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Summary records of meetings of the Third Committee 10th meeting

Extract from the *Official Records of the Third United Nations Conference on the Law of the Sea, Volume II (Summary Records of Meetings of the First, Second and Third Committees, Second Session)*

74. The task of the Committee was to establish a legal framework under which freedom of scientific research of the ocean could be safeguarded as fully as possible and results of research exchanged and disseminated.

75. Mr. GUEYE (Senegal) said that scientific research and the transfer of technology were very important to his country and to all developing countries, as indicated in the Addis Ababa and Mogadiscio Declarations of the Organization of African Unity (A/CONF.62/33). Although scientific research constituted a whole, a distinction could be drawn between pure research and industrial research. The question of how to regulate research, particularly industrial research, which was important for developing countries, was one that required urgent solution. Different States or groups of States should be able to call on international organizations or industrialized countries to carry out industrial marine research which would be of use to their economy, for example, research on the conservation and exploitation of fish resources, pollution and accident prevention. International organizations and industrialized countries should be able to carry on research in the territorial waters or economic zone of a coastal State, if that State approved the research programme and conditions; a coastal State could hardly refuse an application to carry out research if the usefulness of the research was established and if it would be furnished with the results of the research.

76. Transfer of technology was of vital importance to the developing countries, and personnel qualified in marine technology were needed by the developing countries. International organizations and developed countries should give every encouragement to training institutes such as those in France and the United States of America, and such institutes should also be established at the regional level.

77. The CHAIRMAN, summing up the deliberations of the Committee on scientific research and transfer of technology, said that the need to promote marine scientific research to increase man's knowledge of the phenomena and processes of the marine environment for the rational management of the resources of the sea and preservation of the marine environment for the benefit of all had been accepted by all delegations. There also seemed to be complete agreement on the need to establish a viable framework of general conditions and requirements for the conduct of marine scientific research. Suggestions had been made concerning bilateral, regional and global co-operation in international scientific research, and on the dissemination of knowledge, the exchange and publication of scientific data, with increasing stress on the role of international institutions directly or indirectly involved in marine scientific research.

78. The main issue that had emerged was the proper determination of the scope and extent of the rights and obligations of coastal States in the zone adjacent to their territorial sea and of all other States engaged in marine research in that zone.

Different views had been expressed on the relationship between coastal States and other States, some suggesting that the coastal State should give prior authorization for and should be able to participate in the research in that zone. He suggested that the Committee should give consideration to the modalities of co-operation between the coastal State and foreign States carrying on research in the zone adjacent to the territorial sea.

79. The Committee should also consider the feasibility and desirability of distinguishing between fundamental non-commercial scientific research and investigation, on the one hand, and economically oriented marine research and exploration on the other hand.

80. Interesting proposals had been made on the transfer of technology to developing countries by increasing their research capacity and training their nationals. A study was being prepared by the Secretariat on that subject. There was already a very broad basis of agreement in the Committee, and it should now proceed to draw up draft articles on the transfer of technology.

81. The Committee should now begin practical negotiations on the major outstanding issues with a view to identifying areas of agreement. General principles and draft articles for inclusion in the future convention should be prepared, and attempts should be made to reduce or eliminate the alternative formulations of existing draft articles. He expressed his conviction that the spirit of co-operation would continue to prevail. The Committee should make use of the preparatory work done before the Conference and the proposals which had been submitted at recent meetings as a basis for negotiations.

82. Replying to a question from Mr. KOVALEV (Union of Soviet Socialist Republics), he said that the Secretariat study on the transfer of technology would be made available as soon as possible.

83. Mr. BUSTANI (Brazil) requested clarification from the Chairman as to whether he had been referring to the 200-mile economic zone under the national jurisdiction of coastal States when he had spoken of the "zone adjacent to the territorial sea".

84. The CHAIRMAN replied in the affirmative; he had used the expression "zone adjacent to the territorial sea" in order to preserve his impartiality.

The meeting rose at 6.30 p.m.

10th meeting

Friday, 26 July 1974, at 3.30 p.m.

