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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

PROVISIONAL SUMMARY RECORD OF THE FORTY-FOURTH MEETING*/

held at the Palais des Nations, Geneva,
on Friday, 10 August 1973, at 11.25 a.m.

<u>Chairman:</u>	Mr. van der ESSEN	Belgium
<u>Rapporteur:</u>	Mr. IGUCHI	Japan

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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.

PROGRESS REPORTS OF THE WORKING GROUPS (continued)

The CHAIRMAN said that in the absence of Mr. Vallarta, the Chairman of the Group, there would be no oral report on the activities of Working Group 2 on marine pollution. Moreover, Mr. Vallarta had made it known that he had very little to add to his preceding report. He drew attention to a document that had just been distributed under the symbol A/AC.138/SC.III/L.39/Add 1, a note to the Chairman of Sub-Committee III from the Chairman of Working Group 2, reproducing the texts of unofficial working papers prepared for that Working Group after informal consultations between the sponsors of proposals submitted to the Sub-Committee and other delegations.

Mr. OLSZOWKA (Poland), Chairman of Working Group 3 on scientific research and transfer of technology, said that during the past week the informal drafting group of the Working Group had prepared a set of general draft articles, with alternatives, on the right to engage in scientific research at sea and on the promotion of co-operative scientific research. The Working Group had also discussed the question of the rights and duties of coastal States, with special attention to consent to and participation in research, and believed that it could prepare draft articles on those subjects before completing its work. Working Group 3 would submit a comprehensive report at the Sub-Committee's next meeting on 16 August.

DRAFT REPORT OF THE SUB-COMMITTEE

Mr. IGUCHI (Japan), Rapporteur, explained how he intended to proceed in drafting the report of Sub-Committee III. The introduction would give a historical summary of the Sub-Committee's work in 1971 and 1972. The body of the report would cover the Sub-Committee's work in 1973, taking special care to show the results obtained during the deliberations, particularly those of the Working Groups. There seemed to be no need to summarize the views expressed during the general debate on transfer of technology and scientific research. The body of the report would also contain the texts, with alternatives, which the Working Groups would submit to the Sub-Committee. Thus the Sub-Committee's report would consist mainly of the reports of its Working Groups.

In reply to a question by Mr. YANKOV (Bulgaria), Mr. IGUCHI (Japan), Rapporteur, said that an index of documents and proposals submitted to Sub-Committee III and the texts proposed to it would be annexed to the report.

Mr. ZEGERS (Chile) said that his delegation would like the report to contain a summary of the debate on transfer of technology and scientific research, along the lines of the summaries of debates on pollution which had appeared in earlier reports.

Mr. KATEKA (United Republic of Tanzania) and Mr. LOPEZ REINA (Colombia) supported the Chilean representative's request.

Mr. YTURRIAGA (Spain) also supported that request. In his opinion, the Sub-Committee's report should consist of two parts, one giving the views expressed and the proposals made on the transfer of technology and scientific research, and the other containing the reports of Chairmen of the Working Groups and the draft articles, with alternatives, adopted by the Working Groups at first reading.

Mr. IGUCHI (Japan), Rapporteur, said that he would comply with the wishes expressed by delegations and that the draft report would probably be circulated on Monday 13 August.

STATEMENTS BY OBSERVERS

The CHAIRMAN said that, with the Sub-Committee's consent, he would give the floor to two observers who wished to give some information on those activities of their organizations which were related to the Sub-Committee's work.

Mr. NECHAEV (International Atomic Energy Agency) gave a brief description of his Agency's activities in connexion with the preservation of the marine environment. Since the Agency's main objective was to accelerate the contribution of atomic energy to peace and prosperity, IAEA had prepared, in close collaboration with competent organizations of the United Nations, the specialized agencies and other international organizations concerned, standards of safety concerning the dispersion into the environment, including the seas, of radioactive waste resulting from the peaceful use of nuclear energy. The need for standards and regulations designed to prevent pollution of the sea by radioactive materials had already been recognized by the United Nations Conference on the Law of the Sea, which had adopted the Convention on the High Seas in April 1958. Article 25 of the Convention provided that "every State shall take measures to prevent pollution of the seas from the dumping of

radioactive wastes, taking into account any standards and regulations which may be formulated by the competent international organizations". The Conference had also adopted a resolution recommending that the Agency should pursue studies and take action to assist States in controlling the discharge of radioactive materials into the sea.

