementation of the long-term and expanded programme of oceanic exploration and research (LEPOR). The Secretariat, in co-operation with IOC, would continue to inform the Council on a regular basis of developments in that area and it was hoped that such reports would also be transmitted to the Sub-Committee.

Mr. GOWLAND (Argentina) thanked the representative of the Secretariat for the information he had provided on documents E/5003 and E/5017; those reports and the relevant scientific reports from other organizations, would greatly facilitate the Sub-Committee's work.

Mr. HARRY (Australia), after recalling the debate on the preservation of the marine environment at the preceding session, said that a number of general points had emerged from the discussion at the current session. Firstly, it was agreed that there was a link between the work of the Sub-Committee and that of the forthcoming Stockholm Conference. Secondly, many speakers had noted the relationship of the Sub-Committee's work with that of other interested international agencies, as well as the need for co-ordination in that regard. Thirdly, the Sub-Committee appeared to be in favour of a comprehensive treatment of pollution problems, covering land-based pollutants and the territorial sea, as well as areas beyond national jurisdiction, although of course not necessarily in the same manner in each case.

Fourthly, it would be desirable to that end to formulate a precise set of legal norms, with complementary and consistent provisions being written into

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(Mr. Harry, Australia)

detailed technical conventions and into national legislation. Lastly, it was noteworthy that quite a few delegations had raised, with variations, the question of giving coastal States broader powers of control in areas beyond their national jurisdiction but adjacent to their coastlines.

In the months before the summer session, members would have to prepare for the task which would face them after the Stockholm Conference of applying its results in the preparation of legal norms for incorporation in a convention or conventions on the law of the sea. In that connexion, the material on general principles and detailed problems prepared for the Stockholm Conference should be studied at the outset of the summer session in the form in which it emerged from that Conference. In particular, the comprehensive approach to the problem of marine pollution outlined in the study material for subject area III merited consideration.

Also at its summer session, the Sub-Committee should examine the report of the Intergovernmental Working Group on Marine Pollution on its second session (A/CONF.48/IWGMP.II/5) and, taking into account the results of the Stockholm Conference, examine in depth the extent to which the general principles in that document should be reflected in treaty articles. Most marine pollution emanated from the land or operations in coastal waters, and the best way of preventing pollution in the seas was to attack it at the source. It would therefore be essential first to define more clearly the responsibilities of States to control pollution of the high seas deriving from their own territory, including their territorial sea, as well as their rights to prevent damage to their coastlines resulting from marine pollution. The principles in the Working Group's report indicated the need for co-ordinated action at the national, regional and global levels to prevent pollution, dealt with the responsibilities, rights and interests of States and called for international co-operation in the elaboration of agreed rules, standards and procedures to combat pollution. His Government was still formulating its attitude towards the specific principles. At the present stage, it would prefer that any principles adopted at Stockholm be set out in declaration form, as guidelines expressing intent rather than as legal rights and obligations. Such a declaration might, for example, express in general terms the rationale for the balance of rights and responsibilities as between States and the international community.

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(Mr. Harry, Australia)

The Conference on the Law of the Sea should consider the legal framework within which the Stockholm declaration could be made effective, rather than draft technical regulations, a task which might more appropriately be left to the Sub-Committee.

Mr. RUIZ-MORALES (Spain) said that his delegation wished to pay a tribute to the international scientific community for the remarkable strides which had been made in oceanic research, particularly since the 1960s. The substantial progress achieved in that field made it all the more imperative for the Sub-Committee to elaborate a legal régime governing oceanic research in different marine areas. In so doing, it should co-ordinate its activities with those of other international institutions.

The complexity of oceanic research must first be fully understood. There was a tendency to draw a distinction between fundamental and applied oceanic research. Fundamental research was described as that carried out essentially for the purpose of acquiring knowledge of the marine environment, with no concern for the specific application of such knowledge. It was also described as "open" research, for the data obtained were published immediately and made available to all States. In reality, however, the distinction between the two types of research was blurred, and ocean data obtained by fundamental research could be used for commercial or military purposes. It was significant that many States classified bathymetric charts of their continental shelf as secret. The mistrust felt by many coastal States with regard to indiscriminate "freedom of research" in the seas had been generated by the growing importance of oceanic research for military purposes.

Moreover, in many cases the very purpose of the investigation blurred the distinction between the two types of research. Biological investigation of marine species, for example, was often conducted by research fishing ships of developed countries in such a way as to maximize the catch for their fishing fleets.

It could be concluded from the foregoing that the real distinction should be drawn between oceanic research, whatever its aim and no matter how it might be carried out, on the one hand, and the exploitation of marine resources, on the other hand. If that distinction was accepted, coastal States would not have to evaluate the purpose of research carried out in areas under their jurisdiction, and the distinctions made between "fundamental research" on the continental shelf and

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(Mr. Ruiz-Morales, Spain)

"exploration" of the shelf in article 5 of the 1958 Convention on the Continental Shelf, would no longer be necessary. National practice appeared to have obliterated the distinction in that national legislation required prior authorization by the coastal State in both cases.

Turning to the question of where oceanic research was to be carried out, he said that one fact in particular could not be ignored, namely, the existence of different marine areas subject to different legal régimes. There was a contradiction between the unity of the ocean as an object of scientific research, and the diversity of the legal régimes governing the area.