Chairman: Mr. YANKOV (Bulgaria).

Reports of the Chairmen of the informal meetings

1. The CHAIRMAN drew the attention of representatives to the following documents which had been circulated and which were pertinent to the deliberations of the Committee: the text of the Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea Area (A/CONF.62/C.3/L.1), which had been circulated for reference at the request of the representative of Denmark; CRP/MP/2; CRP/MP/3/Add.1 containing proposals and amendments to WG.2/Paper No. 8/Add.2 in the informal comparative table of texts on the

preservation of the marine environment (CRP/MP/1) and the texts contained in volume I, pages 86 to 88 of document A/9021 and Corr.1 and 3.

2. Mr. VALLARTA (Mexico), speaking as Chairman of the informal meetings dealing with item 12 (Preservation of the marine environment), said that discussions had taken place in the morning and afternoon of 24 July and in the morning of 25 July. It had been decided to have a fresh reading of the texts prepared by the Committee on the Peaceful Uses of the Seabed and the Ocean Floor beyond the Limits of National Juris-

diction contained in document A/9021 and Corr.1 and 3. It had also been decided that first there would be no general debate on texts or amendments during the current reading; secondly, delegations wishing to make amendments or revisions should submit them together with the relevant explanations when each text was being considered; thirdly, there should be no interventions either for or against proposals during the consideration of texts; fourthly, the Secretariat should reproduce amendments and additions for the use of the small informal negotiation and drafting group to be set up with a view to reaching agreement on specific texts and reducing alternatives to a minimum. That group would consist mainly of sponsors of amendments or additions and would be open to participation by all States; and fifthly, the small informal negotiation and drafting group would not meet at the same time as the Third Committee or any of its subsidiary organs in order to enable smaller delegations to participate fully if they so wished.

3. Proposals, amendments, additions and explanations concerning WG.2/Papers Nos. 3, 8 and Add.2, and WG.2/Papers Nos. 9, 7, and 10 and Add.1 had already been considered. Those documents, together with the working papers and documents of the sea-bed Committee, would form the basis for the work of the small informal negotiation and drafting group. WG.2/Papers Nos. 11 to 15 had not yet been considered.

4. The CHAIRMAN drew the attention of the Committee to the fact that each of the informal working groups had only eight full working days left for their deliberations. If the groups continued to review work already done, the final outcome would not be very encouraging. He would welcome any development of a procedural nature which might expedite their work. Though no proposals were forthcoming, he assumed that the Committee had taken note of the informal deliberations with deep concern.

5. Mr. METTERNICH (Federal Republic of Germany), speaking as Chairman of the informal meetings on items 13 and 14 (Scientific research and Development and transfer of technology), made a progress report. The Third Committee had held three informal meetings on 23 and 25 July, on those items. To date, 132 speakers had taken the floor and 13 informal proposals had been introduced in writing and would be made available in all official languages. In addition, two informal meetings had been held for *ad hoc* consultations with interested delegations.

6. The informal meetings had based their work on the set of formal proposals introduced in Sub-Committee III of the sea-bed Committee in 1973 and texts produced during the informal consultations at the 1973 Geneva Session of Working Group 3 of that Sub-Committee. At the request of some delegations, an informal comparative table containing the above-mentioned proposals and texts had been issued by the Secretariat (CRP/Sc. Res./1). The table had been revised after an exchange of views and an informal meeting on 23 July. It did not, of course, preclude in any way the informal or formal introduction of new proposals. The informal meetings had considered point 1 of the comparative table and had carried out a first reading of the text on page 45 of that document. It had received four informal proposals, two of which were contained in CRP/Sc. Res./2 and 4; further proposals would be issued for the next meeting of the informal session.

7. Alternative texts concerning the question of the legal implications of marine scientific research (CRP/Sc. Res./1, page 45) had also been considered. Discussions had eventually centred on a single, new informal proposal contained in CRP/Sc. Res./3. In particular the words "national jurisdiction" seemed to be controversial. An amendment had been submitted by a delegation and would be issued as a document for the next meeting. The question had been raised as to whether the words "national jurisdiction" should remain in the text of proposals on the explicit understanding that the use of the term "national jurisdiction" would not prejudice its

meaning and scope, which would be defined in the convention. Interested delegations had been invited to hold informal consultations to find a compromise solution.

