UNITED NATIONS

GENERAL ASSEMBLY

PROVISIONAL*/

GENERAL

A/AC.138/SC.III/SR.43
27 July 1973

ENGLISH
Original: FRENCH

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

SUB-COMMITTEE III

PROVISIONAL SUMMARY RECORD OF THE FORTY-THIRD MEETING*/

held at the Palais des Nations, Geneva
on Friday, 27 July 1973, at 11 a.m.

Chairman:	Mr. van der ESSEN	Belgium
Rapporteur:	Mr. IGUCHI	Japan

CONTENTS

N.B. Participants wishing to submit corrections to this provisional summary record are requested to submit them in writing preferably on a copy of the record itself, to the Official Records Editing Section, room E.4121, Palais des Nations, Geneva, within three working days of receiving the provisional record in their working language.

*/ This provisional summary record, together with the corrections to be issued in consolidated form after the session, will constitute the final record of the meeting.

CONSIDERATION OF QUESTIONS REFERRED TO THE SUB-COMMITTEE BY THE COMMITTEE UNDER THE TERMS OF THE "AGREEMENT REACHED ON ORGANIZATION OF WORK" AS READ OUT BY THE CHAIRMAN AT THE 45TH MEETING OF THE COMMITTEE HELD ON 12 MARCH 1971 (continued)

Mr. WANG (China) said that he had already analysed before the Working Group the principles on which the working paper on marine scientific research submitted by his delegation (A/AC.138/SC.III/L.42) was based. He would therefore confine himself to a brief statement of his delegation's position.

The Chinese delegation had always considered that marine scientific research should be controlled. For that reason the first paragraph of the working paper referred to the control exercised by the coastal State in the sea area within its national jurisdiction, where the laws and regulations of that State must be observed. Paragraph 2 provided that research conducted in the international sea area must be consistent with the spirit of the Declaration of Principles and must be governed by the international régime and international machinery concerned therewith. That control must not impede research activities; its purpose was to prevent them from being dominated by monopolies and to prevent certain Powers from seizing the resources of the sea-bed for themselves. The results of the scientific research must be widely disseminated and must help to ensure more effective exploitation and utilization of sea-bed resources for the maximum benefit of all peoples of the world and particularly of the developing countries.

Mr. VINDENES (Norway) said that the draft submitted by his delegation (A/AC.138/SC.III/L.43) was first and foremost a working paper intended for Working Group 2 and for the Drafting Group. He hoped that the draft would facilitate the elaboration of a series of articles on the prevention of marine pollution.

In preparing the draft the Norwegian Government had taken into account both the work already carried out in New York and the deliberations of the Working Group and the Drafting Group in Geneva. It had also studied and taken into account the proposals made by Australia, Canada, Malta and the Soviet Union at the New York session, as well as those submitted during the previous week. It had taken as a further basis the principles and recommendations adopted by the United Nations Conference on the Human Environment held in Stockholm. The Norwegian draft, which dealt with pollution from all sources, was general in nature, for the adoption of more detailed and technical

rules must necessarily be left to the appropriate bodies already in existence or to be established in the future. Such detailed instruments might be of a global or regional character or might relate to certain types of pollution or pollutants.

Article I of the Norwegian draft restated the first article in the Annex to the document drawn up by the Working Group in New York (A/AC.138/SC.III/L.39). Article II contained a generally accepted definition of marine pollution. Article III, on the general obligations of States, was identical with article II in the document he had just mentioned. The Norwegian delegation had, however, thought it useful to add a fifth paragraph to the effect that States should take all reasonable measures to abate existing marine pollution. Article IV defined the obligation of States to enact and enforce the necessary regulations on marine pollution. Article V laid down the general obligation of States to co-operate with each other and with competent international or regional organizations. That principle was further elaborated in article VI, which took account of the recommendation of the Stockholm Conference concerning the preparation of a comprehensive plan for the protection of the marine environment. In articles VII to XII the Norwegian delegation had attempted to formulate special rules for certain types of pollution. Those articles of course had to refer to some extent to other international instruments and to the obligation to implement the rules and regulations laid down in them. The Sub-Committee's attention should be drawn especially to paragraph 3 of article VIII, which dealt with pollution of the air in so far as it led to pollution of the sea.