A number of proposals attempted to limit the sovereign rights of coastal States by eliminating the requirement that their consent be obtained before oceanic research was carried out in areas under their jurisdiction. It had been proposed that access to the territorial sea and inland waters of a foreign State be given to ocean data acquisition systems (ODAS); that research in the territorial sea and the continental shelf of a foreign State should not require prior authorization by that State; that coastal States should permit research submersibles to navigate submerged in their territorial sea; that fishing research should be carried out inside the exclusive fishing areas of coastal States without requiring their permission; and even that freedom of scientific research was included in the concept of "innocent passage". All such limitations on the sovereign rights of the coastal State were contrary to existing law, which was based precisely on the principle that that State's prior consent was required for the conduct of scientific research in areas under its jurisdiction. That principle was confirmed in General Assembly resolution 2467 D (XXIII), IOC resolution VI-13 and resolution 5 of the Latin American Meeting on Aspects of the Law of the Sea held at Lima in August 1970.

Thus, freedom of scientific research in the oceans was not an absolute and unrestricted principle. It constituted a legitimate aspiration of scientists and, at the same time, a principle whose scope required clear definition, with due regard for the legitimate rights and interests of coastal States.

He turned next to the question of how oceanic research was to be carried out, and to the legal status of various research methods. The subject had been considered by IOC in the context of its work on the legal status of ODAS and the

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development of the Integrated Global Ocean Station System (IGOSS). In addition to their obvious technical dimension, those systems also had a juridical dimension, for the status of ocean data acquisition systems was closely related to the aforementioned questions of scientific research and the régime applicable to it in different marine areas. The fact that the Preparatory Conference of Government Experts to Formulate a Draft Convention on the Legal Status of ODAS, which had met in Paris in February 1972, had decided to delay its deliberations on certain subjects having both scientific and legal implications in the hope that the forthcoming Conference on the Law of the Sea would provide answers to certain questions, was an indication of that intricate relationship.

The Sub-Committee thus faced the important task of elaborating general principles governing oceanic research which, while acknowledging the unity of the marine environment, must not ignore the diversity of the régimes existing in different marine areas. Once those general principles had been established, the task of formulating the legal framework and status governing such research could be tackled. The co-operation of IOC and IMCO, as well as other international scientific bodies, would be invaluable.

Turning lastly to the question of who should benefit from oceanic research, he noted that there was a trend towards the increasing use of data for the benefit of all mankind, beginning with coastal States, which were the ones most directly concerned. Most national legislation required that scientists of coastal States should be able to participate in research and receive data and samples obtained in areas under their jurisdiction, a principle which had been affirmed by the Latin American Meeting on Aspects of the Law of the Sea, in article 5 (8) of the Geneva Convention on the Continental Shelf, paragraph 2 of General Assembly resolution 2467 D (XXIII) and paragraph 10 of the Declaration of Principles contained in General Assembly resolution 2749 (XXV). The process of internationalization of oceanographic data could be seen in the direct transmission of data obtained by ODAS to IGOS data banks and in the fact that the data were published after processing.

The technologically less advanced countries should have access to data obtained by countries which were more advanced in that respect, and the latter should unselfishly assist the less developed countries in the field of research. As other delegations had emphasized, the draft articles to be prepared should attempt, through effective measures, to eliminate discrepancies resulting from different

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(Mr. Ruiz-Morales, Spain)

levels of technological development. Attention should also be paid to the training of scientific personnel from developing countries and to strengthening international co-operation at the global, regional and bilateral levels. In that connexion, fishery organizations were in need of reform.

A number of fundamental principles could be deduced from the foregoing considerations. Firstly, oceanic research should be conducted exclusively for peaceful purposes. Secondly, all States, whether coastal or land-locked, had an equal right to carry out scientific research in the seas and oceans. Thirdly, the coastal State must consent to the conduct of oceanic research in areas under its sovereignty or jurisdiction. Fourthly, all States should co-operate in matters relating to scientific research in the oceans.

Recalling two of the questions the Chairman had posed at the Sub-Committee's 3rd meeting (A/AC.138/SC.III/SR.3), he said that his delegation believed, firstly, that it was necessary to prepare a special convention on scientific research reflecting the considerations he had just outlined and, secondly, that the draft convention should govern research in all marine areas, and not only in the international area of the sea-bed and the ocean floor beyond the limits of national jurisdiction.

Mr. SHNYUKOV (Ukrainian Soviet Socialist Republic) said that marine pollution posed a serious danger to the living resources of the sea, the amenities of coastal States and, in the last analysis, the health of man himself. The ocean's capacity for self-purification, although immense, was nevertheless finite. Pollution must not be allowed to progress to the point where the ocean would become, for all practical purposes, dead as a source of living resources. The Sub-Committee was not alone in its efforts to find a solution to the problem of preserving the marine environment and preventing pollution. Various aspects of that problem were being dealt with by such specialized agencies of the United Nations as IMCO, FAO and WHO. In carrying out its mandate, the Sub-Committee must of course make every effort to avoid duplicating work already being done by other organizations. The specialized agencies had accumulated a wealth of valuable experience, possessed the required scientific and technical experts and had worked out a number of documents which enjoyed broad international support. Sub-Committee III should have due regard for the experience acquired by such organizations.

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(Mr. Shnyukov, Ukrainian SSR)

Within the Sub-Committee attention should be focused on the problem of preventing marine pollution resulting from exploration for and exploitation of sea-bed resources. It could be assumed that pollution of the marine environment would increase with the growing exploitation of the non-living resources of the sea-bed over the next 10 to 15 years. It was predicted, for example, that by the end of the current decade one third of the world's production of oil and gas would be extracted from continental shelves and slopes. In the light of past experience, it appeared quite likely that accidents and leakage connected with underwater oil wells would be one of the main future sources of marine pollution. In that connexion, his delegation shared the concern expressed by the representative of Norway. A further threat to the marine environment would be posed by the mining of manganese nodules and phosphorite on the sea-bed. Under any of the current methods of extraction, it was inevitable that bottom sediments would be disturbed, resulting in damage to the environment of bottom-dwelling organisms. Since the problem of marine pollution arising from commercial exploration and exploitation of non-living sea-bed resources had not yet become critical, international organizations were slow in responding to it. The Sub-Committee should attach high priority to the elaboration of rules of international law to regulate that form of pollution and should take measures to ensure strict compliance by all concerned with the technical standards designed to preserve the marine environment and its ecological balance.

