



IMCO

INTERNATIONAL CONFERENCE ON MARINE POLLUTION, 1973

REPORT OF THE AD HOC WORKING GROUP ON MARINE ENVIRONMENT PROTECTION

1. At its thirtieth session (4-8 June 1973), IMCO Council considered a proposal by the Government of the United States of America for the establishment of a Marine Environment Protection Committee (MEPC) which would execute and co-ordinate all work of the Organization in relation to the prevention and control of marine pollution. This proposal received strong support in the Council which, as an initial step, decided to set up an Ad Hoc Working Group on Marine Environment Protection to examine the various implications of the proposal in detail and to formulate specific proposals for consideration and action by the Council.
2. The Ad Hoc Working Group met from 23-27 July 1973 and its Report (MEP(WG)/5) is being submitted to the Seventh Extraordinary Session of Council (12 November 1973) for consideration and approval. Attached hereto is a copy of the Report which, by decision of the Council, is being transmitted to the Conference for information.
3. The attention of the Conference is particularly drawn to paragraph 8 of the attached Report in which the Ad Hoc Working Group has made certain observations concerning the performance of functions assigned to the Organisation in respect of Conventions of which it is depositary. These observations have particular relevance to the amendment procedures set out in Article 17 of the draft International Convention for the Prevention of Pollution from Ships, 1973.



IMCO

AD HOC WORKING GROUP ON
MARINE ENVIRONMENT PROTECTION -
23-27 July 1973
Agenda item 5

REPORT TO COUNCIL

I. INTRODUCTION

1. At the thirtieth session of Council, the United States delegation proposed the establishment of a Marine Environment Protection Committee which would execute and co-ordinate all work of the Organization in relation to the prevention and control of pollution of the marine environment. This proposal received strong support within the Council which decided to establish an Ad Hoc Working Group to examine in detail various implications of the problems and to formulate specific proposals for consideration and action by Council. Specifically the Working Group was charged with the following tasks:

- (a) to study the possible terms of reference, organization and functions of the proposed Marine Environment Protection Committee and any other relevant matters;
- (b) to consider and propose a Secretariat structure for the proposed Committee;
- (c) to consider the budgetary, legal and statutory implications of a new permanent Committee;
- (d) to consider and propose arrangements for co-ordination within the Organization.

2. The Working Group held its meeting from 23 to 27 July 1973. The meeting was attended by representatives from the following States which are Members of Council:

BELGIUM	JAPAN
BRAZIL	NETHERLANDS
CANADA	NORWAY
FRANCE	POLAND
GERMANY, FEDERAL REPUBLIC OF	UNION OF SOVIET SOCIALIST
GREECE	REPUBLICS
INDIA	UNITED KINGDOM
ITALY	UNITED STATES

By invitation of the Working Group, the meeting was also attended by observers from the following State not Member of Council:

LIBERIA

and representatives from:

UNITED NATIONS ENVIRONMENTAL PROGRAMME (UNEP)
FOOD AND AGRICULTURE ORGANIZATION (FAO)

In accordance with the decision of Council, the Chairman of the Maritime Safety Committee (Mr. Per Eriksson) and of the Legal Committee (Mr. G. Maslov) were present at the meeting.

3. Mr. W.A. O'Neil (Canada) was elected Chairman and Mr. S. Bannerjee (India) Vice-Chairman.

4. The Agenda for the meeting as adopted by the Working Group is at Annex I. Summaries of discussions and conclusions reached are recorded in the following paragraphs.

II. CONSIDERATION OF THE PROPOSED MARINE ENVIRONMENT PROTECTION COMMITTEE

5. After having considered the United States proposal, the main object of which was to establish within the Organization a permanent Committee which would execute and co-ordinate the work of the Organization in relation to the prevention and control of marine pollution and which would have in this field functions similar to those of the Maritime Safety Committee in the field of maritime safety the Working Group agreed to recommend to the Council the establishment of such a Committee under the terms outlined in the following paragraphs.