Article XIII reproduced, with a few changes which appeared in brackets, the article drafted earlier in New York on the transfer of pollution from one area to another.

Articles XIV and XV were concerned with the establishment of detection and monitoring systems, environment impact statements and consultations. In the view of the Norwegian Government, one of the fundamental elements in the fight against marine pollution was co-operation between States and international organizations designed to establish monitoring systems and to disseminate available information on marine pollution and its sources. In that respect the developing countries would be in a difficult position, and although the Norwegian Government had made no concrete proposal on the matter, it felt that an article would have to be inserted whereby States would undertake to promote, directly or through competent international organizations, programmes of assistance to developing countries for the preservation of the marine environment and the prevention of marine pollution, so as to enable those countries to play their part.

Article XVI imposed on States the obligation to exercise effective control over areas, persons and ships under their jurisdiction. Article XVII prescribed that States should ensure that their national legislation provided and enforced adequate sanctions against infringements of existing regulations on marine pollution.

No proposals had been made under Article XVIII, "Jurisdiction and Powers of Coastal States", or Article XIX, "Right of Intervention". As far as the jurisdiction of coastal States was concerned, his delegation thought that in the drafting of precise rules relating to pollution control in coastal areas the aim should be to arrive at a compromise formula in the light of the discussions which were now taking place, mainly in Working Group 2 of Sub-Committee III. The Norwegian delegation had studied the various proposals which had been made on that subject with great interest. In its view the important issue was to reconcile two basic objectives, namely to elaborate measures which would effectively prevent marine pollution, and to ensure freedom of navigation in order to preserve the present system of cheap and highly efficient marine transportation.

When those questions came to be analysed, a conflict might possibly emerge between the need to protect the environment and the requirements of shipping. In his delegation's view no general principle could be sufficient in itself to solve the multitude of specific problems involved in that complex question. Efforts must therefore be made to draw up very precise rules, clearly defining the rights and responsibilities of the coastal States and the limits of those rights and responsibilities. In drafting those articles the Sub-Committee must strive to solve the problems of marine pollution without ending up with a solution which would seriously compromise the present system of sea transportation.

His country, which had one of the largest merchant fleets in the world, was a coastal State closely tied to the sea and dependent on its resources. Three quarters of the Norwegian population at present lived within 15 kilometres of the coast. The protection of that coastline was therefore of vital importance to Norway. As a major shipping nation, Norway was interested in the formulation of stringent rules to protect the marine environment, rules compelling ships of all nations to conform to high standards which would stop them from being one of the main sources of marine pollution. Norway was not disposed, however, to accept the inclusion in a

Convention on the Law of the Sea of a formula which might enable the coastal State to establish and enforce national rules relating to pollution from ships in the economic zone. Generalities must be avoided, and specific and clearly-defined rules must be established in that field.

Article XX of the Norwegian draft contained provisions relating to liability and compensation. The article corresponded to article (e) of the Australian proposal and article 22 of the recommendations of the Stockholm Conference.

Article XXI provided for negotiations in the case of alleged violations of obligations entered into under the Convention. In article XXII his delegation had attempted to define the relationship between the draft Convention and the provisions of other conventions. Article XXIII was taken from the proposed article IV of the working paper prepared in New York.

The Norwegian draft contained no provisions on the peaceful settlement of disputes. His delegation assumed that the draft articles on pollution would be included in a more comprehensive international instrument which would contain the necessary provisions to that effect.

Mr. JEANNEL (France) introduced his delegation's draft articles concerning the rights exercisable by coastal States for the purpose of preventing marine pollution (A/AC.138/SC.III/L.46).

The marine environment could be threatened by man's activities either at sea or on land. In the latter case, the problem was what was known as land-based pollution. Even though the Committee could not ignore land-based pollution, however, the measures to be adopted against it did not form part of the law of the sea as such. He would therefore refer exclusively to pollution caused by activities carried out at sea.

At that point there were two sorts of problems involved, namely, prevention, and compensation for damage caused by pollution that had already occurred. His delegation had previously indicated how, in its view, the problem of civil liability should be dealt with. Consequently, the draft articles contained in document A/AC.138/SC.III/L.46 concerned only the prevention of pollution. It was important to distinguish between accidental pollution and pollution arising from wilful acts. In both cases, the campaign against pollution consisted of a two-fold course of action: the establishment of regulations to prevent pollution and the application of such regulations.