8. The informal meeting held on 25 July had considered point 2 of the informal comparative table (CRP/Sc. Res./1, pages 45 to 47) and various informal proposals which would be issued before the next informal meeting.

9. When appropriate, the setting up of informal consultation groups composed of sponsors of proposals would be considered, particularly with regard to items which had not been discussed in the sea-bed Committee and for which there had been no attempt to consolidate texts.

10. The CHAIRMAN said that his remarks concerning the progress of the discussions on item 12 were even more valid with regard to items 13 and 14. As there was a lack of specific proposals on item 14, he appealed to delegations to submit proposals on that very important issue.

11. Mr. YTURRIAGA BARBERAN (Spain) requested that document A/CONF.62/C.3/L.1, which contained the text of the Helsinki Convention in English, should be translated and circulated in all working languages.

12. Mr. AUCHERE (France), Mr. GAMBOA (Chile) and Mr. RODRIGUEZ (Venezuela) supported that proposal.

13. Mr. KOVALEV (Union of Soviet Socialist Republics) said that the official Russian translation of the Helsinki Convention would be made available in the near future. He would therefore prefer the Convention not to be translated into Russian by the Secretariat so as to avoid having two different Russian versions.

14. He asked why the Helsinki Convention had been issued as document A/CONF.62/C.3/L.1, rather than as an information document, and suggested that the reference symbol of the document should be changed.

15. Mr. STEINER (Secretary of the Committee) recalled that the Committee had decided to issue the text of the Convention in English only, because States parties to the Convention were to receive the official Russian translation later.

16. Mr. YTURRIAGA BARBERAN (Spain) reiterated his request for a translation into Spanish of the text of the Helsinki Convention. If the Soviet delegation so desired, it need not be translated into Russian.

17. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee decided to have the text of the Helsinki Convention translated and circulated in all the working languages of the Conference, with the exception of Russian, and that when the official Russian translation was received, it would be published.

It was so decided.

Preservation of the marine environment (*continued*)*

[*Agenda item 2*]

18. Mr. MBOTE (Kenya) introduced his delegation's revised draft articles for the preservation and protection of the marine environment (A/CONF.62/C.3/L.2). His delegation had participated in the work of the sea-bed Committee and in the negotiations during the current Conference. As a result, it had considered it necessary to reformulate and elaborate the draft articles originally submitted to the sea-bed Committee (A/AC.138/SC.III/L.41) and to incorporate certain new ideas.

19. His Government attached great importance to the preservation, protection and improvement of the human environment, including the marine environment. As a coastal State, Kenya had a special interest in the mineral and living resources of the sea. Furthermore, it was located near one of the busiest oil tanker routes in the world. In recent years, Kenya had made substantial investments in the development of tourism, which

*Resumed from the 6th meeting.

was based mainly on its immense wild life resources and beaches, both of which depended on proper maintenance of the health of its land and marine environment.

20. His delegation considered that sovereignty and jurisdiction over the marine resources of the economic zone were inseparable from the juridical rights of the coastal States to protect and preserve the environment which contained those resources. In that connexion, he mentioned the draft articles on the economic zone submitted by his delegation to the sea-bed Committee (A/AC.138/SC.II/L.10).¹ Furthermore, his delegation held the view that pollution of the marine environment in areas beyond the limits of national jurisdiction could have direct effects on zones under national jurisdiction.

21. Articles 3 to 10 of document A/CONF.62/C.3/L.2 contained provisions regarding the duties and obligations of States, of the proposed International Sea-Bed Authority and of other international bodies to protect and preserve the quality and resources of the marine environment and to take appropriate anti-pollution measures. Such measures, of course, should not interfere unjustifiably with the other legitimate uses of the sea.