Several delegations had pointed out that certain companies were already engaged in exploiting sea-bed resources. The States having jurisdiction over those companies should take the necessary steps to ensure preservation of the marine environment.

On the question of scientific research, his delegation would like to stress, as it had at previous sessions of the Sea-Bed Committee, the importance of continued progress in oceanographic research. Effective utilization of the ocean and its resources for the benefit of mankind as a whole was not possible without adequate scientific information. The results of scientific research in the world ocean would benefit all States, and coastal States in particular. In that connexion it was relevant to mention that Ukrainian scientists had recently

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(Mr. Shnyukov, Ukrainian SSR)

discovered extensive phosphorite deposits on the ocean floor in the north-western part of the Indian Ocean. The research carried out by scientists connected with the Ukrainian Academy of Sciences had provided fundamental data for future studies and possible commercial exploitation.

International co-operation in scientific research should be intensified on the basis of national and international programmes. In that connexion, the Intergovernmental Oceanographic Commission of UNESCO was to be commended for its long labours on behalf of international co-operation in marine science. Ukrainian scientists took a very active part in the international programmes conducted under the auspices of IOC.

Considering the importance of increased research in the field of oceanography, there was no justification for any attempt to restrict freedom of scientific research on the high seas and on the sea-bed beyond the limits of national jurisdiction. Unhampered development of scientific research would make possible maximum use of the experience and capabilities of scientists from all countries. Another reason why there should be no control or restriction on freedom of scientific research beyond the continental shelf was that knowledge of the sea-bed and its geomorphology could contribute to progress in earth science as a whole. Many modern fields of earth science would be retarded in their development if they could not study the sea-bed. In many cases the ocean was the only area where scientific problems of global importance could be solved. For example, deep drilling into the earth's crust appeared to be most feasible through the ocean floor. Thus, scientific research on the high seas could result in data which it would be impossible to obtain on land.

Mr. KATEKA (United Republic of Tanzania) said that although the Stockholm Conference would draw up general principles on the preservation of the marine environment, the ultimate responsibility for identifying all the principles to be embodied in an international instrument rested with the Sea-Bed Committee, and Sub-Committee III in particular.

Owing to the indivisibility of the marine environment, the draft treaty articles should cover marine pollution in the territorial seas as well as the high seas. Articles 24 and 25 of the Geneva Convention on the High Seas were inadequate and would have to be replaced by a comprehensive treaty with general norms defining more precisely the responsibility of States in preserving the marine environment.

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(Mr. Kateka, Tanzania)

His delegation had no difficulty in accepting the Canadian suggested programme of work, subject to any amendments which had been or might be made. It also endorsed the suggestion that the summary records of the Sub-Committee should be transmitted to the Stockholm Conference. Furthermore, it hoped that co-operation with other international bodies would continue and was grateful for the valuable information provided by the representatives of IOC, IMCO, FAO and the Stockholm Conference.

The draft treaty articles should reflect the principle that all States had the duty to ensure, by appropriate legislative and administrative action, that the marine environment was preserved from pollution and that biological stocks were protected. States must demonstrate good faith and abandon narrow national interests which had led them to pollute the marine environment with impunity. Action at the national level should lead to co-operation at the regional level, particularly in the case of developing countries, which did not have sufficient financial resources and manpower at their disposal.

Coastal States should be granted the necessary rights and powers under an international convention to exercise effective control over ships passing through areas contiguous to their territorial seas. All States should ensure that ships flying their flag applied universally accepted regulations to prevent marine pollution. In particular, all States should strictly prohibit any deliberate action by ships to pollute the marine environment.

Lastly, States should consult and take whatever international action was necessary to prevent the occurrence of serious disasters at sea. His delegation welcomed the principle enunciated by the Intergovernmental Working Group on Marine Pollution to the effect that coastal States should be able to take action to prevent, mitigate or eliminate dangers to its coastline resulting from accidents on the high seas (A/CONF.48/IWCMF.II/5, Principles, para. 21). His delegation wished to propose further that, in the event of such accidents, the nearest ship within the vicinity at the time should be presumed to have caused the occurrence unless and until it proved the contrary and that liability for compensation for damage should be the primary responsibility of the State in which the offending ship was registered. Placing the onus on the shipowners would make them more careful and would ensure the injured party redress.

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Mr. FERGO (Denmark) thanked the representatives of IOC, FAO, IMCO and WHO for the valuable information they had provided about the work carried out by their organizations on the preservation of the marine environment. His delegation had been particularly interested in the statement made to the Main Committee by the Secretary-General of the Conference on the Human Environment (A/AC.138/SR.74) in which he had recognized the responsibilities of the Sea-Bed Committee to develop the over-all legal framework to govern the protection of the marine environment. As pointed out in document A/CONF.48/11, international activities concerning marine pollution were currently conducted along sectoral lines and there was need for over-all policy guidance except of course, with regard to scientific and monitoring activities where a key role was played by IOC and the Intersecretariat Committee on Scientific Problems relating to Oceanography. If the Conference on the Law of the Sea was to create a general legal framework for the protection of the marine environment it would probably be necessary to strengthen the technical and specialized knowledge at its disposal. It would be very useful, therefore, to add experts from international organizations to the secretariat of the Committee.