The prevention of accidental pollution could be achieved by improving the regulations governing maritime transport and the techniques involved in building and using ships. Such action was the responsibility of the Inter-Governmental Maritime Consultative Organization (IMCO). It was also necessary, however, to consider the harmful effects of an accident involving the discharge of pollutants into the sea. A coastal State might then find it necessary to intervene in a zone outside its sovereignty, which would in fact constitute an exception to the law of the flag-State or of registration. The 1969 Brussels Convention, which had been ratified by France, was a first step in that direction in so far as it allowed a State to intervene with respect to a foreign ship on the high seas in order to protect its coasts from accidental pollution by hydrocarbons. IMCO was at present studying the possibility of extending the provisions of that Convention to other polluting substances, and a Conference was scheduled to take place in 1974 for the purpose of adopting a Convention to that effect. Thus, as far as accidental pollution was concerned, the array of necessary measures for the prevention of pollution would shortly be complete.

Efforts to prevent pollution arising from deliberate acts must take account of the three possible sources of such pollution, namely, dumping, deliberate discharge of waste and the exploitation of the resources of the sea. The third of those sources of pollution did not appear to have raised any specific problems to date. That was no doubt because the 1958 Convention on the Continental Shelf had made the coastal State responsible for exploration and exploitation, including the installations from which such activities were carried out. The operators concerned were therefore subject to the jurisdiction of the coastal State. His delegation did not argue that there would be no point in considering international action in that sphere, but it was a problem less urgent than those of dumping and discharge, which involved persons and vessels that could normally escape the jurisdiction of the victim States. That was why his delegation had confined itself to dealing with those two cases.

Under the Oslo Agreement and the 1972 London Convention, international regulations already existed to govern dumping. The only recourse for the effective implementation of the provisions of those Conventions, however, was to the law of the flag-State. Consequently, they left coastal States powerless in cases of negligence on the part of the State whose ship or aircraft had committed a violation.

Deliberate waste-discharges could be described as discharges directly related to transport acitvities. The relevant Conventions, both the amended 1954 Convention and the text under preparation at IMCO, also left the coastal States at the mercy of negligence on the part of other States. It was true that certain proposals had been made to remedy that defect in the draft Convention of 1973, but his delegation doubted whether the solution proposed was the most appropriate or most effective method of resolving the problem.

Since the right of intervention was an exception to the law of the flag-State or the law of registration, it was related to the law of the sea, a branch of international law which did not properly speaking come within the competence of IMCO. Moreover, his delegation had not wished to restrict the right of intervention solely to ships, but had also wished to cover aircraft. Consequently, recourse to IMCO had not seemed possible. In any event, recourse to IMCO in 1967 could be explained by the special circumstances existing at that time, since the concern created by the shipwreck of the Torrey Canyon had called for urgent action. At that time, it had seemed convenient to use the only existing body which had at its disposal the necessary technical means for carrying out such work. The situation was not the same today, and consequently his delegation had decided to take the initiative in submitting draft articles on the subject which did in fact deal with two problems.

As the matter involved a departure from the fundamental law, under which exclusive competence lay with the flag-State or State of registration, there was a need to provide for safeguards against any arbitrary action on the part of the coastal State. That fundamental law was in fact essential to preserve the freedom of communication, and it should perhaps be recalled in that connexion that the law of the flag had previously been adopted as a check to Governments which had claimed to use their sea-power to rule the waves. Moreover, it was important to make it possible for coastal States to take action to protect themselves from pollution.

To deal with the first problem, his delegation considered that regulations to protect the high seas from pollution should be drawn up internationally, and it was on such international regulations that the right of intervention of coastal States had been based.

As to the second problem, it was proposed to give the coastal State both the right to find that a violation had taken place if it had strong grounds for suspecting such a violation, and the right to take criminal proceedings in its own courts against the perpetrator of such a violation in cases where the flag-State was negligent.

Since the application of such provisions might involve disputes, a compulsory procedure for the settlement of such disputes between coastal States and flag or registration States had been devised.

In order to remain in close contact with reality, his delegation had linked the proposed provisions to specific conventions. Nevertheless, it felt that those provisions should be of general application and should serve in the future to govern the application of other conventions contributing to the fight against pollution of the marine environment.

