



## IMCO

### INTERNATIONAL CONFERENCE ON MARINE POLLUTION, 1973

#### GENERAL PRINCIPLES FOR ASSESSMENT AND CONTROL OF MARINE POLLUTION RECOMMENDED BY THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT (RECOMMENDATION 92)

With reference to the prevention and control of marine pollution, the United Nations Conference on the Human Environment (Stockholm, 5-16 June 1972) adopted inter alia Recommendation 92 which reads as follows:

"It is recommended:

(a) That Governments collectively endorse the principles set forth in paragraph 197 of Conference document A/CONF.40/8 as guiding concepts for the Conference on the Law of the Sea and the Inter-Governmental Maritime Consultative Organization (IMCO) Marine Pollution Conference scheduled to be held in 1973 and also the statement of objectives agreed on at the second session of the Intergovernmental Working Group on Marine Pollution which reads as follows:

"The marine environment and all the living organisms which it supports are of vital importance to humanity and all people have an interest in assuring that this environment is so managed that its quality and resources are not impaired. This applies especially to coastal area resources. The capacity of the sea to assimilate wastes and render them harmless and its ability to regenerate natural resources are not unlimited. Proper management is required and measures to prevent and control marine pollution must be regarded as an essential element in this management of the oceans and seas and their natural resources.",

and that, in respect of the particular interest of coastal States in the marine environment and recognizing that the resolution of this question is a matter for consideration at the Conference on the Law of the Sea, they take note of the principles on the rights of coastal States discussed but neither endorsed nor rejected at the second session of the Intergovernmental Working Group on Marine Pollution and refer those principles to the

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1973 Inter-Governmental Maritime Consultative Organization Conference for information and to the 1973 Conference on the Law of the Sea for such action as may be appropriate;

(b) That Governments take early action to adopt effective national measures for the control of all significant sources of marine pollution, including land-based sources, and concert and co-ordinate their actions regionally and where appropriate on a wider international basis;

(c) That the Secretary-General, in co-operation with appropriate international organizations, endeavour to provide guidelines which Governments might wish to take into account when developing such measures."

With reference to the above-mentioned Recommendation, attached hereto are copies of the following extracts from documents relating to the UN Conference on the Human Environment:

- (1) General principles for assessment and control of marine pollution (excerpt from A/CONF.48/8, paragraph 197) which, together with the statement of objectives set out in the above Recommendation, Governments are invited to collectively endorse as guiding concepts for the present Conference.
- (2) Draft proposals submitted by the Government of Canada concerning principles on the rights of coastal states (excerpt from A/CONF.48/IMGWP.II/5 - Report of the Intergovernmental Working Group on Marine Pollution at its second session) which are submitted to the present Conference for information.

EXTRACT FROM A/CONF.48/8

A. General principles

197. A SET OF GENERAL PRINCIPLES FOR ASSESSMENT AND CONTROL OF MARINE POLLUTION SHOULD BE ACCEPTED AND ENDORSED BY GOVERNMENTS:

- the definition of marine pollution employed by the United Nations is:

"the introduction by man, directly or indirectly, of substances or energy into the marine environment (including estuaries) resulting in such deleterious effects as harm to living resources, hazards to human health, hindrance to marine activities including fishing, impairment of quality for use of sea water, and reduction of amenities"

- the following principles were suggested by the Intergovernmental Working Group on Marine Pollution (November 1971) as guiding concepts representing a basis for general agreement:

(1) Every State has a duty to protect and preserve the marine environment and, in particular, to prevent pollution that may affect areas where an internationally shared resource is located.

(2) Every State should adopt appropriate measures for the prevention of marine pollution, whether acting individually or in conjunction with other States under agreed international arrangements.

(3) States should use the best practicable means available to them to minimize the discharge of potentially hazardous substances to the sea by all routes, including land-based sources such as rivers, outfalls and pipelines within national jurisdiction, as well as dumping by or from ships, aircraft and platforms.

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(4) States should ensure that their national legislation provides adequate sanctions against those who infringe existing regulations on marine pollution

(5) States should assume joint responsibility for the preservation of the marine environment beyond the limits of national jurisdiction.

(6) The States at higher levels of technological and scientific development should assist those nations which request it, for example by undertaking programmes either directly or through competent agencies intended to provide adequate training of the technical and scientific personnel of those countries, as well as by providing the equipment and facilities needed in areas such as research, administration, monitoring or surveillance, information, waste disposal, and others, which would improve their ability to discharge their duties consisting of protecting the marine environment.

(7) States should discharge, in accordance with the principles of international law, their obligations towards other States where damage arises from pollution caused by their own activities or by organizations or individuals under their jurisdiction and should co-operate in developing procedures for dealing with such damage and the settlement of disputes.

(8) Every State should co-operate with other States and competent international organizations with regard to the elaboration and implementation of internationally agreed rules, standards and procedures for the prevention of marine pollution on global, regional and national levels.