It would seem that the general guidelines and principles for the preservation of the marine environment contained in the report of the Intergovernmental Working Group on Marine Pollution (A/CONF.48/IWGMF.II/5) could form the basis for the elaboration of articles to be included in a comprehensive treaty which should cover all sources of pollution. It was possible, however, that articles concerning pollution from exploitation of the sea-bed beyond national jurisdiction should be included in the future sea-bed treaty. Denmark supported both the definitions and the objectives contained in the general guidelines formulated by the Intergovernmental Working Group.

Referring to principles 2 and 4 accepted by the Intergovernmental Working Group at Ottawa (A/CONF.48/IWGMF.II/5), he said that the main source of marine pollution was caused by activities conducted on land or in waters subject to national jurisdiction. His delegation recommended, therefore, that a comprehensive treaty should apply not only to the high seas but to the territorial waters as well. Such a treaty would not, however, solve the problems of pollution from rivers or pipelines or pollution carried through the air. It was accordingly very important

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(Mr. Fergo, Denmark)

that each country should adopt adequate national legislation and that, as recommended in principle 10, international standards and criteria should be developed as guidance for national Governments. The Danish Government had for some time maintained rules prohibiting the dumping of noxious wastes from Danish ships anywhere in the world; it expected shortly to adopt further rules aimed at providing for effective purification of waste water discharged into the sea.

Principle 6 concerning the transfer of technological and scientific knowledge was important. Denmark was prepared to contribute to programmes designed to provide adequate training for technical and scientific personnel. It did, however, agree with the Belgian delegation that not all advanced countries were necessarily advanced in marine technology and considered that all countries should be prepared to co-operate in the development of adequate facilities and equipment..

----- The problem referred to in principle 7 required further study. In working out legal norms applicable to the question of transnational pollution, the Sea-Bed Committee could no doubt, base itself on the discussion on the subject in the Intergovernmental Working Group and in the relevant committee of OECD.

It would seem necessary to develop principle 21 further and to establish internationally agreed rules whereby a coastal state would be given the right to take adequate measures to prevent or diminish the risk of pollution before an accident had occurred. Such rules must be worked out in such a way as to avoid arbitrary interference with the lawful uses of the high seas.

In its deliberations on the subject of scientific research, the Sub-Committee should be guided by the principle of the freedom of all States to engage in research on the high seas. Its task would be to define more precisely than hitherto the limits of that freedom in relation to the legitimate interests of coastal States on the one hand and to the new régime for the area of the sea-bed beyond national jurisdiction, on the other. It followed from the sovereign rights of the coastal State that, in the territorial sea, the coastal State had an exclusive right in respect of all kinds of scientific marine research. In zones where the coastal State exercised jurisdiction over fisheries, the same exclusive right applied to scientific research on the living resources of the zone in question. In the matter of research concerning the continental shelf, the 1958 Convention on the Continental Shelf sought to safeguard the interests of scientific

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(Mr. Fergo, Denmark)

research as well as those of the coastal State. Great care should be taken not to disturb the balance between the rights of coastal States and the freedom of purely scientific research expressed in that Convention. In view of the fact, however, that uncertainty prevailed concerning the legal consequences of article 5, paragraph 8, of the Convention, it would probably be useful to prepare rules defining in greater detail scientific activities which could be carried out freely and scientific activities which should be subject to the consent of the coastal State. Perhaps a notification procedure could be worked out for specific forms of scientific research which would satisfy the legitimate interest of coastal States in being kept informed of scientific activities in adjacent waters. Such a notification procedure could be combined with an obligation to report the results of research activities to the international scientific organization concerned and, upon request, to make all research data available to the coastal State.

Given the legal status accorded to the sea-bed area beyond national jurisdiction, new rules concerning scientific research in that area would have to be worked out separately and included in the sea-bed treaty. The subject formed part of the work programme of Sub-Committee I, but preparation of the treaty might be facilitated if questions concerning scientific research on the international sea-bed area were considered by Sub-Committee III. Sub-Committee III would also have to give attention to scientific research in the superjacent waters of the international sea-bed area as well as of the continental shelf. In so doing, it might examine the need to clarify the scope of article 5, paragraph 8, of the 1958 Convention on the Continental Shelf.

He stressed the importance of regional arrangements to supplement global measures aimed at protecting the marine environment. In many cases, it would be necessary to take the peculiar features of a region or of an enclosed or semi-enclosed sea into consideration in order to secure effective protection. In that connexion, the Oslo Conference for the Prevention of Marine Pollution marked an encouraging step forward and it was to be hoped that a global arrangement of a similar nature could be worked out in the near future. His delegation welcomed the Icelandic Government's decision to convene a meeting in Reykjavik to consider draft articles on ocean dumping; it urged all interested Governments to take part in the meeting so that action on that important question could be taken before the Stockholm Conference.

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(Mr. Fergo, Denmark)

In conclusion, he supported the valuable suggestion made by the representative of Australia that the Chairman be authorized to make a communication - through the Chairman of the main committee - to the Stockholm Conference in regard to the mandate and work of the Sub-Committee.