Mr. VALDEZ ZAMUDIO (Peru), introducing the working paper submitted by Ecuador, El Salvador, Peru and Uruguay (A/AC.138/SC.III/L.47), said that in the five sections of the working paper the sponsors had endeavoured to take account of the points of view expressed at various international meetings on the contamination of the seas and to strike a balance between the various interests involved.

After a general declaration expressing the legitimate interest of all States in preventing and controlling pollution of the seas, came a section dealing with the Duties of States. He referred in particular to paragraph 2, which stipulated that States should include in their national laws the provisions necessary to prevent and combat marine pollution; to paragraph 4, dealing with the promotion of scientific research; to paragraph 5, which declared that States should support the execution of international programmes for the monitoring, measurement, analysis, evaluation and control of pollution; and to paragraph 7, under which States would accept responsibility for damage caused to the marine environment of other States.

Those duties must be balanced by the rights of the coastal State, and he outlined the main provisions on that subject set out in paragraphs 8 and 9 of the document.

International co-operation was dealt with in another section which provided that States should promote the establishment of regional machinery to centralize and co-ordinate the various aspects of the protection and preservation of the marine environment (paragraph 10). Moreover, "an international body [would] be established to centralize and co-ordinate all information" relating to those questions (paragraph 13).

In the section entitled "Complementary Standards and Measures" reference was made to two annexed schedules of "substances, materials or energy whose toxic effects ... are duly proven". The schedules would be prepared by specialized bodies such as the Joint Group of Experts on Scientific Aspects of Marine Pollution (GESAMP). GESAMP had already prepared very full preliminary lists. In conclusion, he drew the particular attention of the Sub-Committee to the provisions proposed in paragraphs 16, 17, 21 and 23 of the same section.

Mr. GONZALES UGARTE (Peru), speaking on behalf of the same delegation, referred the Sub-Committee to document A/AC.138/SC.III/L.45, which was also co-sponsored by Peru. The purpose of that working paper on scientific research within the zone subject to the sovereignty and jurisdiction of the coastal State was to put forward some guidelines for the examination of that very important question. He reviewed the main provisions proposed in the eight paragraphs of the document: the coastal State had the right to bring under regulation scientific research activities conducted in the zone under consideration (paragraph 1); scientific research activities in the zone must be conducted for peaceful purposes (paragraph 2); the coastal State must promote, select and facilitate scientific research activities within the zone (paragraph 3); States, international organizations and physical or juridical persons desiring to undertake such activities within the zone must comply with a number of provisions (paragraph 4); the coastal State had the right to participate in such activities (paragraph 5); the conditions under which such activities must be conducted were laid (paragraph 6); scientific research activities

must not harm marine resources nor interfere with or obstruct the exploitation of those resources, navigation or existing services and installations (paragraph 7); the coastal State must co-operate with other States and with the international organizations concerned in order to disseminate the results of scientific research.

Mr. FIGUEIREDO-BUSTANI (Brazil) said that beyond the continental shelf and more generally outside the zones subject to national jurisdiction, where international law was already relatively developed, scientific research was not subject to legal directives. The consequence was that in all zones of the marine environment, activities were being conducted in an anarchic manner, with or without scientific purpose.

The sponsors of document A/AC.138/SC.III/L.45, which included Brazil, had wished to tackle the most important aspects of scientific research within the zone subject to the maritime sovereignty and jurisdiction of the costal State on the basis of the Geneva Convention on the Continental Shelf. The draft affirmed the right of the coastal State to regulate scientific research activities conducted in the zone (paragraph 1). Naturally freedom of scientific research did not apply in zones subject to national jurisdiction and sovereignty - the territorial sea, in the case of Brazil - since the coastal State exercised sovereignty in that zone. He laid particular stress on the provision contained in paragraph 3, under which "the coastal State shall promote ... and facilitate scientific research activities ... with a view to promoting the development of science and technology ...". He would not comment on the other paragraphs of the draft, which had already been introduced by the representative of Peru.

In conclusion, he stated that in the view of his delegation, all knowledge arising from scientific research conducted in international maritime zones was part of the common heritage of mankind. The results of such research must be published and circulated in such a way as to improve the techniques available to the developing countries and must contribute to their scientific, economic and social progress.

