



IMCO

INTERNATIONAL CONFERENCE ON MARINE POLLUTION, 1973

SUMMARY OF ACTIVITIES OF THE UNITED NATIONS IN THE FIELD OF MARINE POLLUTION

1. In deciding to convene the present Conference, the IMCO Assembly (Resolution A.176(VI), adopted on 21 October 1969) took account of all related activities of other United Nations Organizations and invited the Maritime Safety Committee to co-operate fully with such Organizations in the development of effective measures for the prevention and control of marine pollution. In accordance with that Resolution, close liaison has been maintained during the preparations for the Conference with all other activities in the UN family in the field of marine pollution. The following paragraphs summarize some of the principal developments which have emerged and which the Conference may wish to bear in mind when dealing with the substantive items of its agenda.

I. United Nations Conference on the Human Environment

2. In accordance with Resolution A.242(VII) of the IMCO Assembly, the Council, the Maritime Safety Committee and the Secretary-General co-operated fully in the preparatory work for the United Nations Conference on the Human Environment which was held in Stockholm from 5-16 June 1972. The Report of that Conference (A/CONF.48/14) has been circulated to all Member Governments of the United Nations and was drawn to the attention of the Maritime Safety Committee at its twenty-sixth session (30 October - 3 November 1972) (MSC XXVI/7(d)) and the IMCO Council at its twenty-ninth session

(7-10 November 1972)(C XXIX/15(a)). Due note was taken of Recommendations 86 - 94 inclusive relating to marine pollution and of the Resolution of the Conference concerning the Institutional and Financial arrangements for the implementation of the Action Plan for the Human Environment. In particular, Recommendation 86 urged governments inter alia to:

"Participate fully in the 1973 Inter-Governmental Maritime Consultative Organization (IMCO) Conference on Marine Pollution and the Conference on the Law of the Sea scheduled to begin in 1973, as well as in regional efforts, with a view to bringing all significant sources of pollution within the marine environment, including radioactive pollution from nuclear surface ships and submarines, and in particular in enclosed and semi-enclosed seas, under appropriate controls and particularly to complete elimination of deliberate pollution by oil from ships, with the goal of achieving this by the middle of the present decade."

3. As guiding concepts for the IMCO Conference, the Stockholm Conference also recommended (Recommendation 92) that governments collectively endorse a set of general principles for assessment and control of marine pollution, set forth in paragraph 197 of Conference document A/CONF.48/8, together with a statement of objectives agreed on at the second session of the Inter-governmental Working Group on Marine Pollution (Ottawa, 8-12 November 1971). The text of Recommendation 92 together with the general principles and the statement of objectives have accordingly been brought to the attention of the Conference for information (MP/CONF/INF.6).

4. At its twenty-seventh session, the United Nations General Assembly noted the Report of the United Nations Conference on the Human Environment (A/CONF.48/14 and Corr.1) and adopted inter alia the following Resolutions which have been conveyed to governments through other channels:

A/RES/2994 (XXVII) - United Nations Conference on the Human Environment
by which the General Assembly designated 5 June as World Environment Day and requested the Governing Council of the UN Environment Programme to prepare a report on the status of implementation of the Action Plan and future developments, on the basis of which the General Assembly could take a decision at its twenty-ninth session on the question of convening a second UN Conference on the Human Environment.

A/RES/2995 (XXVII) - Co-operation between States in the field of marine environment which emphasized that, in the exploration, exploitation and development of their natural resources, States must not produce significant harmful effects in zones situated outside their national jurisdiction.

A/RES/2996 (XXVII) - International responsibility of States in regard to the environment, by which the General Assembly declared that no resolution adopted at its twenty-seventh session could affect principles 21 and 22* of the Declaration of the UN Conference on the Human Environment.

A/RES/2997 (XXVII) - Institutional and financial arrangements for international environmental co-operation by which the General Assembly decided to establish:

- (a) a Governing Council of the UN Environment Programme consisting of 58 member nations elected by the General Assembly;
- (b) a small Environment Secretariat to serve as a focal point for environmental action and co-ordination within the UN system;
- (c) a voluntary fund to provide for additional financing for environmental programmes with effect from 1 January 1973;
- (d) an Environment Co-ordination Board to provide for the most efficient co-ordination of United Nations Environmental programmes within the framework of the Administrative Committee on Co-ordination.

* These read as follows:

Principle 21

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

Principle 22

States shall co-operate to develop further the international law regarding liability and compensation for the victims of pollution and other environmental damage caused by activities within the jurisdiction or control of such States to areas beyond their jurisdiction.

- A/RES/3000 (XXVII) - Measures for protecting and enhancing the environment by which the General Assembly stressed the importance of action at the national level for protecting the environment and called upon the Governing Council at its first session to explore ways and means of promoting effective regional programmes in this field.
- A/RES/3002 (XXVII) - Development and environment requesting the Governing Council, when formulating environmental programmes and priorities, to give special consideration to measures and programmes which are necessary for accelerating the economic development of developing countries.
- A/RES/3004 (XXVII) - Location of the environment Secretariat by which the General Assembly decided to locate the environment Secretariat in a developing country, and, further, that it should be located in Nairobi, Kenya.