Mr. VALDEZ (Peru) said that his delegation wished to contribute to the exchange of ideas which would lead to the adoption of specific measures for inclusion in draft treaties to regulate States' activities with respect to the preservation of the marine environment. In the first place, detailed information should be compiled on the following points: the sources of marine pollution and the means by which pollutants reached the sea; the fate of pollutants in the marine environment, their transformation, accumulation, dispersion and degradation; systems and elements necessary to combat pollution, bearing in mind the effects of such pollution on living beings; changes in the marine environment resulting from the presence of pollutants and exact identification of the latter; systems of physical, chemical, physico-chemical and radio-chemical analysis useful for obtaining a precise idea of the level of pollution of a given marine area; optimum systems of analysis and their international harmonization to facilitate objective comparison and evaluation; the establishment of international norms on acceptable levels of pollutants in waters, living beings and hydrobiological products, with a view to standardizing criteria and establishing joint protection measures; the harmful effects of pollutants on hydrobiological species, including delayed and sublethal effects on the behaviour, reproduction, growth and other biological processes of the different species; identification of species whose response to pollutants is known with a view to using them as indicators of the level of pollution of a marine area; the existing state of purity or degradation of the marine environment, including an inventory of pollutants found therein and available data on the level of pollution in various areas and the possible accumulation of pollutants in hydrobiological species.

In the absence of research into the various aspects of marine pollution and its control it was doubtful that any effective measures would be adopted. Control and research should be conducted in parallel and given equal priority; the establishment of preventive measures should not be delayed until the results of research were available.

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(Mr. Valdez, Peru)

His delegation wished to inform the Sub-Committee of certain suggestions concerning marine pollution which the Peruvian Government intended to submit to the United Nations Conference on the Human Environment. It would seem that a plan of action to deal with those problems should be conducted at three - world, regional and national - levels and on the basis of the following considerations: firstly, that modern technological advances had resulted in rapid socio-economic and biological changes as a result of which new problems relating to supervision and jurisdiction over maritime waters had emerged both in resource protection and pollution control; and, secondly, that it was important, if those problems were to be solved, that a critical assessment be made of the basic principles and philosophy underlying current international custom and law. In order to make such an assessment it was necessary to bear in mind that the international law of the sea tended to develop and adjust to new situations and that pollution was mainly the consequence of mankind's technological progress. It followed that measures were needed to plan technological progress so as to protect the human environment and the natural resources available to mankind. Governments were also under an obligation to promulgate and enforce laws to prevent and control marine pollution in their territories and in the waters under their jurisdiction and to co-operate with other States in preventing and controlling pollution of the seas and oceans.

His delegation wished to suggest that consideration should be given to the adoption of the following measures at the international level. The advanced countries and the United Nations through its competent agencies should, upon request, assist countries to develop projects on various aspects of marine pollution. In order to facilitate that task, a system should be set up to centralize and co-ordinate all information concerning the various aspects of the prevention and control of marine pollution. Within the system, provision should be made for machinery to supervise, observe and assess all aspects of marine pollution at world level. As part of the system, there could also be a body which would meet periodically to recommend measures to be adopted in respect of pollution control. There should also be a process whereby information on current monitoring results, specific effects of pollution and recommended pollution control measures would be compiled and disseminated. A pollution atlas presenting available information on the hydrobiological species existing in polluted maritime areas and in areas threatened with pollution should be prepared, together with maps

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(Mr. Valdez, Peru)

and charts showing tides, winds, mineral outcrops and other oceanographic phenomena and the location of undersea oil deposits and other minerals being exploited.

At the regional level, the use of existing systems or machinery could be explored, or, where necessary, new machinery set up with fields of action more clearly defined than at world level. For example, the functions of a regional system would include: delimitation of marine areas affected by pollution, including establishment of the nature of the pollution, its sources and effects; formulation of water quality standards depending on the areas and uses of the water, with a view to establishing a common basic measure of comparison and taking into account the various ecological, geographic, economic, social and juridical conditions existing in each region; adoption of appropriate methods for the observation, measurement, assessment and analysis of the effects of pollution on the marine environment on the basis of the established common standards. In addition, dumping in the area would have to be subject to the regional system in order to safeguard the interests of the countries of the region, and marine waters would have to be classified in accordance with the quality standards to be established and with their uses and characteristics.

At the national level, each country should: promulgate pollution legislation bearing in mind recommendations resulting from regional and international co-operation; keep international provisions on pollution constantly under review and report any infringements; adopt measures to prevent and control pollution off its coasts; encourage research into the possible effects, particularly the long-term effects, of pollution of the marine environment; centralize in one body the study, control and compilation of information relating to pollution thus avoiding duplication of effort; undertake studies to evaluate the existing state of pollution of its waters. Those proposals might perhaps be considered under section B of the programme of work suggested by the delegation of Canada (A/AC.138/SC.III/L.7/Rev.2).

Turning to the report of the Intergovernmental Working Group on Marine Pollution (A/CONF.48/IWGMP.II/5), he suggested that in the definition of marine pollution, the word "materials" should be added after the word "energy", to cover such items as car bodies and containers which were dumped into the oceans. Alternatively, the word "substances" could be amended to read "matter", which,

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(Mr. Valdez, Peru)

according to article II of the draft treaty on ocean-dumping contained in the same document meant material and substance. In principle 18, the words "so far as possible" should be inserted after the word "ensure". They should also be inserted in the appropriate place in principles 19 and 20. Principle 22 should be expanded to make it clear that the action to be undertaken referred to waters beyond national jurisdiction and that in the case of waters within the jurisdiction of any State no action could be undertaken without the prior authorization of the State.

In the matter of research, Peru's general law on fishing placed no restrictions in the way of any natural or juridical person wishing to carry out scientific research in accordance with the conditions laid down by the Latin American countries at their meeting on aspects of the law of the sea held in Lima in 1970. Research recently carried out in Peruvian coastal waters by ships flying the flags of Japan, the USSR and the United States testified to the veracity of that statement.

Mr. SIMPSON (United Kingdom) said that before embarking on the main part of his statement, he wished to refer to the fears expressed in the Sub-Committee concerning the Oslo Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft. It had been suggested that since the Oslo Convention was a regional arrangement, its operation might cause the participants to divert dumping to other marine regions. In that connexion, he wished to add his Government's assurances to those already given by the representative of Norway. So far as the United Kingdom was concerned, permits would be required for the loading of waste in the United Kingdom whether it was to be dumped within or outside the area of the Oslo Convention. In that way, there would be no infringements or diversion.