Mr. HUSSAIN (Pakistan) said that in order to ensure that exploration and exploitation of marine resources, or marine research, did not cause damage to the environment, the developing countries would need the active co-operation and help of the developed countries in the form of transfer of advanced technology. Some of the international standards for the prevention of marine pollution might prove to be very strict, and the developing countries would experience difficulty in observing them because of the limited technology at their disposal. In that connexion, co-operation on the part of the developed countries was particularly desirable in the general interest of the struggle against pollution on a world-wide scale. If such co-operation was not forthcoming, the developing countries might not be able to control their developmental activities for the single purpose of applying international standards in the prevention of marine pollution.

The question of the transfer of technology to the developing countries had been receiving considerable attention recently in UNESCO, ECAFE, UNCTAD, UNIDO, etc.; nevertheless very little progress had been made towards setting up the institutional framework needed for the proposed system of transfer at the regional and interregional levels. The existing transfer mechanisms were monopolistic and unfavourable to the developing countries. Another drawback was that the transfer was costly; according to one estimate the total amount, which had stood at $1,500 million in 1968, would rise to $9,000 million by 1980. Ways and means had to be found to make the transfer more economical, one way being to help developing countries to establish their own R and D facilities.

In his own country, as in many other developing countries, marine pollution had not yet assumed serious proportions. His Government was, however, prepared to take the necessary steps to discourage any activities that might lead to deterioration of the marine environment along its coastline. If its action was to be effective, it had to have fuller knowledge of such factors as deep-sea water movements, thermal structure, density variations, concentration of chemical substances, mineral deposits, fish breeding grounds and migration patterns, plankton rhythms, the environment of the sea-bed, the ecological balance, etc. Unfortunately, as he had already pointed out, Pakistan did not possess advanced knowledge of that type. The developing countries had to be supplied with the necessary scientific information on those and other questions, such as the technology of exploitation and conservation of fish and shellfish, fishing equipment, processing and refrigeration techniques, etc. His

delegation urged the technically-advanced countries, the United Nations system and other international organizations to accelerate the process of transfer of marine science and technology by providing the necessary training facilities, helping to set up national and regional institutes and supplying the equipment and know-how needed for the struggle against pollution. The new provisions that the Conference on the Law of the Sea would presumably adopt in connexion with the limits of territorial waters, exclusive fishery areas and economic zones, would make such efforts all the more necessary. His delegation supported the Declaration made in that regard by the Organization of African Unity, a Declaration which stated, inter alia, that any scientific research in the territorial sea or in exclusive fisheries and economic zones should be carried out with the prior consent of the coastal States.

Lastly, his delegation strongly supported the creation of effective international machinery to ensure the implementation of conventions or agreements arising out of the current deliberations and to control pollution and carry out peaceful research activities in the ocean regions lying beyond national jurisdiction.

Mr. RODRIGUEZ (Venezuela) said that transfer of technology was particularly important to the developing countries, and that the other matters before the Sub-Committee were tied in with that question. It was in the interest of the international community as a whole to bridge the technological gap between the developed and the developing countries, particularly from the standpoint of intensive use of the resources of the sea in favour of development.

In the first place the technological and scientific structure in the developing countries had to be strengthened. At the present time, young engineers and scientists from the developing countries in practice received their training in the universities of the advanced countries. If that situation was to evolve, national establishments should be supported, for example by sending them scientists and technicians to give courses, lectures and seminars - a course that would exert a multiplier effect the results of which could be guaranteed in advance.

United Nations bodies had a major role to play in the transfer of marine science and technology, and in that regard he would mention the work accomplished in the fisheries field by FAO and by UNDP and also, in its own particular sector, by the International Oceanographic Commission. Some of the fundamental aspects of bilateral transfer should be reviewed, and international rules to govern such

transfer should be reconsidered in order to bring it into line with current needs. In particular, the transfer of technology had to take account of the priorities established by the national science and technology councils which had been set up in most of the developing countries.

It was regrettable that the drafting committee had confined the question of the transfer of technology to its pollution and marine environment preservation aspects; for it should also include a whole range of matters which Mr. Kerman, of the United States delegation, had reviewed briefly before that committee: the effects of pollution of the sea-bed on the environment, the interaction of the ocean and the atmosphere, the productivity of the biological resources of the ocean, the chemical composition of the ocean, etc.