5. The Governing Council of the United Nations Environment Programme, established in accordance with Resolution A/RES/2997 (XXVII) of the General Assembly, held its first session in Geneva from 12-22 June 1972. Annex I to the Report of the session (UNEP/GC/10), which has now been circulated to Member Governments of the United Nations, contains the decisions of the Council with respect to inter alia the following principal items:

- (a) Action Plan for the human environment: programme development and priorities;
- (b) general procedures governing the operations of the Fund of the United Nations Environment Programme;
- (c) review and approval of the Fund Programme;
- (d) United Nations Conference - Exposition on Human Settlements.

6. With respect to the Action Plan for the human environment, one of the particular policy objectives noted by the Governing Council as guidelines for UNEP reads as follows:

"To detect and prevent serious threats to the health of the oceans through controlling both ocean-based and land-based sources of pollution, and to assure the continuing vitality of marine stocks;"

7. In the light of that objective, the Governing Council included in Section II of the Programme Priorities for Action by UNEP the following items relating to the oceans:

- (i) To carry out objective assessments of problems affecting the marine environment and its living resources in specific bodies of water;
- (ii) to prepare a survey of the activities of international and regional organizations dealing with conservation and management of the living resources of the oceans;
- (iii) to assist nations in identifying and controlling land-based sources of pollution, particularly those which reach the oceans through rivers;
- (iv) to stimulate international and regional agreements for the control of all forms of pollution of the marine environment, and especially agreements relating to particular bodies of water;
- (v) to urge the Inter-Governmental Maritime Consultative Organization to set a time-limit for the complete prohibition of international oil discharge in the seas, as well as to seek measures to minimize the probability of accidental discharges;
- (vi) to develop a programme for the monitoring of marine pollution and its effects on marine ecosystems, paying particular attention to the special problems of specific bodies of water including some semi-enclosed seas, if the nations concerned so agree;
- (vii) to urge the International Whaling Commission to adopt a ten year moratorium on commercial whaling.

8. For the implementation of each section of the Programme the Governing Council approved the apportionment of funds totalling \$5,500,000 (UNEP/GC/10, Annex I, page 20), out of which a sum of \$600,000 is provided under Section E (Oceans), and invited the Executive Director to undertake appropriate programming activities utilizing this fund.

9. In consultation with interested organizations of the UN system including IICO, the Executive Director is currently preparing a comprehensive programme in two main Parts for submission to the Governing Council at its second session tentatively scheduled to be held in Nairobi from 11-22 March 1974. Part A of the Programme will contain virtually all the priority items (including Section II - Oceans) set out in Annex I (Section III, paragraph 12, A-G and Section VII) to the Council's Report (UNEP/GC/10). Part B will include other programme items generally following proposals set out in Annex I, Section IV of the Report.

10. In order that the Governing Council at its second session may be fully informed of current environmental activities of the UN Agencies, the UNEP Secretariat is currently preparing a Report on this subject in consultation with the Organizations concerned.

II. Third United Nations Conference on the Law of the Sea

11. At its twenty-seventh session (18 December 1972) the United Nations General Assembly adopted Resolution A/RES/3029 (XXVII) concerning the preparations for the UN Conference on the Law of the Sea, which are being carried out by the UN Committee on the Peaceful Uses of the Sea-Bed and Ocean Floor beyond the Limits of National Jurisdiction. The General Assembly decided inter alia, that:

- (a) the first session of the Conference should be convened in New York for a period of approximately two weeks in November/December 1973, for the purpose of dealing with organizational matters, and
- (b) the second session, for the purpose of dealing with substantive work, should be convened at Santiago, Chile, for a period of eight weeks in April/May 1974.

12. The General Assembly authorized the Secretary-General of the United Nations to make such arrangements as may be necessary to render the Conference and the Committee all the assistance they may require in legal, economic, technical and scientific matters and to provide them with all relevant documentation of the United Nations, the specialized agencies and the International Atomic Energy Agency. The Assembly further invited all the UN and other inter-governmental organizations to co-operate fully in the preparations and to send observers to the Conference.

13. During all sessions of the Sea-Bed Committee when the preparatory work for the Law of the Sea Conference has been under consideration, the IICO Secretariat has been represented at appropriate meetings of the Committee and its Sub-Committees and, through statements of its representatives and other means, has provided information on related activities of the Organization including in particular the preparations for the International Conference on Marine Pollution, 1973.

14. In the present year the Committee held its spring session in March and its summer session in July/August. At both sessions, the Committee and its Sub-Committee III considered matters of concern to IMCO in relation to marine pollution. During the discussion views were expressed on particular questions, the principal of which was the need for harmonization of the outcome of the IMCO Conference and that of the Law of the Sea Conference. The summer session of the Sea-Bed Committee and its Sub-Committees heard a number of interventions pointing out the inter-relationship of decisions which might be reached by the two Conferences with respect to standards for the prevention of vessel-source pollution and issues such as the enforcement of international standards. A letter was sent to the Secretary-General of IMCO by the Chairman of the Sea-Bed Committee (see document MP/CONF/INF.7/Add.1) enclosing certain extracts from the records of the Committee and of its Sub-Committee III which contain the recorded expression of opinion on these questions.

15. Another matter on which certain delegations present at the Sea-Bed Committee expressed views was the proposed creation by the IMCO Council of a Marine Environment Protection Committee (see document MP/CONF/INF.12). These views are included in the above mentioned extracts from the summary records.

16. A number of specific proposals relating to standards for vessel-source pollution were presented to Sub-Committee III of the Sea-Bed Committee and appear in various parts of its Report to the latter. This document (A/AC.130/96) is available in a limited number for the information of delegations to the present Conference at their request.