Turning to the subject before the Sub-Committee, he said that his delegation agreed with those delegations which had cautioned against duplication of work. The Sub-Committee should also be wary of assuming that the Sea-Bed Committee had the right or duty to co-ordinate the activities of others. It might be that there was an overlap between the programmes of the various international bodies interested in marine pollution. However, marine pollution should and would be a major part of the work of the Stockholm Conference which would have the responsibility of setting up any co-ordinating machinery required. It was

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(Mr. Simpson, United Kingdom)

his delegation's understanding that the Stockholm Conference would probably decide to set up an intergovernmental environment commission on which the primary task of co-ordination would devolve.

That did not mean that the Sub-Committee should not consider the work being done elsewhere. Indeed, in some cases it might fall to the Conference on the Law of the Sea to decide on basic legal norms. The Sub-Committee should be careful, however, not to trespass into the detailed and often highly technical work being done elsewhere. It would, for instance, be time-wasting for the Sea-Bed Committee or the Conference on the Law of the Sea to be involved in the very technical problems inherent in the preparation of the convention on ocean data acquisition systems; once the Conference had settled the fundamental guidelines, more technical provisions could more readily be agreed upon.

His delegation was not content with all the details of the programme of work suggested by the Canadian delegation, but it had noted with satisfaction the Canadian delegation's assurance that adoption of the programme would not prejudice the position of any delegation on the substance. It was on that understanding that his delegation was willing to take the programme of work as a basis for the Sub-Committee's proceedings. His delegation also welcomed the decision to amend the original proposal that the Sea-Bed Committee should make recommendations to other organizations and to substitute the formula that it should communicate the results of its discussions. The amendment was particularly welcome in relation to item B.2 which referred to the marine pollution principles. Those principles had been agreed upon, after exhaustive discussion, by the Intergovernmental Working Group on Marine Pollution at Ottawa and would soon be considered by the Stockholm Conference. His delegation would therefore oppose any reopening of the formulation of the 23 principles agreed at Ottawa in advance of the Stockholm conference. It felt very strongly that the Sub-Committee should be careful to avoid reopening carefully prepared texts negotiated within the machinery set up by the General Assembly to prepare for the Stockholm Conference. The Sub-Committee had more than enough to do without taking on all the tasks assigned by the international community to other bodies as well.

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(Mr. Simpson, United Kingdom)

In Sub-Committee II his delegation had said that it would be active in Sub-Committee III in working out more effective regulations for preventing pollution, particularly in congested sea areas such as the English Channel. The Channel was probably the busiest international waterway in the world and during recent years there had been all too many accidents involving tragic loss of life and the risk of massive oil pollution to the United Kingdom's coasts. His delegation therefore hoped to make an effective contribution to the solution of that problem. It was perhaps too early in the Sub-Committee's work to make precise suggestions about the exact measures which might be taken, but his delegation would wish to revert to the question in due course.

Mr. ZEGERS (Chile) said that he wished to refer to the politico-juridical definition of the question of pollution on the understanding that the results of the Sub-Committee's work would be communicated to the United Nations Conference on the Human Environment.

In general, he wished to associate his delegation with the views expressed at the previous meeting by the representative of Ceylon, who had very adequately explained the position of the developing countries with respect to the question of pollution in general and marine pollution in particular.

In the matter of pollution, a clear distinction must be made between pollution of the human environment, including pollution from land, and pollution of the marine environment. The General Assembly had, indeed, established two Committees to deal with those separate aspects of pollution: the United Nations Conference on the Human Environment would deal with the technical aspects of the question and issue a declaration on the subject, while the Sea-Bed Committee was to draft articles which would be embodied in a convention.

In his statement at the previous meeting the representative of Ceylon had referred to the social cost of the preservation of the human environment. Obviously, that cost must be equitably shared between all States on the basis of international social justice. It did seem, however, that because pollution became a problem at a certain level which the developed countries had already attained, it would not be reasonable to expect the developing countries to adopt control standards as rigorous as those adopted by the developed countries.

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(Mr. Zegers, Chile)

On the subject of the draft principles prepared by the Intergovernmental Working Group on Marine Pollution, his delegation again shared the views expressed by the representative of Ceylon. Those principles should be discussed by the Sub-Committee rather than by the United Nations Conference on the Human Environment, which would be a technical conference. In the general guidelines and principles for the preservation of the marine environment it had adopted, the Intergovernmental Working Group had put forward constructive ideas in the paragraph entitled "Objectives" and in principle 6. His delegation also approved proposal 1 submitted by the delegation of Canada (A/CONF.48/IWGMP.II/5, para. 12). On the whole, however, the principles as drafted were inadequate in various respects. In so far as the rights of coastal States were concerned, for instance, the provisions of principle 13 of the Declaration of Principles in General Assembly resolution 2749 (XXV) and of the principles on the subject adopted by the Latin American countries at Lima in 1970 were more explicit than the principles adopted by the Intergovernmental Working Group.

According to its programme of work the Sub-Committee would have an opportunity to discuss the Oslo Convention for the Prevention of Marine Pollution and the draft articles on ocean dumping to be prepared at the Reykjavik meeting. It should be noted that under such instruments rights should be given not only to flag States but also, and mainly, to coastal States. It should also be noted that any convention on dumping that might be prepared as a result of the Stockholm Conference should be referred to the Sea-Bed Committee for consideration rather than to IMCO. Technical bodies were not competent to replace the United Nations, particularly its Sea-Bed Committee, in politico-juridical matters. In that connexion, he disagreed with the United Kingdom representative's comments on the preparation of the convention on ocean data acquisition systems. General principles of scientific research, too, should be set forth by the United Nations, not by the Intergovernmental Oceanographic Commission or UNESCO.