Status, composition and terms of reference

6. The Working Group suggests that the Council should recommend to the Assembly at its eighth Regular Session that a Marine Environment Protection Committee (MEPC) be established by the Assembly as a permanent body pursuant to Articles 12 and 16(c) of the IMCO Convention. Membership of the Committee should be open to all States Members of the Organization and to other States Parties to Conventions in respect of which the Committee performs functions; provided that a State not a Member of the Organization may vote only when the Committee performs functions in respect of a Convention to which it is a party, as provided in that convention.
7. The Committee should, except as specifically provided otherwise in its Terms of Reference, report to the Assembly through the Council. The Council should transmit the Reports of the Committee to the Assembly, together with its own comments and recommendations. As regards budgetary and other organizational matters Council should exercise the same functions and control as it does over other sectors of the Organization's work. Under its Terms of Reference and with such consultations as are provided therein, the Committee will itself discharge the functions of the Organization under appropriate international conventions, including direct communication of regulations and other provisions and amendments thereto to governments, as provided for in those conventions.
8. It was noted that some conventions might, when assigning functions to the Organization, make no specific reference to the Marine Environment Protection Committee. It was the understanding of the Working Group that where such functions relate to matters within the terms of reference of the MEPC, that Committee will perform those functions, particularly functions in respect of the adoption or amendment and communication to governments of regulations or other provisions of such conventions in the manner provided for in those conventions. Specific mention was made in this connexion of the 1973 Marine Pollution Conference; and it was agreed that, in the event that the Conference determines to assign functions to the new Committee, one method would be to refer to "the appropriate permanent organ established by the Assembly of the Organization and charged with functions in respect of marine pollution." In that event, upon acceptance of depositary functions by the Assembly, the new Committee would be the appropriate permanent organ under the proposed Terms of Reference to act as provided in the Convention.

9. In the context of these basic considerations, the Terms of Reference suggested by the Working Group are as follows:

"To co-ordinate and administer, in consultation as appropriate with other bodies of the Organization and with other international organizations and expert bodies within or outside the United Nations system, the activities of the Organization concerning the prevention and control of marine pollution, and in particular:

- (a) to perform such functions as are or may be conferred upon the Organization under international conventions for the prevention and control of pollution from ships or other craft, particularly with respect to the adoption or amendment and communication to governments of regulations or other provisions, as provided for in such conventions;
- (b) to consider appropriate measures to facilitate the enforcement of the Conventions referred to in paragraph (a) above;
- (c) to provide for the acquisition and dissemination of scientific, technical and any other practical information on the prevention and control of marine pollution to States, particularly developing countries, and, where appropriate, to make recommendations and to develop guidelines;
- (d) to promote co-operation with and between regional organizations concerned with the prevention of marine pollution;
- (e) to consider and take appropriate action with respect to any other matters falling within the scope of the Organization which would contribute to the prevention and control of marine pollution, including co-operation on environmental matters with other international organizations."

Rules of Procedure

10. The Committee should follow the Rules of Procedure of the Assembly except insofar as the Committee, with the approval of the Assembly, adopts other Rules. The Committee should accordingly be empowered by the Assembly, to adopt and apply its own rules in relation to the following subjects: sessions, credentials, publicity, agenda, election of officers, summary records and languages.

11. As regards the quorum for the meetings of the Committee, the Working Group considered that the matter could best be decided by the Committee itself. Nevertheless, the Working Group was of the opinion that, in view of the broad environmental aspects of the Committee's activities, it would be necessary to fix a minimum number of States as a quorum for its meetings in order to ensure wide representation of States in its deliberations. Several suggestions were made in this connexion, which included twenty, twenty-five, one-third of the IMCO Member States, etc. After prolonged discussion, the Working Group concluded that, in the absence of any clear indication of the number of States likely to participate in the Committee, the final figure should be deferred for determination by the Assembly.

12. The Working Group considered that the Committee could establish such subsidiary bodies as it might at any time consider necessary. In this connexion it was thought that in the future the Committee might consider it appropriate to establish regional sub-committees to provide for the consideration of regional pollution and related problems by the Member States affected, to make recommendations to the Committee accordingly and to take action at the request of the Committee. Such sub-committees should not prejudice agreements concluded outside the Organization.

13. In relation to the membership of the Committee referred to in paragraph 6 above, one delegation questioned whether, should a convention assign to a revision committee or other body consisting solely of Contracting States to that Convention the power to develop and adopt amendments to such Convention, the MEPC could serve as such a revision committee. In reply to this query, the Secretariat stated that, for legal reasons, the MEPC could not serve this purpose, unless there was an appropriate reference to and decision by the Organization.

Arrangements for co-ordination

14. The Working Group felt that a somewhat pragmatic approach might be desirable at this stage to the problem of co-ordinating the work of the MEPC with the work of other IMCO organs, particularly the Maritime Safety Committee and its Sub-Committees. With this in view, there was general agreement that:

- (a) the MEPC should play the leading role in dealing with matters concerning the prevention and control of marine pollution from ships;

- (b) the work hitherto carried out by the Sub-Committee on Marine Pollution should, in general, be taken over by the MEPC, and that Sub-Committee should be dissolved;
- (c) the work carried out by certain Sub-Committees, such as the Sub-Committees on Ship Design and Equipment and on the Carriage of Dangerous Goods, which relate to marine pollution should continue for the present to be undertaken by those Sub-Committees. However, the MEPC at an early session would review the related activities of the Maritime Safety Committee to determine upon which of the items it will continue to seek advice and assistance from those bodies; and
- (d) any co-ordination of the work of MEPC and that carried out by the Maritime Safety Committee and its Sub-Committees and the relative priorities of tasks relating to safety matters on the one hand and pollution matters on the other should be considered and agreed by the Maritime Safety Committee and MEPC. The Maritime Safety Committee should be invited to consider at its next session any implications that the establishment of the MEPC may have on the work of the Maritime Safety Committee

