

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

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Document:-

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## **33<sup>rd</sup> meeting of the Third Committee**

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## 33rd meeting

Wednesday, 15 September 1976, at 3.30 p.m.

Chairman: Mr. A. YANKOV (Bulgaria).

### Report by the Chairman on the Committee's work (concluded)

#### Protection and preservation of the marine environment (concluded)

1. Mr. FIELDER (United Kingdom) thanked the Chairman for the accurate and comprehensive report that he submitted at the 31st meeting on the work done in informal meetings of the Committee under his chairmanship and in the negotiating group under Mr. Vallarta.

2. However, his delegation was disappointed that the Committee had been unable to record a positive result on the question of a coastal State's regulation-making powers in the territorial sea. It had the impression that only a very small number of delegations had been unable to accept the amendment which it had proposed to article 21, paragraph 3 of part III of the revised single negotiating text (see A/CONF.62/WP.8/Rev.1)<sup>1</sup>, which referred clearly to that section of part II of the revised single negotiating text (*ibid.*) where innocent passage in the territorial sea was dealt with in detail. He wished to reiterate that the United Kingdom could not accept that coastal States should have the right to impose national regulations which affected the design, construction, equipment and manning of foreign ships. On the question of "other matters" mentioned by the Chairman, he said that difficulties would be caused for shipping if coastal States had unfettered powers to make regulations concerning all other matters. In that connexion, he recalled that at the 28th meeting of the Committee his delegation, while welcoming co-ordination between Committees, had said that Committees should not try to renegotiate texts from another Committee.

3. His delegation had considered from the beginning that the revised single negotiating text represented a delicate balance on matters concerning marine pollution from ships. The modest progress achieved at the fifth session had justified that view, but much remained to be done. His delegation was prepared to carry on with the work at the next session.

4. Mr. MARZIOTA DELGADO (Cuba) thanked the Chairman of the Committee and the Chairman of the negotiating group, Mr. Vallarta, who had spared no effort to ensure that negotiations progressed.

5. Cuba, an island country with a coastline of more than 2,500 kilometres, was particularly interested in the preservation of the marine environment and the prevention of pollution, and was therefore pleased with the co-operative atmosphere which prevailed in the negotiations on the parts of the convention dealing with those questions. In general, his delegation thought that the revised single negotiating text represented an acceptable compromise basis, provided that certain amendments were made to it.

6. Some delegations had discussed at length a possible amendment to article 21, paragraph 3, of part III of the revised single negotiating text, which concerned the territorial sea, since that article was related to article 20, paragraph 2, of part II, concerning innocent passage. His delegation was pleased to note that it seemed to be generally agreed that the first part of paragraph 2 of article 20, which stated that "such

laws and regulations shall not apply to or affect the design, construction, manning or equipment of foreign ships," should be retained. Apparently only the second part of paragraph 2 was causing difficulties. Some delegations argued that its adoption would imply universal acceptance of international norms concerning the laying of underwater cables and pipelines, the conservation of living resources, hydrographic surveys, and so on—in fact, concerning everything related to the matters referred to in article 20, paragraph 1. In order to avoid any ambiguity, his delegation proposed that the second part of paragraph 2 should be clarified to read as follows: "Or matters concerning shipping regulated by generally accepted international rules unless specifically authorized by such rules".

7. What his delegation wanted was to preserve the principle of the uniformity of international rules and standards, which should apply everywhere at sea, including the territorial sea. Critics of that principle argued that it would limit the sovereignty of States and would also be inconsistent with the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone<sup>2</sup>. He reminded those delegations that article 30, paragraph 2, of part III of the revised single negotiating text provided safeguards for the full exercise of sovereignty by coastal States over the territorial sea, since, according to that paragraph, a coastal State could take action against any violation of the regulations and standards governing its territorial sea. No such right had been recognized by any previous convention. Although it was important for the sake of the international community as a whole to maintain uniformity in rules governing shipping everywhere, that was even more important to the developing countries. It must be assumed that those countries, which at present had no fleets of their own, would have them in the near future, since that was essential to political and economic independence. A multiplicity of standards for different maritime zones would benefit no one and would create serious difficulties for the developing countries, because the resulting technical and financial repercussions would raise shipbuilding costs—something that no developing country wanted.

8. His delegation therefore suggested that article 20, paragraph 2, of part II of the negotiating text should contain a reference to article 21, paragraph 3, of part III and vice versa, and that the wording should be adjusted accordingly; to leave out such a cross reference would be tantamount to granting some countries a right which they might abuse and which would provide the imperialist countries in particular with a powerful weapon by enabling them to require foreign ships passing through their territorial sea to meet technical standards which went beyond those set by international agreement; in practice, it would prevent foreign ships from entering the territorial sea and the ports of coastal States, with extremely harmful consequences for shipping. As for article 21, paragraph 5, concerning special areas, his delegation was pleased with the outcome of the negotiations, since it was essential that the additional regulations which coastal States wished to establish for those areas should be approved by the competent international organizations. Clearly, if the consensus which had now apparently been reached prevailed and it was acknowledged that the exclusive economic zone could not be considered part of the territorial sea, the coastal State could

<sup>1</sup> See *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. V (United Nations publication, Sales No. E.76.V.8).