In conclusion, he endorsed the Peruvian representative's suggestion that a pollution atlas should be prepared.

Mr. FONSECA (Colombia) said that the mandate of Sub-Committee III had been clearly defined by the General Assembly in paragraphs 2 and 7 of resolution 2750 (XXV). In implementing that resolution the Sub-Committee should concern itself with the determination of general principles which ultimately would be

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(Mr. Fonseca, Colombia)

incorporated in a draft treaty concerning conservation of the living resources of the high seas (including the question of the preferential rights of coastal States), the preservation of the marine environment, the prevention of pollution and scientific research. Although there were several international organizations active in the fields which interested the Sub-Committee, it alone was competent to draft treaty articles. Nevertheless, co-ordination and exchange of information with appropriate bodies, such as the Stockholm Conference, IOC, IMCO, FAO and other others would assist the Sub-Committee in its task.

His delegation appreciated the need for scientific research, which Admiral Langeraar, among others, had stressed; however, the freedom of research could not be absolute but would have to be exercised within the framework established by the Declaration of Principles and the international community's mandate to prepare for the forthcoming Conference on the Law of the Sea. In regulating scientific research on the high seas, it would be essential, as the representative of Spain had said, to provide that research carried out in the area beyond the limits of national jurisdiction must be exclusively for peaceful purposes, that States must be on an equal footing in all research activities and that the consent of coastal States must be obtained for research which would be carried out in areas where they exercised sovereign rights or economic jurisdiction. International co-operation was imperative for the success of the sea-bed régime.

Oceanographic research should have the primary objective of reducing the gap in standards of living between the developed and the developing countries. In view of the critical need for increased food supplies and mineral resources to sustain a rapidly growing world population, the main thrust of scientific research should be effective utilization of the vast resources of the world ocean. It would be the responsibility of the international community to ensure an equitable distribution of ocean-derived resources, taking into account in particular the needs of developing countries.

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(Mr. Fonseca, Colombia)

One aspect of preservation of the marine environment was the problem of fishery conservation, concerning which the secretariat of the Food and Agriculture Organization had prepared a very useful study (A/AC.138/65). Many species were currently being over-fished in certain areas with the result that stocks had been appreciably reduced. The threat to marine mammals was particularly grave, and a number of heavily exploited species had declined to near extinction. There was an urgent need to adopt conservation measures along the lines of those envisaged in paragraph 12 of document A/AC.138/65.

In conclusion, he supported the revised programme of work submitted by the delegation of Canada (A/AC.138/SC.III/L.7/Rev.2). He had no particular objection to any of the amendments proposed and strongly endorsed the Jamaican amendments in document A/AC.138/SC.III/L.11, which, inter alia, envisaged devoting a separate section to the question of transfer of technology.

Mr. BEESLEY (Canada) said before reporting to the Sub-Committee on the results of his consultations concerning the revised programme of work, he wished to make a few observations on the position of the Canadian delegation with regard to certain issues raised in the general debate.

A number of speakers had commended the principles for the preservation of the marine environment adopted by the Intergovernmental Working Group on Marine Pollution at its second session in Ottawa. There had been no serious criticism of those principles, and it seemed that they could provide a suitable basis for the Sub-Committee's future work. It was possible, however, that some of the principles might have to be reformulated to win general acceptance.

With one or two exceptions, the principles were all concerned with the responsibilities of coastal States. His delegation felt that was a sound approach: it was clear that coastal States were in the best position to take measures to preserve the marine environment and prevent pollution in areas of the sea adjacent to their territorial waters. Three other draft principles, which were outlined in paragraph 12 of the IWGMP report (A/CONF.48/IWGMP.II/5), had been discussed at Ottawa and accepted in principle by 21 delegations. As those three principles were somewhat controversial, he did not expect that the

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(Mr. Beesley, Canada)

Stockholm Conference would make much progress in discussing them. Since they should ideally form part of the law of the sea, it would be most appropriate to take them up at the 1973 Conference on the Law of the Sea.

The intent of the three principles to which he had alluded was to change slightly the focus of the existing international law of the sea, which tended to be concerned only with rights and not with responsibilities. By virtue of their geographical location, coastal States were particularly affected by dumping on the high seas and bore special responsibilities with regard to the discharge of pollutants into the sea. It was only fitting therefore that the special role of coastal States should be recognized in the legal instruments which the Conference on the Law of the Sea would adopt. He hoped that at Reykjavik or Stockholm real progress would be made in ironing out some of the differences between flag States and coastal States. There should be no contradiction of interests between them; on the contrary, they should share responsibility for the preservation of the marine environment and control of pollution. One way of ensuring shared responsibility by flag and coastal States would be to include a provision in the future convention that all States parties to it would have the right of enforcement. That solution might perhaps be too radical for some, but agreement might be reached at least on granting a right of arrest to both coastal States and flag States. In view of their special vulnerability to marine pollution, coastal States should have the right to reach out into the high seas and apprehend vessels violating the internationally agreed regulations.

ORGANIZATION OF WORK

Mr. BEESLEY (Canada), referring to the revised programme of work (A/AC.138/SC.III/L.7/Rev.2), said he was happy to announce that, after consultations with all delegations which had put forward amendments, either in written or oral form, agreement had been reached on a final text which he hoped would be acceptable to the Sub-Committee as a whole. Pursuant to the agreement reached, the following changes should be made in the present text of A/AC.138/SC.III/L.7/Rev.2.