Turning to the economic and financial aspects of the transfer of technology, he recalled that UNCTAD had recently come to the conclusion that the sale of technology constituted a particularly complex transaction involving a number of direct and indirect costs. The expenditure involved could be spectacular. The representative of Pakistan had just pointed out that the total cost of the transfer of technology had reached $1,500 million in 1968; it was increasing by 20 per cent each year. So far as the oceans were concerned, the cost of the transfer might well be particularly high. Accordingly, the opportunities afforded by the new law of the sea that would emerge from the work of the Committee and of the Conference must not remain beyond the reach of the poorest countries simply because they lacked advanced technology.

In conclusion, he wished to stress the important part that would be played under the future law of the sea by the various mechanisms which would enable the coastal States to gain knowledge of the waters adjacent to their territorial seas, and also the conditions and the manner in which the Authority would favour the exchange of technology between States.

INTERIM REPORTS ON THE WORK OF THE WORKING GROUPS (continued)

The CHAIRMAN announced that the general debate on the subject of the transfer of technology was closed. Delegations could now submit draft articles and specific proposals; the meetings of the Sub-Committee would also give delegations the opportunity to hear reports from the Chairmen of the Groups on the progress of the work of their Groups.

Mr. VALLARTA (Mexico), Chairman of the Working Group on Pollution of the Marine Environment, said that it was perhaps appropriate at that stage to summarize the work done by the Working Group since the beginning of the session. The Group had completed the drafting of an article which contained a paragraph for which there were naturally several variants, but which none the less represented a substantial degree of agreement on the subject of region and world-wide co-operation in the preparation of treaties, standards and procedures aimed at preventing marine pollution.

The Group had also reached provisional agreement on another text, which would have to be examined anew during the consideration of the economic factors that would serve to determine whether States had fulfilled the obligations incumbent upon them under the convention being drawn up. The Group had agreed on the text of an article concerning technical assistance and on the question of the observation, measurement, evaluation and analysis operations which would make it possible to determine the danger represented by the effects of pollution of the marine environment. The best way to describe the matter was the English term "monitoring". There was a provisional agreement on a text concerning the obligation to put an end to certain activities if they were deemed to constitute a violation of the obligations that would be laid down in the future convention. That provisional paragraph, which was closely bound up with the questions of the responsibility of States and the settlement of disputes, and the general question of "abatement", would be studied again in the context of the consideration of those three questions.

The Group was now absorbed in the consideration of a highly controversial matter, on which he would not report to the Sub-Committee or even to the Working Group unless the informal drafting group should succeed in agreeing on the substance, or on a way of expressing disagreement, in the document it was to draft. The question was that of the international standards regarding pollution and of the authorities or international bodies competent to establish such standards; together with the question of the rules applicable to the flag-State, the port-State, and the regulations of the coastal State that were to be observed within the area of maritime jurisdiction in matters of pollution. He wished to repeat that it would not be possible for him to report to the Sub-Committee on those points until they had all been fully considered, for it had been so agreed within the drafting group.

Mr. OLSZOWSKA (Poland), Chairman of the Working Group on Scientific Research and Transfer of Technology, reported on the work of the Group during the past week. The Working Group had met three times and had discussed the "definitions" and "objectives" of marine scientific research. A number of proposals had been put forward and several divergent points of view had been expressed. In order to eliminate or narrow the differences between the positions of the interested parties and to formulate draft articles, the Working Group had set up an informal drafting group composed of the authors of the drafts and other delegations wishing to take part in its work. So far the group had focused its attention chiefly on the problem of formulating definitions. A summary comparative table of the draft articles on the principles of marine scientific research had been prepared, together with full comparative tables on certain matters bearing on such research.

In the course of the meeting held by the Working Group on the previous day, some delegations had suggested slight changes in the headings of certain questions in the comparative table. After the meeting, as Chairman of the Working Group, he had informally consulted most of the delegations which had taken part in the discussion on the wording of the headings and had urged them not to pursue discussion on the matter. In his consultations with the delegations concerned, he had stressed an important point, namely that the comparative table was purely informal and had been drawn up solely for reference purposes, to facilitate the task of the delegations and to ensure fruitful discussions in the Working Group. Consequently, the headings did not prejudice the solution of any problem or the position of any delegation, and should not be interpreted as possessing any substantive significance. In order to dispel all misgivings on the matter he would see to it that the comparative table was revised through the addition of a footnote to the list of headings, explaining that the headings were informal and did not prejudice the substance in any way. He hoped that his statement had cleared up any misunderstanding that might exist over the comparative table, and that it would enable the Working Group to concentrate on the formulation of the articles on scientific research and the transfer of technology. He appealed again to the delegations not to reopen the matter.