22. There was an obvious need to co-ordinate co-operation among States and international bodies. His delegation considered that the United Nations Environment Programme was the most suitable international organization to undertake that responsibility. Article 11 contained provisions to that end. The modalities of such co-operation were provided for in articles 12 to 16.

23. Referring to the need to increase the capabilities of States to fulfil their duties and obligations in regard to the prevention of pollution and the protection of the marine environment, he appealed to the relevant specialized agencies of the United Nations to increase their efforts in the promotion of scientific, educational, technical and other assistance to developing countries, particularly Africa, which currently lagged behind all other continents with regard to the volume of landed marine living resources, in spite of the fact that the waters surrounding the continent were considerably fertile.

24. His delegation also considered that developed States should play a major role in enhancing developing States' capabilities to explore, exploit and rationally manage marine resources for the benefit of mankind as a whole, through appropriate joint ventures or other bilateral arrangements.

25. Articles 19 and 20 provided for the development and utilization of monitoring facilities.

26. With regard to the establishment of rules and regulations, his delegation considered that States should co-operate on a regional or international basis to formulate uniform and enforceable standards with regard to areas within the limits of national jurisdiction, taking into account special situations such as straits, the Arctic and Antarctic regions, enclosed and semi-enclosed seas and archipelagic waters on the lines of the provisions of articles 21 and 23. Similarly, article 22 provided for the adoption by the Authority of appropriate rules and regulations in areas beyond the limits of national jurisdiction. His delegation considered that the United Nations Environment Programme should play an important role in the formulation of standards, as stated in article 24.

27. Articles 25 to 28 had been formulated with a view to ensuring that the States and the Authority would undertake to enforce national or internationally adopted rules and regulations against marine pollution from all sources in the areas under their respective jurisdiction.

28. In the view of his delegation, the question of liability was a matter for the courts to determine. However, it considered that States and the Authority should be held responsible for

damage to the marine environment under the terms of articles 29 and 30.

29. His delegation's views on the question of compensation for damage were still under consideration but it favoured full compensation to the coastal State for damage caused. With regard to the question of the settlement of disputes arising from the interpretation or application of certain articles, his delegation was of the opinion that the coastal State was competent to settle all disputes arising within the limits of national jurisdiction, while disputes arising from the areas beyond the limits of national jurisdiction should be settled through the appropriate international judicial institutions.

30. In conclusion, he emphasized his delegation's willingness to consider comments on the draft articles it had submitted in a true spirit of negotiation.

Mr. Jacovides (Cyprus), Vice-chairman, took the chair.

31. Mr. PAPAGEORGIU (Greece) said that regulations and enforcement were two of the most basic and most controversial parts of the Committee's work, and represented two distinct areas. For that reason, his delegation had chosen to concentrate on enforcement and submit a complete draft (A/CONF.62/C.3/L.4) on that subject which provided a method for the enforcement of whatever regulations the Conference would subsequently adopt.

32. In submitting the draft, his delegation was motivated by the desire to provide a basis for compromise, since various drafts submitted by other delegations, while useful and constructive, did not seem adequate for that purpose.

33. The classification and arrangement of the subject-matter in document A/CONF.62/C.3/L.4 was important, and could assist the Committee's further deliberations even if its treatment of substantive issues could not be accepted.

34. The method for enforcing regulations relating to ship-based pollution should be effective without, however, creating unreasonable obstacles for international navigation or unnecessarily subjecting ships to the control of a multitude of national authorities. For that purpose, the draft articles created specific obligations for the flag State to enforce the convention and provided for supplementary enforcement by the coastal State or the port State when the flag State could not or did not proceed to enforcement within a specified time-limit.

35. Articles 1 and 2 were not controversial. Article 3 was inspired by the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter signed in London in 1972 and should not prove controversial either.

36. The process of enforcement had been divided into the three separate phases: inspection (article 5), proceedings (article 6), and enforcement of sentences (article 8), to facilitate compromise. In article 6 distinctions had been made among different kinds of violations committed in various zones of the sea also to facilitate an acceptable solution. Article 7, concerning the non-duplication of proceedings, should be generally acceptable. Article 8 created a world-wide network for the punishment of those who violated the convention.

