

# **United Nations Conference on the Law of the Sea**

Geneva, Switzerland  
24 February to 27 April 1958

Document:-  
**A/CONF.13/8**

## **Memorandum by the Secretariat of the United Nations**

Extract from the *Official Records of the United Nations Conference on the Law of the Sea, Volume I (Preparatory Documents)*

## POLLUTION OF THE SEA BY OIL

### MEMORANDUM BY THE SECRETARIAT OF THE UNITED NATIONS

(Preparatory document No. 8)

[Original text: French]  
[29 October 1957]

#### CONTENTS

	<i>Paragraphs</i>
I. Work done on the international level before the Second World War . . . . .	1—13
II. Work done by the United Nations, 1950-1954 . . . . .	14—18
III. The International Conference on Pollution of the Sea by Oil, London, 16 April-12 May 1954 . . . . .	19—21
IV. Work done by the United Nations since the London Conference, 1954 . . . . .	22—24

#### I. WORK DONE ON THE INTERNATIONAL LEVEL BEFORE THE SECOND WORLD WAR

1. The problem of pollution of the sea by oil has been under study for many years and has been considered by national and international bodies and by Governments.

2. At the invitation of the Government of the United States of America, an international conference of experts, the Preliminary Conference on Oil Pollution of Navigable Waters, met at Washington in June 1926. The object of this Conference was "to facilitate an exchange of views on technical matters and to consider the formulating of proposals for dealing with the problem of oil pollution of navigable waters through international agreement". Although the text of a draft convention was adopted at the Conference, no agreement was signed.

3. The United Kingdom Government, having considered that the pollution of the sea owing to the discharge of oil or oily water was increasing, decided to submit this matter to the League of Nations. A letter, dated 19 July 1934, was sent by that Government to the League, drawing attention to the pollution of the sea coast of the United Kingdom, damage to inshore fisheries and destruction of sea birds caused by discharge of oil from vessels at sea.

4. At the fifteenth ordinary session of the Assembly of the League (1934), it was agreed that the Communications and Transit Organization of the League would undertake an initial inquiry, on the understanding that it would convene a committee of experts from various countries to study the problem more closely.

5. This Committee, composed of experts from Denmark, France, Italy, Japan, the United Kingdom and the United States, met at Geneva in November 1934.

On the basis of information describing the conditions in the ports and waters of various countries, the experts agreed that considerable damage was done by pollution of sea water by oil.

6. The Communications and Transit Organization, in pursuance of the work and findings of the Committee, submitted a resolution to the Council of the League concerning the conclusion of an international convention on this subject. The object of such a convention was to find, by international agreement, some methods whereby oil-burning and oil-carrying ships might be prevented from discharging oil or oily mixtures in coastal areas, since these substances might drift and travel sometimes for considerable distances, depending on the wind and tide conditions then prevailing, and cause the pollution of the surrounding sea waters. It was admitted, however, that no remedy could prevent pollution caused by discharge of oil resulting from collisions and shipwreck or from vessels in order to calm the seas during storms and to facilitate rescues.

7. After having studied the Communications and Transit Organization's recommendation, the Council of the League adopted, in January 1935, the following resolution:

#### *"The Council*

*"Authorizes the Communications and Transit Organization to make all the necessary preparatory studies with a view to facilitating the future conclusion of an international convention in regard to the pollution of the sea by oil."*

8. In order to give effect to the resolution adopted by the Council, the Secretary-General, on 23 January 1935, addressed a circular letter, together with a questionnaire, to all States Members of the League and to non-member States, a total of sixty-nine Governments.

9. The replies received showed that, on the whole, the problem was of a serious nature and would justify an international convention. The Assembly, therefore, at its sixteenth session, adopted a resolution (24 September 1935) by which, *inter alia*, the Council was requested "to instruct the Communications and Transit Organization to take as rapidly as possible, and with the assistance of expert advice, if required, the necessary steps to complete the preparation of a draft convention and to submit that draft to Governments for consideration". The Council was also invited "in the light of

the observations received from Governments to convene an international conference on oil pollution at an appropriate time". The Council subsequently adopted a resolution on 27 September 1935, by which it instructed "the Communications and Transit Organization to complete the preparation of a draft convention on this subject for the consideration of Governments and to report to the Council when the observations from the Governments have been received".

10. In order to give effect to the above-mentioned resolutions, the Committee of Experts was reconvened and held its second session in October 1935, at Geneva. The Committee prepared a new draft convention and a draft final act on the basis both of the draft Washington Convention of 1926 and of the answers received from Governments to the questionnaire mentioned above.

11. The Advisory and Technical Committee for Communications and Transit, at its nineteenth session (November 1935), adopted a resolution by which it decided to transmit these drafts to the Governments with the request that they should send to the Secretary-General of the League of Nations any observations they might see fit to make, at the same time informing him whether they were prepared to attend, on the basis of these drafts, an international conference convened for the purpose of concluding such a convention. Nearly all the replies received from the States with sea coasts were in favour of concluding such a convention, and all the important maritime countries which replied were prepared to participate in the proposed conference.

12. The Council, at its ninety-fourth session, decided to convene an international conference to adopt the draft convention.