In the light of that recommendation and in accordance with its Statutes, the Agency had already done considerable work and was planning further action under its long-term programme. In 1958 it had set up a panel of scientific experts under the chairmanship of Mr. Brynielsson to recommend the necessary measures to ensure that the disposal of radioactive wastes into the sea would not involve an unacceptable degree of hazard to man. The panel had completed its study in 1959 and its report had been published in 1961 in Safety Series No.5 under the titled "Radioactive waste disposal into the sea". That report recommended a number of practices which would keep such disposal operations within safety bounds.

With a view to implementing those recommendations, the Director-General of the Agency had convened an expert panel in 1960 to consider the administrative, organizational and legal measures which might be taken on an international level on the basis of the Brynielsson report. The panel had held four meetings between January 1961 and January 1963, and from the outset of its work two different opinions had emerged on the fundamental question of the permissibility of disposing of radioactive waste into the sea under international law. One view held was that the disposal of all radioactive wastes into the sea should be prohibited, while according to the other, disposal of waste should be subject to prior permission and should be registered.

The report published in 1961 showed that the effective control of pollution must depend on the availability of adequate methods for surveying and monitoring the sea and marine products for the presence of radioactive substances. The Agency had therefore published four documents on the subject: "Methods of surveying and monitoring marine radioactivity", No.11 in the Safety Series; "Reference methods for marine radioactivity studies", No.118 in the Technical Reports Series; "Disposal of radioactive wastes into fresh water", Nos.10 and 36 in the Safety Series; and "Radioactive waste disposal into the ground", No.15 in the Safety Series.

appropriate intervals, the Agency was reviewing the relevant recommendations in consultation with Member States and the organizations concerned, and periodically invited suggestions for their improvement in the light of experience and increased technical knowledge.

He expressed the hope that his description of the Agency's work would help the Sub-Committee to work out rules for the preservation of the marine environment and the prevention of pollution of the seas, a task of extreme importance for the well-being of mankind and the preservation of the living resources of the sea.

Mr. SCOTT (Intergovernmental Oceanographic Commission) said that the organization he represented was deeply concerned with the outcome of the Committee's deliberations, as the forthcoming Convention on the Law of the Sea would affect its future operations and those of its member States.

IOC was an integral part of UNESCO but with its own separate membership (74 States) and its own statutes. It formed a separate entity, with an Assembly and an Executive Council. Members did not have to pay a subscription but were invited to make voluntary contributions to a Fund-in-Trust which at present stood at about \$150,000 a year. At the same time, IOC was the co-ordinating body for marine science for the United Nations system through an inter-secretariat group with members drawn from UNESCO, FAO, WMO and IMCO. The agencies which were members of that group provided assistance to IOC, particularly in organizing working group meetings that were of considerable importance to developing countries.

IOC was planning a series of workshops to study scientific phenomena in the oceans and to formulate recommendations for future oceanographic research in certain areas. That constituted a good example of the transfer of technology and information. For instance IOC was co-sponsoring, in conjunction with an ECAFE committee, a workshop in Bangkok in September, the chairman of which would be an eminent geophysicist from a developing country, Indonesia. In conjunction with FAO, a workshop was planned on the El Niño phenomenon off the west coast of South America - a warm current that appeared periodically and led to the disappearance of the anchovies on which the Peruvian fisheries, among others, depended. One Latin American staff member of IOC had recently travelled in various South American countries to discuss the question with national oceanographic committees. The El Niño phenomenon could of course not be prevented, but it might be possible to devise means of forecasting the years in which it would appear and of making plans regarding the general economy of the area.

In respect of training, education and mutual assistance IOC was very active and worked closely with the UNESCO Division of Oceanography and other bodies. During the past few weeks IOC had helped to select scientists from Ghana and Chile for a post-graduate course at the University of Rhode Island. In addition, twelve candidates from developing countries would be attending a five months' course on oceanographic data-processing at the National Oceanography Data Centre in Washington. It was the fourth course of that kind and IOC was waiting on a plan for a similar course in the French language.