37. Article 9, which included provisions similar to those of the International Convention for the Prevention of Pollution from Ships signed in 1973, should not cause difficulties.

38. The Greek delegation did not claim that its draft articles were perfect, and it was prepared to accept additions, amendments, and criticism which might improve the draft. The text was offered as a compromise, or at least as a valid basis for compromise negotiations. The primary right of the coastal State to enforce regulations concerning land-based and sea-bed pollution, as well as extensive supplementary rights to enforce regulations against ship-generated pollution had been recognized, thus accommodating the zonal approach. Finally, an important role had been given to the port State for the enforcement of the convention.

¹ *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 21 and corrigendum, annex III, sect. 8.*

39. The time had come to bring opposing views closer together. Since the first part of every article provided a neutral framework, with the points for negotiation concentrated in the last one or two lines of each article, the proposed draft was a useful tool for negotiations.

40. Mr. ODA (Japan) said he wished to make several preliminary observations concerning the Kenyan and Greek draft articles.

41. He noted the many references to the International Authority in the Kenyan draft and the fact that its powers, for the purpose of establishing binding standards to control pollution, would, as envisaged in article 8, extend to the water column beyond the limits of national jurisdiction. If by the "international authority" the Kenyan draft meant the International Sea-Bed Authority which was under consideration in the First Committee, it should be pointed out that there was no thought of granting a competence to the International Sea-Bed Authority as wide as that proposed in the Kenyan draft. His delegation favoured the establishment of a proper order in the seas beyond national jurisdiction, but did not, however, see the need for any international organization to regulate activities in that area.

42. The Kenyan draft articles emphasized the close link between the resources jurisdiction of the coastal State and its competence to prevent marine pollution in the areas adjacent to its coasts. Japan had submitted a proposal (A/AC.138/SC.III L.49) to the sea-bed Committee the previous summer which embodied a zonal approach to pollution control, but the intended zone over which the coastal State's competence for pollution control was to be extended was completely different in nature and in breadth from any resources jurisdiction.

43. With regard to the competence for enforcing standards to prevent marine pollution, his delegation favoured the flag-State formula as explained at the 5th meeting of the Committee. The Japanese delegation was aware, however, that the flag-State formula alone might not suffice to prevent marine pollution. For that reason, it would be appropriate to give certain enforcement powers to the coastal State. The standards to be enforced by the coastal State had to be international, not national, since it was difficult to accept the idea that coastal States should be able to enforce national standards on vessels in transit. The coastal State should have competence in cases of dumping or discharge in violation of international standards.

44. Turning to the Greek draft articles, he wondered about the suitability of the six-month period allowed in article 6 for the flag State to institute proceedings before the coastal State or any port State might do so, since it was not unusual for a ship not to return to a port of its flag State within that period. In addition, there was no great incentive for port States to initiate proceedings with regard to pollution violations which took place far from their own territories.

45. He wished to request a clarification with regard to the enforcement of sentences by any port State, since the enforcement of foreign judgements posed certain problems in view of the national legislation of many countries.

46. Mr. APPLETON (Trinidad and Tobago) observed, with regard to article 2 of the Greek draft articles, that pollution arising from the exploration and exploitation of the sea-bed normally had its origin in off-shore oil wells, pipelines, or natural seepage. Mention of the flag State therefore seemed irrelevant in connexion with such pollution and he requested a clarification from the Greek representative.