13. This conference never took place, because three important maritime countries—Japan, Germany and Italy—whose participation was considered necessary from a technical point of view, were not in a position to be invited to attend a conference convened under the auspices of the League of Nations. Finally, on account of the war, the matter was not further pursued.

## II. WORK DONE BY THE UNITED NATIONS, 1950-1954

14. The question of pollution of the sea was brought before the United Nations Transport and Communications Commission at its fourth session (March-April 1950). Since the time when the League of Nations had dealt with the matter, considerable changes had taken place both in the fuels used by the merchant marine and in the quantity of oil transported by sea. Those changes only made the question more acute.

15. The Commission decided that the Inter-governmental Maritime Consultative Organization (IMCO), when it had started functioning, would be the competent agency to handle this subject. It considered, however, that in the meantime it would be appropriate to ask Governments if they were interested in the problem and, if so, which aspects of it seemed to them to deserve special attention. The Commission also discussed the question whether this study should include the pollution of sea water by atomic waste from fuel used by ships.

16. At its eleventh session (July-August 1950), the Economic and Social Council adopted a resolution in conformity with the Commission's recommendations, and invited the Governments possessing the technical facilities to do so to undertake research studies on the problem.

17. At its fifth session (March 1951), the Transport and Communications Commission took note of the replies received from Governments in response to this invitation. At its sixth session (February 1953), it proposed that a committee of experts should be established, and this proposal was endorsed by the Economic and Social Council in resolution 468 B (XV).

18. In the course of his consultations on the establishment of this committee of experts, the Secretary-General had been informed by the Government of the United Kingdom that, in view of the increasing seriousness of the pollution of its coasts, and following consideration of the recommendations of a committee it had appointed to consider the matter, the United Kingdom Government intended to issue invitations to the major maritime Powers to attend an *ad hoc* diplomatic conference in London in April-May 1954. It had further stated that any agreement which might emerge from the conference would be brought within the scope of IMCO when it was set up.

## III. THE INTERNATIONAL CONFERENCE ON POLLUTION OF THE SEA BY OIL, LONDON, 16 APRIL - 12 MAY 1954

19. The London Conference, which was attended by representatives of forty-two countries and at which the Secretary-General of the United Nations was represented, adopted an International Convention for the Prevention of Pollution of the Sea by Oil. The Convention was signed by twenty countries.<sup>1</sup> It will come into force twelve months after the date on which not less than ten Governments have become parties to the Convention, including five Governments of countries each with not less than 500,000 gross tons of tanker tonnage. Under article XXI of the Convention, the duties of the proposed Bureau will be carried out by the Government of the United Kingdom unless and until IMCO comes into being. Thereafter the duties of the Bureau will be carried out by that Organization.

20. In addition, the Conference adopted a Final Act embodying eight resolutions, one of which (resolution 8) invites the United Nations to "undertake the collection, analysis and dissemination of information about oil pollution in various countries, and in particular technical information about port facilities for the reception of oily residues and the results of research into the problem of oil pollution generally". The resolution also invites the United Nations to keep the problem under review.

21. The number of ratifications required for the entry into force of the Convention has recently been

<sup>1</sup> These countries are: Belgium, Canada, Ceylon, Denmark, Finland, France, Federal Republic of Germany, Greece, Ireland, Italy, Japan, Liberia, Mexico, Netherlands, New Zealand, Norway, Sweden, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Yugoslavia.

attained for, on 20 September 1957, the following countries had ratified it:

	<i>Date of deposit of instrument of ratification</i>
United Kingdom	6 May 1955
Mexico	10 May 1956
Sweden	24 May 1956
Federal Republic of Germany	11 June 1956
Denmark	26 November 1956
Canada	19 December 1956
Norway	26 January 1957
Ireland	13 February 1957
Belgium	16 April 1957
France	26 July 1957

Consequently, the Convention will enter into force on 26 July 1958.

#### IV. WORK DONE BY THE UNITED NATIONS SINCE THE LONDON CONFERENCE, 1954

22. The results of the London Conference were brought to the attention of the Economic and Social Council which, on 30 June 1954, adopted resolution

537 A (XVIII) to the effect that it was unnecessary to establish the committee of experts foreseen in resolution 468 B (XV) and that it would be appropriate to give effect to the recommendation made by the London Conference in its resolution No. 8.

23. Pursuant to this resolution, the United Nations Secretariat addressed an inquiry to the forty-two Governments which had taken part in the London Conference, the purpose being to collect the information mentioned in resolution 8 of that Conference. It then analysed the information thus obtained and published it in 1956 in a document entitled: "Pollution of the Sea by Oil" (ST/ECA/41). This document was circulated to Governments. Part V of the document gives information on the laws and regulations adopted on the subject or in preparation in a number of countries.

24. It should be pointed out that the Economic Commission for Europe, a United Nations body, is now giving attention to the problem of the pollution of the sea. Subsequent upon a consultation with experts which took place in February 1957, this Commission adopted a resolution requesting the Secretariat to continue to study this problem in co-operation with the secretariats of the World Health Organization and the Food and Agriculture Organization, and with the assistance of a number of experts.