IOC was at present engaged on a study on the transfer of science and technology which had been entrusted to a consultant from a developing country, Nigeria. It had been undertaken because of current differences of opinion on the subject, particularly between developed and developing countries. As part of the project, IOC was planning a series of regional workshops and seminars, to be followed by a four months' course for scientific administrators from developing countries designed to acquaint them with world marine science activities. It was hoped thus to train administrators and politicians of the highest level who would subsequently occupy important posts in the government of their country.

He then read out some passages from the consultant's report, indicating the views of certain developing countries regarding the project in question. The report emphasized that the optimal utilization of marine resources required very advanced scientific knowledge and that the level of achievement of any nation in that domain usually depended on the degree of emphasis given to basic or applied research, especially in physical and chemical oceanography. One representative had stated that the efforts made by IOC and the Oceanography Division of UNESCO would promote the advancement of marine sciences in the less-developed countries and would help them to understand the value of the marine environment for the development of their national economy. The administrators who had received training would be able to ensure that due attention was paid to scientific development in their national budgets. The Jamaican Government had declared itself in favour of the proposed programme of training and education, and the Lebanese Ambassador had stated that his Government would actively support the programme and would act as host to regional seminars organized by IOC. The Kenyan Director of Fisheries had expressed satisfaction with the programme, emphasizing that the major handicap for developing countries in exploiting marine resources was lack of

knowledge and of the necessary equipment. The Korean Oceanographic Commission would participate in the project in the belief that it would prove of considerable value to the less-developed countries. The Bahamas, which needed to diversify its economy, intended to develop the sector dealing with marine policy and ocean management; training would help many developing nations to map out a priority programme. The Chairman of the Philippines National Committee on Marine Sciences considered that it would be advisable to arrange multilateral workshops before the training course so as to establish priorities and select candidates. The Government of Trinidad and Tobago, aware of the possibilities of marine sciences, research and oceanography, was ready to collaborate fully in that sphere. The views expressed by those nations showed that IOC's programme brought great hope to many less-developed countries which were conscious of the need to participate in the Commission's work and of its benefits to them.

Mr. VALDEZ ZAMUDIO (Peru) said that he had found Mr. Scott's statement very interesting, since a representative of IOC has visited his own country during the month of June to discuss a project concerning the protection of the west coast of South America from currents which caused serious losses, particularly in Peru. He was glad that IOC was tackling specific and real problems facing developing countries, which called for a solution by joint action on the part of the countries concerned and the competent international organizations.

Mr. LOPEZ REINA (Colombia) associated himself with the thanks expressed by the representative of Peru to IOC for the work undertaken on behalf of the developing countries. Colombia would do its best to participate in the El Niño project. He hoped that IOC would pursue its activity, which deserved support.

Mr. YTURRIAGA (Spain) said that it would be interesting to know the outcome of the deliberations of the Panel held at Vienna in June 1973 under IAEA's auspices. He asked the Agency's representative whether the Panel's recommendations could be circulated to interested delegations.

Mr. NECHAEV (International Atomic Energy Agency) said that in conformity with the procedure followed by IAEA, the Panel's recommendations would be sent to States with a request for comments. Subsequently, the recommendations, together with the comments of governments, would be submitted to the Director-General and only then could they be circulated. He hoped, however, that the text would be sent to the Sea-bed Committee and made available to delegations very soon.

Mr. KATEKA (Tanzania) emphasized that IMCO's Conference to be held in October 1973 would be of interest to the Sub-Committee. At the Committee's last session he had suggested that the Sub-Committee should communicate its views to that Conference through the Plenary Committee but had been informed on that occasion that it would be premature to take such a decision. Surely the moment had now come to do so?

The CHAIRMAN said that he proposed to raise the matter at the Sub-Committee's next meeting, at which the Chairman of the Working Group would present his report. A proposal could then be formulated and submitted to the Sub-Committee for approval.

He indicated that Panama should be added to the list of sponsors of the draft articles contained in document A/AC.138/SC.III/L.45.

Mr. METALNIKOV (Union of Soviet Socialist Republics) thanked the representatives of IAEA and IOC for their very interesting statements. The Soviet Union had been participating in IOC's work for a long time. It was regrettable that the Oceanographic Commission would not be taking part in the Sub-Committee's elaboration of draft articles, because it could have made extremely pertinent observations on certain matters closely related to its operations.

The meeting rose at 12.30 p.m.