47. Mr. TIMAGENIS (Greece), replying to the question asked by the representative of Japan concerning article 6, paragraph 2 of document A CONF.62 C.3 L.4, said that he would be willing to negotiate on the proposed time-limit of six months, although he himself felt that it would be quite adequate, because it dealt with initiating proceedings and not with arresting the ship or enforcing the sentence, which could be

done by any port State in accordance with article 8 of the draft. In connexion with the difficulty of enforcing foreign judgements, mentioned by the representative of Japan, he said that although there might be some difficulty for some States, the Conference was trying to create a new law for effective control of marine pollution, and sentences for violation of provisions concerning the prevention of pollution should not be regarded as civil or criminal sentences but should be treated differently. The provision in article 6, paragraph 2, of the draft that the coastal State could institute proceedings in case of violation of regulations within the economic zone amounted to a concession by his delegation, in an effort to present a compromise text. The intention was that if the flag State took no action, the coastal State which had suffered the damage should take action and, if the vessel had already left the area, the port State should be placed under an obligation to take action; thus, there was no point in an incentive—great or small—for port States to initiate proceedings as they were under an obligation to do so. The purpose of authorizing the coastal State to request any port State to institute proceedings was to avoid unnecessary stoppage of ships in transit.

48. Replying to the representative of Trinidad and Tobago, who had requested clarification of article 2 of the draft, he said that it was quite usual for the exploration and exploitation of the sea-bed to be made from ships, fixed or floating platforms or drilling installations. In that context, the coastal State had the primary right to enforce compliance with regulations in the area under its national jurisdiction; it was to make enforcement even more effective that the flag State should also be obliged to ensure compliance with regulations. Thus, the coastal State and the flag State would ensure compliance in the economic zone, and the flag State would enforce compliance in areas beyond national jurisdiction. He interpreted "flag State" as referring to any State with which a ship was registered and also any State in which installations that could cause pollution, such as drilling platforms, were registered. Article 7 of the draft provided an answer to the priority for various States to enforce the convention.

49. He stressed that the main aim of the draft articles was to impose the obligation on States to enforce compliance with provisions for the protection of the marine environment, rather than to grant rights to States.

50. Mr. RASHID (Bangladesh) requested clarification of the implications of article 5, paragraph 2, of the draft articles submitted by Greece. The use of the word "serious" to qualify pollution seemed to him to introduce a subjective element and made the right of the coastal State to inspect ships subject to certain conditions. He felt that the coastal State should have the same right as the flag State to inspect ships at any time deemed appropriate.

51. He also requested clarification of the relationship between article 6, paragraph 2, and article 8. Article 6, paragraph 2, stated that if the flag State took no action, the coastal State or any port State could take action, while article 8 provided for enforcement of the sentence only by the port State. Article 7 referred to the "contracting State", which could even refer to land-locked States.

52. Mr. TIMAGENIS (Greece), replying to the representative of Bangladesh, agreed that the use of the word "serious" in article 5, paragraph 2, of the draft could be one of the points to be negotiated with a view to arriving at a less subjective formulation. He pointed out, however, that from a practical point of view the coastal State need not make any inspection since the evidence connected with pollution could not be destroyed and the inspection could always be made by any port State. Nevertheless, article 5, paragraph 2, of the Greek draft intended to give a limited right of inspection to coastal States in cases of serious pollution. If the word "serious" was deleted, the coastal State, the State through whose territorial sea or economic zone the ship was in transit, could stop a ship at any time for the

purpose of inspection. In that connexion he stressed the need to avoid, as far as possible, stoppage of ships in transit.

53. With regard to article 6, paragraph 2 of the draft, he said that the purpose of authorizing the coastal State or any port State, as well as the flag State, to initiate proceedings, was to impose obligations on as many States as possible to enforce the convention. Article 6 was consistent with article 8: article 6 dealt with proceedings, while article 8 dealt with enforcement of sentences.

54. With regard to article 7, he said that articles 2, 3 and 6, referred to in article 7, would not give land-locked countries the right to enforce the convention unless they were flag States.

55. Mr. HASSAN (Sudan), commenting on article 5, paragraph 2, of the draft articles submitted by Greece, expressed agreement with the representative of Bangladesh that the use of the word "serious" introduced a subjective element. He also suggested that the word "substantially" in article 5, paragraph 4, introduced another subjective element. If the certificate was valid, the condition of the ship should surely correspond substantially to the particulars in the certificate.