In section A, paragraph 2, the words "Conservation of" should be deleted and replaced by "Relationship to the preservation of".

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(Mr. Beesley, Canada)

The representative of Malta had, in a spirit of compromise, agreed to the deletion of paragraph 5 of section A in its entirety on the understanding that delegations might refer to the topics covered in that paragraph in connexion with other items on the programme of work. Paragraphs 6, 7 and 8 of section A should therefore be renumbered 5, 6 and 7.

The new paragraph 5, i.e. paragraph 6 of the printed text, was to be replaced by the following:

- "5. (a) Requirements of scientific research
(b) Freedom of access to scientific information
(c) Participation of littoral States in scientific research and in the results and benefits therefrom".

In section B, the Uruguayan amendments to subparagraph (e) of paragraphs 2, 3 and 4 (A/AC.138/SC.III/L.10, amendment 1) had been accepted and the programme of work should be modified accordingly.

Paragraph 9 of section B should be deleted and replaced with the formulation just read out for the new paragraph 5 of section A.

With regard to paragraph 10 of section B, the second alternative proposed by the representative of Uruguay (A/AC.138/SC.III/L.10, amendment 2) had been accepted.

In section C, the amendment proposed by the representative of Jamaica to paragraph 1 had been accepted (A/AC.138/SC.III/L.11, amendment 3 (i)).

With regard to paragraph 6 of section C, a proposal to delete the phrase "and transfer of technology taking into account the special needs of developing countries" had been accepted.

The new section D proposed by the representative of Jamaica (A/AC.138/SC.III/L.11, amendment 4) had also been accepted. Accordingly, the present section D entitled "Other matters" would appear in the final revision as section E.

Under section E would appear the foot-note proposed by the representative of Japan (A/AC.138/SC.III/L.13, amendment 2). It was hoped that the inclusion of that foot-note would also satisfy the representative of Guyana who had proposed changing the order of the sections in the programme.

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(Mr. Beesley, Canada)

He hoped that the revised programme of work would meet with the approval of all delegations and, in particular, that the representative of Belgium, whom he had not been able to consult, would find the present wording of section D satisfactory on the understanding that a broader approach to the question of transfer of technology, including transfer among developed as well as developing countries, would not be excluded as a topic of discussion. Nevertheless, it should be noted that the item was directed primarily to the needs of the developing countries. In conclusion, he wished to thank all the delegations which had participated in the informal consultations for the constructive attitude they had displayed and to emphasize, once again, that the programme of work was in no way intended to be exhaustive and could be added to as necessary.

— — Mr. DEBERGH (Belgium) expressed appreciation to the representative of Canada for his unstinting efforts on the Sub-Committee's behalf and said that he would be happy to accept the revised programme of work in its final form with the exception of section D, paragraph 2, which his delegation proposed should read "Sharing of knowledge and technology between all countries, both developed and developing". Additionally, he felt that the revised formulation he had suggested should be given more prominence by interchanging it with the preceding paragraph so that the new formulation would become paragraph 1 and the present paragraph 1 would become 2.

Mr. ORČIĆ (Yugoslavia) said that his delegation would appreciate having more time to study the final revised version of the programme of work and would like it to be circulated in written form. However, if the revised programme was generally acceptable to delegations, he would not press the point.

The CHAIRMAN, noting the late hour and the fact that the Sub-Committee had been scheduled to complete its work at the current meeting, expressed the hope that the programme of work could be adopted without further delay. He asked the representative of Belgium whether he wished to insist on the oral amendment he had proposed.

Mr. DEBERGH (Belgium) agreed to withdraw his amendment on the understanding that the present wording of section D would not exclude the possibility of a broader interpretation of the concept of transfer of technology than that explicitly stated.

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Mr. STRULAK (Poland) expressed regret that the representative of Belgium had withdrawn his amendment since the wording he had proposed would in fact improve the draft.

Mr. MCKERNAN (United States of America) appealed to members not to attempt to change the wording of the revised programme of work as read out by the representative of Canada. That wording represented a very delicate compromise which had been reached with considerable effort; if changes were made at such a late hour, the Sub-Committee would not be able to complete its work at the current meeting and might even risk reopening the general debate. He understood and sympathized with the views of Belgium and Poland on the subject of transfer of technology; in the circumstances, however, it would be best to accept the formulation proposed by Jamaica on the understanding that the item could be interpreted broadly.

Mr. ZEGERS (Chile) said that if the programme of work was to be open to further amendments, his delegation had several which it could put forward. In particular, he had serious misgivings regarding the present wording of paragraph A.2. However, if the representative of Belgium did not intend to press his amendment, he would similarly exercise restraint and refrain from complicating the Sub-Committee's work.

The CHAIRMAN said that, if he heard no objection, he would take it that the revised programme of work, incorporating the amendments read out by the representative of Canada, was acceptable to the Sub-Committee.

The revised programme of work, as amended, was adopted.

The CHAIRMAN said that, before completing its work for the current session, there was one matter which the Sub-Committee had still to resolve, namely, the suggestion made by the representative of Australia that the Chairman should communicate the results of the discussions in the Sub-Committee to the Stockholm Conference. If the Sub-Committee agreed, he proposed to fulfil that request by writing a letter of no more than one page outlining the discussions in the Sub-Committee as reflected in the summary records. As it would be improper for him to communicate directly with the Stockholm Conference, he proposed to address the

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(The Chairman)

letter to the Chairman of the Sea-Bed Committee who could then transmit it to the Conference or not, as he saw fit. If there was no objection, he would take it that the Sub-Committee agreed to his proposal.

It was so decided.

The meeting rose at 1.45 p.m.