Mr. ZEGERS (Chile) suggested that the provisional reports on the proceedings of Working Groups II and III should be reproduced in full in the summary record of the meeting.

The CHAIRMAN said that if the delegations had no objection, that suggestion would be followed.

It was so decided.

Mr. ZEGERS (Chile) said that he wished to comment on the report of the Chairman of the Working Group concerned with pollution, with special reference to what Mr. Vallarta had described as a highly controversial question. That question covered a number of subjects - international standards on pollution and the authorities which might draw them up or apply them, the standards applicable to the flag-State or applied by it, those applied by the port-State and those applied by the coastal State. His delegation believed that all those questions should be treated as a whole. With particular regard to the international standards applicable in cases of pollution, Chile believed that they were closely linked to national standards, which came first in its view. International conventions and practices concerning the territorial sea and the continental shelf, and recent practice concerning the economic zone, gave the coastal State jurisdiction in matters of pollution within that zone. Hence the standards applicable in the zone under national jurisdiction should be considered first. International standards would come second, and the manner in which they were established (usually by treaty or agreement) would come third. The fourth stage would be to ascertain whether the enforcement and supervision of the international standards would be undertaken by one or several international organizations.

He pointed out that even if the Sub-Committee were to regard the four questions enumerated as forming a whole, that had not been the method adopted by IMCO, which had decided to give a working group the task of studying the standards, and international standards in particular, that could be drawn up to combat pollution, with a view to considering a draft convention at its Conference in October 1973. His delegation believed that the Sea-Bed Committee should transmit to IMCO on the occasion of that Conference, which would indeed be duplicating the Committee's work, a recommendation on the way in which the respective activities of the two bodies might be co-ordinated in future. In its capacity as Preparatory Committee to the Conference on the Law of the Sea, the Committee had been entrusted by the General Assembly with the task of drawing up the treaty articles on marine pollution, but, as far as he knew, IMCO had not been given any such mandate by the General Assembly.

However, as IMCO had acquired technical know-how which might be valuable in relation to the work of the Committee, any recommendations it made should be put into a working paper for consideration by the Conference on the Law of the Sea. His delegation would like the matter to be raised in plenary Committee. Rumours were rife that the Secretary-General had sent Governments a letter of invitation to the IMCO Conference, and his delegation wished, through the Chairman of the Sub-Committee, to ask the representative of the Secretary-General on the Sea-Bed Committee to clear up certain points, and in particular to indicate the resolution authorizing the invitation in question.

The CHAIRMAN pointed out to the Chilean representative that the question he had just brought up was still under discussion in Working Group II, and hence that the Sub-Committee was not yet in a position to consider a statement of the kind the Chilean representative had just made. For the time being the matter could be discussed only in the Working Group. He urged delegations not to make statements in the Sub-Committee which were more appropriate to meetings of the Working Groups.

Mr. KATEKA (United Republic of Tanzania) suggested that the Sub-Committee should ask the plenary Committee to invite its Chairman to send a letter to the IMCO Conference scheduled for October, setting out the Committee's views on marine pollution on the lines of the procedure followed the previous year for the Stockholm Conference. The summary records of the Committee's meetings could also be transmitted to the Conference for purposes of information.

The CHAIRMAN took note of the suggestion but added that it was still too soon, at the present stage of the work, to take such a step. The Committee would take up the matter in due course, when it had completed its work.

Mr. VALDEZ ZAMUDIO (Peru) said that his delegation had intended to express its views on the question of scientific research and on the comparative tables referred to by the Chairman of Working Group III in its report; but in view of the Chairman's remarks, he would make his statement at the meeting of the Working Group.

The CHAIRMAN thanked the Peruvian delegation, and urged delegations to make their statements in the Working Groups when they related to questions raised in the provisional reports made verbally by the Chairmen of those groups. The Sub-Committee for its part would consider the final reports of the Working Groups.

The meeting rose at 1 p.m.