15. Several suggestions were made on the practical methods of ensuring co-ordination between the Maritime Safety Committee and the MEPC, which included, apart from any contribution by the Secretariat, consultations between the Chairmen and/or representatives of both Committees, or in special cases even joint meetings of the Committees. The Working Group felt, however, that the matter could best be left to the Maritime Safety Committee and the MEPC so that solutions could be evolved as circumstances might require.

16. With regard to the relationship of MEPC with other Organizations, the Working Group felt that the existing procedure for co-ordination and co-operation with UN Agencies and other bodies as presently maintained by the Secretariat under the general guidance and direction of relevant IMCO organs had proved satisfactory and should be continued in the case of MEPC.

Work Programme of the MEPC

17. The Working Group recommends that the MEPC hold two meetings in each year of 1974 and 1975, the duration of which might initially be envisaged as one week. One meeting week presently allocated to the Sub-Committee on Marine Pollution for 1974 and 1975 should be taken over by the meetings of the MEPC. The

remaining meeting periods could either be accommodated by using unallocated meetings of the Maritime Safety Committee, if so agreed, or by making specific additional provision in the budget of the Organization at an estimated cost of \$7,000 for each meeting week.

18. The Working Group suggested that the agenda for the first session of the MEPC might include:

- (a) organizational matters, such as rules of procedure, co-ordination with the work of the Maritime Safety Committee and its subordinate bodies, etc.;
- (b) future work programme, including the follow-up action of the 1973 Marine Pollution Conference;
- (c) co-ordination of the work of the Committee with other international organizations and activities, particularly the Law of the Sea Conference and the United Nations Environmental Programme;
- (d) possible convening of a symposium in 1974 or 1975.

19. With regard to the date of the first session of the MEPC, it was generally agreed by the Working Group that the session should be held early in 1974, taking into account the timing of relevant international meetings. The Secretariat would investigate the question of suitable dates and inform the Assembly.

The staff establishment and budget of the Organization

20. The Working Group recognized that the formulation of the proposals for the staff establishment and budget of the Organization should primarily be a matter for the Secretary-General. However, the following comments were made by the Working Group:

- (a) there would be no need to make a substantial increase in the staff at the initial stage though modest addition might be required;
- (b) provision should be made under Section V of the budget for the appropriation of a sum to meet new developments which would progressively require additional staff or other additional expenditure for the activities of MEPC.

21. Taking the above into account the Secretary-General will prepare proposals for consideration by Council.

III. CONSIDERATION OF RECOMMENDATIONS TO THE MARINE POLLUTION CONFERENCE AND THE EIGHTH ASSEMBLY

22. The Working Group agreed that the observations made under paragraph 8 above should be brought to the attention of the Marine Pollution Conference.
23. The Working Group, considering that the action by the eighth Assembly concerning the establishment of the MEPC would doubtless culminate in the adoption of a resolution, prepared a draft Resolution for consideration by the Council and the Assembly, the text of which is at Annex II.

IV. OTHER MATTERS

Scientific aspects of marine pollution

24. The Working Group noted the recent activities of GESAMP, in particular inter-sessional work of that Group in relation to various scientific aspects of marine pollution. The Working Group considered that the current arrangements for the inter-sessional work were satisfactory and no specific comments needed to be made.

Technical symposium on marine pollution from ships

25. The Working Group, having considered a suggestion by the Secretariat to organize a technical symposium which would provide a forum to discuss the outcome of the 1973 Marine Pollution Conference, agreed that, since the organization of symposia was within the scope of the MEPC, the need for such a symposium could be considered by the Committee itself.

ANNEX I

AGENDA

Opening of the meeting

Election of Chairman and Vice-Chairman

1. Adoption of the Agenda (MEP(WG)/1)
2. Consideration of the proposed Marine Environment Protection Committee (MEP(WG)/2)
 - (a) terms of reference, organization and function of the proposed Committee and any other relevant matters
 - (b) legal and statutory implications of the proposed Committee
 - (c) secretariat structure for the proposed Committee and budgetary implication of the proposed Committee
 - (d) arrangements for co-ordination within the Organization
3. Consideration of recommendations to the Marine Pollution Conference and the eighth Assembly (MEP(WG)/3, MEP(WG)/3/1)
4. Any other business (MEP(WG)/4, MEP(WG)/4/1)
5. Report to Council (MEP(WG)/5)