56. Mr. TIMAGENIS (Greece) said that the second sentence of article 5, paragraph 4, to which the representative of Sudan had referred, had been taken from the text of the International Convention for the Prevention of Pollution from Ships, adopted in London in 1973, and was therefore a negotiated and compromise text. In any event, article 5, paragraph 4, should be read with article 5, paragraph 1, which imposed the obliga-

tion for the flag State to inspect the ship regularly, and article 4, paragraph 3, which imposed the obligation for the flag State to issue a certificate after due inspection, the certificate being valid for all States parties. The coastal or port State inspecting a ship should ensure that a proper certificate had been issued; if it had, no further action would normally be taken; however, if the ship was apparently or substantially unseaworthy, despite the valid certificate, then the right of further inspection would be given to the coastal or port State.

57. Mr. MBOTE (Kenya), replying to comments made by the representative of Japan on the draft articles submitted by his delegation, said that the International Authority should be empowered to enforce compliance with provisions for the prevention of pollution in areas beyond national jurisdiction, because pollution in such areas could easily drift to areas under national jurisdiction. Some authority must ensure that the standards were complied with in the international area. Activities in the water column should also be controlled and regulated, perhaps not by the International Authority, but by some body such as the fisheries commissions of the Food and Agriculture Organization of the United Nations. His delegation did not feel that it would be too cumbersome to give the International Authority, whose establishment was being considered by the First Committee, powers to ensure that provisions for the prevention of pollution were complied with. His delegation would make the necessary relevant proposals in the appropriate forum.

The meeting rose at 5.40 a.m.

11th meeting

Monday, 5 August 1974, at 10.55 a.m.

Chairman: Mr. A. YANKOV (Bulgaria).

Reports of the Chairmen of the informal meetings

1. The CHAIRMAN once again drew the attention of the Committee to the estimated time available for considering the items. Of the 22 working days remaining, four would be devoted to the general report to the plenary meeting, and at least three to official meetings of the Committee, leaving approximately seven days for each of the two items.

2. Mr. VALLARTA (Mexico), speaking as Chairman of the informal meetings on item 12 (Preservation of the marine environment), said that in the previous week informal meetings had been held on 30 July and 1 August. At those meetings the revision or second reading of the texts prepared by the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, covering the following documents and items, had been concluded: WG.2/Paper No. 12 on technical assistance; No. 13 on observation; No. 11 on the question as to whether economic factors should be considered in determining whether States were complying with their obligations under the convention with regard to land-based sources of pollution of the marine environment; No. 14 on the obligation of States to put an end to activities when they were denounced as in violation of international law; No. 15, containing various texts on rules governing sources of land-based marine pollution, marine and vessel-based sources of pollution, and on the competence of each State to establish rules.

3. As had been agreed previously, all the amendments submitted appeared in Conference Room Papers Nos. 5 to 9, which would be examined and studied by a small negotiating and drafting group.

4. On 1 August he had convened for the first time the special drafting group, which would consider all proposals officially submitted both to the sea-bed Committee and to the Conference, and also all suggestions and amendments submitted during the second reading and revision of the texts previously prepared, and any suggestions that might arise within the small special working group.

5. The group had already started its drafting work in connexion with the item "Special obligations of States" (WG.2/Paper No. 8/Add.2, and CRP/MP/3 and Add.1) and had before it a consolidated text, prepared by himself, with the help of the Secretariat.

6. On 1 August there had been informal discussions regarding a method of work suggested by the Chairman, with a view to conducting the study in an orderly and objective manner when dealing with the crucial questions of rules, jurisdiction and application.

7. It had not been possible to reach agreement at the meeting, but informal discussions had continued and a method of work had been decided on whereby the question of rules, jurisdiction and application would be studied, having regard to the source of the pollution to be controlled, since it had been agreed that the different sources of pollution called for different treatment, without prejudice to the fact that all the rules would later be considered as a whole.

8. Mr. METTERNICH (Federal Republic of Germany), speaking in his capacity as Chairman of the formal meetings on items 13 and 14 (Scientific research and Development and transfer of technology), said that four meetings had been held the previous week.