<sup>2</sup> United Nations, *Treaty Series*, vol. 516, p. 206.

not have discretionary powers of regulation in that zone. That was important to his delegation, which had an interest in the question of special areas.

9. Mr. KOLCHAKOV (Bulgaria) said that, not for the first time, his delegation wished to express its views on questions concerning vessel-source pollution. As in the past, it was concerned by the fact that the Committee was again considering the possibility that coastal States might establish laws and regulations for the territorial sea which went beyond those agreed on in existing international conventions. The presence of technical factors made the question even more complicated, since experience had shown that it was always more difficult to solve problems which had both theoretical and technical aspects. According to the theory of national sovereignty, every coastal State had the right to establish and enforce laws and regulations within its territorial sea. No one questioned that principle. However, the implications which such a right might have for the rights of other States and for the principle of freedom of navigation was a matter for concern. Even from a national point of view, it was clear that, if a coastal State exercised its right to establish national standards which went beyond those recognized by international organizations, it would create serious technical and economic problems. A proliferation of standards could only hinder shipping. States would establish standards that they were capable of applying to their own ships. As a State became technologically more advanced, the standards it imposed would also rise. However, only a few countries were able to require their shipping to adhere to technical standards higher than those allowed under international conventions. Developing countries and many other countries were unable to do so. Although those countries were said to have equal rights, it was obvious that, from the economic point of view, that equality was nothing more than an empty word. Thus, to recognize the right to establish standards and regulations stricter than those allowed under international conventions was in effect to favour a small group of States, which were precisely the most economically advanced.

10. No State desiring to be recognized as a coastal State could envisage having no merchant marine. On the contrary, statistics showed that all coastal States tended to acquire shipping and to engage in maritime trade. It was certain that their ships' equipment would not be the most advanced. Furthermore, to grant coastal States the right to establish and enforce their own standards would amount to closing their territorial waters to foreign vessels. That was certainly not in the interests either of shipping or of the developing countries. The question under consideration was a very important one and deserved careful thought.

11. His delegation was also concerned about the role that would be assigned to international organizations with regard to special areas. In its opinion, the greater that role was, the more likely it was that the interests of the international community would be respected. If a State had serious and cogent reasons for defining a special area, no international organization would contest its right to do so. On the other hand, international organizations could play a restraining role by ensuring that some countries did not make improper use of that possibility. His delegation was thinking of the Intergovernmental Maritime Consultative Organization (IMCO) in particular, especially since article 21, paragraph 5, of part III of the revised single negotiating text dealt only with the prevention of pollution from vessels.

12. His delegation had always supported the revised single negotiating text, in the belief that it struck a fair balance between the interests of coastal States, port States and flag States. It therefore hoped that the existing text of article 21, paragraph 5, would not be changed in substance but would merely be improved.

13. Mr. BIGAY (France) thanked the Chairman for the precise, complete and objective report he had given on the work done by the Committee under his chairmanship and under the leadership of Mr. Vallarta. He agreed with the Chairman that the revised single negotiating text was a balanced text, a compromise. However, the many amendments which had been proposed to it suggested that its provisions were not entirely satisfactory and that they should be made more precise, or even changed.

14. It was true that the Committee had reached agreement on some aspects of the question of marine pollution from vessels. The provisions of article 21, paragraph 5, were satisfactory. Likewise, the provisions relating to the powers of the flag State seemed to have gained a broad consensus, although article 38 had not been discussed as to its substance. On the other hand, the provisions relating to the powers of the port State had not been adopted in full. That was due to the fact that the competence of the port State should not be subordinate to the basic competence of the coastal State and of the flag State. While prosecution was obviously more effective when the offending vessel was within reach of the law, it became more difficult to obtain evidence when the scene of the offence was more distant. The transfer procedure envisaged in article 28, paragraph 4, was set out in a particularly complicated way. What interest could the port State have in the prevention of violations which did not affect it? There was a danger that that would lead to ports of convenience, after the pattern of flags of convenience. It would be unfortunate if efforts to prevent the use of flags of convenience led to the creation of a new problem. His delegation therefore favoured the development of reciprocal legal assistance; it was much less in favour of the transfer of legal proceedings and even less in favour of universal competence, which should be restricted only to the most serious offences such as the hijacking of aircraft.

15. His delegation could not pronounce itself on article 30, which had not been fully examined. It would only say that, in its opinion, paragraphs 6 and 7 should be amended in order to ensure that the interests of the coastal State were better protected. In any event, it remained optimistic about the future negotiations.