ANNEX II

DRAFT RESOLUTION

For the eighth Assembly

ESTABLISHMENT OF A MARINE ENVIRONMENT
PROTECTION COMMITTEE

THE ASSEMBLY,

TAKING NOTE of Article 1 of the IMCO Convention regarding the purposes of the Organization,

BEING AWARE of the increasing extent and importance of the activities of the Organization relative to the prevention of pollution of the land, sea or air by or from ships, vessels and other equipment operating in the marine environment,

TAKING ACCOUNT of the Recommendations of the United Nations Conference on the Human Environment (Stockholm, 5-16 June 1972), the progress being made in the preparation for the Third Law of the Sea Conference and of relevant Resolutions adopted by the General Assembly of the United Nations at its twenty-ninth session,

RECOGNIZING that in the environmental field, activities of the Organization are becoming increasingly involved with related activities of other United Nations bodies and organizations and that the Organization is being called upon to play a wider and more significant role in this field,

NOTING with appreciation that the principal burden arising from responsibilities of the Organization for dealing with marine pollution has hitherto been carried by the Infratime Safety Committee in addition to its important and extensive statutory obligations relative to the safety of life and property at sea,

BELIEVING NEVERTHELESS that overall efficiency of the Organization will be greatly enhanced in the future if matters relating to the protection of the marine environment are undertaken by a body specifically assigned for this purpose, thus enabling the Maritime Safety Committee to concentrate more specifically on the work relating to maritime safety which is also increasing in importance and magnitude,

HAVING NOTED the outcome of the IMCO Conference on Marine Pollution (London, 8 October-2 November 1973), particularly with respect to the conclusion of the International Convention for the Prevention of Pollution from Ships, 1973 and the adoption of associated Conference Resolutions,

HAVING CONSIDERED the Recommendations of the Council and its Ad Hoc Working Group on Marine Environment Protection with respect to the future role and activities of the Organization in this field,

NOTING Articles 12 and 16(c) of the IMCO Convention concerning the establishment of subsidiary bodies,

RECOGNIZING that the objectives will be most effectively and efficiently achieved by the establishment of a permanent Committee to execute and co-ordinate all activities of the Organization relating to the prevention and control of pollution of the marine environment,

DECIDES to establish the Marine Environment Protection Committee as a permanent subsidiary body of the Assembly pursuant to Articles 12 and 16(c) of the IMCO Convention, with the following Terms of Reference:

"To co-ordinate and administer, in consultation as appropriate with other bodies of the Organization and with other international organizations and expert bodies within or outside the United Nations system, the activities of the Organization concerning the prevention and control of marine pollution, and in particular:

- (a) to perform such functions as are or may be conferred upon the Organization under international conventions for the prevention and control of pollution from ships or other craft, particularly with respect to the adoption or amendment and communication to governments of regulations or other provisions, as provided for in such conventions;

- (b) to consider appropriate measures to facilitate the enforcement of the Conventions referred to in paragraph (a) above;
- (c) to provide for the acquisition and dissemination of scientific, technical and any other practical information on the prevention and control of marine pollution to States, particularly developing countries, and, where appropriate, to make recommendations and to develop guidelines;
- (d) to promote co-operation with and between regional organizations concerned with the prevention of marine pollution;
- (e) to consider and take appropriate action with respect to any other matters falling within the scope of the Organization which would contribute to the prevention and control of marine pollution, including co-operation on environmental matters with other international organizations".

DECIDES FURTHER that:

- (a) Membership of the Committee shall be open to all States Members of the Organization and to other States Parties to Conventions in respect of which the Committee performs functions; provided that a State not a Member of the Organization may vote only when the Committee performs functions in respect of a Convention to which it is a party, as provided in that convention;
- (b) the Committee shall, except as specifically provided otherwise in its terms of reference, for example paragraph (a) thereof, report to the Assembly through the Council. The Council shall transmit reports of the Committee to the Assembly, together with its own comments and recommendations. As regards budgetary and other organizational matters, the Council shall exercise the same functions and control as it does over other sectors of the Organization's work;

- (c) the Committee shall follow the Rules of Procedure of Assembly except insofar as the Committee, with the approval of Assembly, adopts other rules. The Committee is empowered to adopt and apply its own rules in relation to the following subjects: sessions, credentials, publicity, agenda, election of officers, summary records and languages. The quorum for the meetings of the Committee shall be determined by the Committee itself, provided that it shall not be less than [....] * Members entitled to vote on the matters under discussion.

REQUESTS the Secretary-General to take all necessary steps for the inauguration of the Committee early in 1974,

REQUESTS the Council, the Maritime Safety Committee and the Legal Committee to provide all possible assistance and co-operation with the work of the Committee.

* See paragraph 11 of the Working Group's Report.