(9) States should join together regionally to concert their policies and adopt measures in common to prevent the pollution of the areas which, for geographical or ecological reasons, form a natural entity and an integrated whole.

(10) International guidelines and criteria should be developed, both by national Governments and through inter-governmental agencies, to provide the policy framework for control measures. A comprehensive plan for the protection of the marine environment should provide for the identification of critical pollutants and their pathways and sources, determination of exposures to these pollutants and assessment of the risks they pose, timely detection of undesirable trends, and development of detection and monitoring systems.

(11) Internationally agreed criteria and standards should provide for regional and local variations in the effects of pollution and in the evaluation of these effects. Such variables should also include the ecology of sea areas, economic and social conditions, and amenities, recreational facilities and other uses of the seas.

(12) Primary protection standards and derived working levels - especially codes of practice and effluent standards - may usefully be established at national levels, and in some instances, on a regional or global basis.

(13) Action to prevent and control marine pollution (particularly direct prohibitions and specific release limits) must guard against the effect of simply transferring damage or hazard from one part of the environment to another.

(14) The development and implementation of control should be sufficiently flexible to reflect increasing knowledge of the marine ecosystem, pollution effects, and improvements in technological means for pollution control and to take into account the fact that a number of new and hitherto unsuspected pollutants are bound to be brought to light.

(15) Every State should co-operate with other States and with competent international organizations with a view to the development of marine environmental research and survey

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programmes and systems and means for monitoring changes, in the marine environment, including studies of the present state of the oceans, the trends of pollution effects and the exchange of data and scientific information on the marine environment. There should be similar co-operation in the exchange of technological information on means of preventing marine pollution including pollution that may arise from offshore resource exploration and exploitation.

(16) International guidelines should also be developed to facilitate comparability in methods of detection and measurement of pollutants and their effects.

(17) In addition to its responsibility for environmental protection within the limits of its territorial sea, a coastal State also has responsibility to protect adjacent areas of the environment from damage that may result from activities within its territory.

(18) Coastal States should ensure that adequate and appropriate resources are available to deal with pollution incidents resulting from the exploration and exploitation of seabed resources in areas within the limits of their national jurisdiction.

(19) States should co-operate in the appropriate international forum to ensure that activities related to the exploration and exploitation of the seabed and the ocean floor beyond the limits of national jurisdiction shall not result in pollution of the marine environment.

(20) All States should ensure that vessels under their registration comply with internationally agreed rules and standards relating to ship design and construction, operating procedures and other relevant factors. States should co-operate in the development of such rules, standards and procedures, in the appropriate international bodies.

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(21) Following an accident on the high seas which may be expected to result in major deleterious consequences from pollution or threat of pollution of the sea, a coastal State facing grave and imminent danger to its coastline and related interests may take appropriate measures as may be necessary to prevent, mitigate, or eliminate such danger, in accordance with internationally agreed rules and standards.

(22) Where there is a need for action by or through international agencies for the prevention, control or study of marine pollution, existing bodies, both within and outside the United Nations system, should be utilized as far as possible.

(23) States should assist one another to the best of their ability, in action against marine pollution of whatever origin.

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EXTRACT FROM THE REPORT OF THE INTERGOVERNMENTAL WORKING  
GROUP ON MARINE POLLUTION ON ITS SECOND SESSION  
(A/CONF.48/IWGMP.II/5)

12. Draft proposals submitted by the delegation of Canada

1. A state may exercise special authority in areas of the sea adjacent to its territorial waters where functional controls of a continuing nature are necessary for the effective prevention of pollution which could cause damage or injury to the land or marine environment under its exclusive or sovereign authority.

2. A coastal state may prohibit any vessel which does not comply with internationally agreed rules and standards or, in their absence, with reasonable national rules and standards of the coastal state in question, from entering waters under its environmental protection authority.

3. The basis on which a state should exercise rights or powers, in addition to its sovereign rights or powers, pursuant to its special authority in areas adjacent to its territorial waters, is that such rights or powers should be deemed to be delegated to that state by the world community on behalf of humanity as a whole. The rights and powers exercised must be consistent with the state's primary responsibility for marine environmental protection in the areas concerned: they should be subject to international rules and standards and to review before an appropriate international tribunal.

13. A number of delegations (including those of Algeria, Argentina, Barbados, Brazil, Chile, Colombia, Cuba, Ecuador, Ghana, Guatemala, Iceland, Ivory Coast, India, Kenya, Malta, Mexico, Peru, Portugal, Spain, United Republic of Tanzania) supported the general concept contained in these draft principles and similar suggestions by the delegation of Spain as contained in Annex IV although not



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necessarily their exact texts, while others disagreed and still others considered that this forum was not the place for their discussion and accordingly reserved their position.<sup>3/</sup>

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<sup>3/</sup> Several delegations including those of Belgium, France and Italy expressed formal reservations as to the section I of this Report. The delegation of Italy expressed its reservation on all points contained in the Principles which could in any way prejudge the Italian position in other conferences on the Law of the Sea.