



IMCO

INTERNATIONAL CONFERENCE ON
MARINE POLLUTION, 1973
Agenda item 8

CONSIDERATION OF A DRAFT PROTOCOL RELATING TO
INTERVENTION ON THE HIGH SEAS IN CASES OF
MARINE POLLUTION BY SUBSTANCES OTHER THAN OIL

Comments submitted by the International Atomic Energy Agency

1. The Convention on the High Seas which was adopted in 1958 by the UN Conference on the Law of the Sea provides in Article 25 that

"2. All States shall co-operate with the competent international organizations in taking measures for the prevention of pollution of the seas or air space above, resulting from any activities with radio-active materials or other harmful agents."

In connexion with this Article the Conference also adopted a Resolution which recommended

"... that the International Atomic Energy Agency, in consultation with existing groups and established organs having acknowledged competence in the field of radiological protection, should pursue whatever studies and take whatever action is necessary to assist States in controlling the discharge or release of radio-active materials to the sea, in promulgating standards, and in drawing up internationally acceptable regulations to prevent pollution of the sea by radio-active materials in amounts which would adversely affect man and his marine resources."

2. The Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter adopted at 1972 London Conference provides in Annex I, whereby materials prohibited from dumping are listed, that

"High level radioactive wastes or other high-level radioactive matter, defined on public health, biological or other grounds, by the competent international body in this field, at present the International Atomic Energy Agency, as unsuitable for dumping at sea."

In Annex II of the same Convention, whereby materials requiring special permit for dumping are listed, it is provided that

"Radioactive wastes or other radioactive matter not included in Annex I. In the issue of permits for the dumping of this matter, the Contracting Parties should take full account of the recommendations of the competent international body in this field, at present the International Atomic Energy Agency."

3. The International Atomic Energy Agency has already fulfilled some of the tasks entrusted to it under the above-mentioned Conventions such as the establishment of recommended Regulations for Safe Transport of Radioactive Materials, the definition of high-level radioactive wastes or other high-level radioactive matter unsuitable for dumping at sea, and the recommendation concerning the issue of permits for the dumping at sea of radioactive wastes other than those unsuitable for dumping. The Agency keeps these matters under continuous study and revises the established standards in the field of prevention of marine pollution by radioactive materials.

4. Whereas, the draft Protocol Relating to Intervention on the High Seas in cases of Marine Pollution by Substances Other than Oil, in its Article I.2 provides that

"Substances other than oil as referred to in paragraph 1 shall be:

(a) those substances enumerated in a list annexed to the present Protocol. This list shall be maintained by the Maritime Safety Committee which shall communicate all amendments...."

While at the preparatory stage the drafters of the Protocol recognized the fact that the Maritime Safety Committee should "accomplish this task, taking into account the views of other competent international organizations (Footnote 4 to the Protocol), they considered that this recognition could be expressed in a Conference Resolution rather than incorporating it into the text of the Protocol.

5. In view of the statutory authority and competence of the International Atomic Energy Agency in establishing,

"in consultation and, where appropriate, in collaboration with the competent organs of the United Nations and with the specialized agencies concerned, standards of safety for protection of health and minimization of danger to life and property.... in the field of atomic energy"

(Article III.A.6 of the Statute of the International Atomic Energy Agency), which competence was confirmed by the international Conferences mentioned above, the Secretariat of the International Atomic Energy Agency considers that the International Conference on Marine Pollution may wish to maintain consistency with the above-mentioned international instruments and amend Article I.2(a) of the draft Protocol as follows:

"2. Substances other than oil as referred to in paragraph 1 shall be:

(a) those substances enumerated in a list annexed to the present Protocol. This list shall be maintained by the Maritime Safety Committee, in consultation with competent international organizations, which ..." (proposed amendment underlined).