16. Mr. MITROPOULOS (Greece) thanked the Chairman, who had given a very full report on the question of pollution from vessels, and Mr. Vallarta, the Chairman of the small negotiating group. It was to their untiring efforts that the Committee owed the results it had been able to achieve. With regard to article 20, paragraph 2, of part II and article 21, paragraph 3, of part III of the revised single negotiating text, his delegation's position was well known. It was opposed to granting coastal States the right to regulate unilaterally and to apply within their territorial sea standards that went beyond those which had been adopted in international instruments, particularly standards which could affect the design, construction, manning or equipment of foreign ships. The chaos which the recognition of such a right would create in international maritime trade was a cause of deep concern to his delegation. In saying that, he was thinking not only of the interests of shipowners but of those of the international community as a whole.

17. If it was agreed to delete the provisions of article 20, paragraph 2, of part II and article 21, paragraph 3, of part III, it was clear that, first, an unbearable burden would be placed on many countries, particularly developing countries which were trying to build up a national fleet; secondly, a discriminatory policy with regard to the use of the seas would thus be practised; thirdly, confusion would be introduced into the standards for building and equipping ships by the destruction of a uniformity which the existing conventions had sought to respect; and fourthly, shipping costs would be greatly increased, with inevitable repercussions on the cost of goods.

18. Since the only features of shipbuilding which were directly linked to the question of preservation of the marine environment were the double-bottom structure and the system of segregated ballast tanks, adoption of the proposal either to delete or to amend the paragraphs in question would cause damage to the shipping industry and to maritime trade out of proportion to whatever beneficial impact it might have on the marine environment. Moreover, the question of making one or the other of those features a standard requirement was currently being considered by IMCO, which was trying to find an internationally acceptable solution.

19. The arguments put forward by the supporters of that proposal were based on theory rather than fact. In order to justify the right of the coastal State to regulate unilaterally and to enforce standards that went beyond those laid down in international conventions, it had been said that, in some cases, coastal States had been obliged to take such action in order to preserve their environment, which had been in imminent danger of irreparable damage from pollution and that in such emergency situations it was impossible to wait until the conventions in question had entered into force, in view of the slowness of the procedure or the reluctance of some States to ratify them. The truth was—as could easily be verified from the publications of international organizations concerning the status of international conventions—that conventions relating to shipping had been ratified for the most part by flag States rather than coastal States. That was true of the International Convention for the Safety of Life at Sea, the International Convention on Load Lines, 1966, the 1972 Convention on the International Regulations for Preventing Collisions at Sea, the International Convention for the Prevention of Pollution from Ships, the International Convention for Safe Containers, 1972, and a number of others. The flag States could not, therefore, be blamed for the fact that those conventions were not yet in force.

20. As to the competence of IMCO to define areas subject to special measures as referred to in article 21, paragraph 5, of part III of the revised single negotiating text, some seemed to reject that competence on the grounds that the mandate of IMCO did not provide for it and that IMCO did not have the experience and means required to draw up regulations in such fields as fisheries, for example, concerning which other international organizations were better qualified. His delegation did not share that view and, in support of its argument, would draw attention to the fact that there were a number of instruments which proved the contrary. In particular, the mandate of IMCO had been broadened in 1975, precisely to cover the question of marine pollution. IMCO was thus qualified to deal with that question. Furthermore, article 17 of the International Convention for the Prevention of Pollution from Ships of 1973 provided that the parties to the Convention, in consultation with IMCO and other international organizations—which could be the World Health Organization, the Food and Agriculture Organization of the United Nations or the United Nations Environment Programme—should help parties which needed technical assistance in that field to identify other measures and arrangements for preventing or reducing marine pollution from vessels.

21. In his delegation's opinion, IMCO was therefore much more competent in the matter of special areas than other international organizations. The purpose of defining special areas was to protect them from pollution caused by ships. To that end, thought could be given to improving the structure and equipment of ships; regulating navigation in certain areas so that ships passing through them did not constitute a threat to the areas, or closing such areas to certain classes of ships; and improving the training of crews. In all those fields, no organization appeared better qualified to act than IMCO.

22. The Greek delegation considered that the measures provided in article 21, paragraph 5, which in fact had to do with the application of article 17 of the International Conven-

tion for the Prevention of Pollution from Ships, in respect of co-operation between competent organizations and interested States, with a view to defining particular areas, adequately met the situation. It therefore supported that article as re-drafted by the small negotiating group.

23. His delegation was still willing to join, in a spirit of co-operation and conciliation, in any efforts made by the participants of the Conference to find solutions that were advantageous both to States mainly engaging in maritime trade and to the international community as a whole.

24. Mr. MANANSALA (Philippines) wished to thank the Chairman for his very thorough report on the results of the negotiations held in the Third Committee on the protection and preservation of the marine environment. His delegation appreciated the way in which the Chairman had shown up the contradictions between the provisions of article 20, paragraph 2, of part II of the revised single negotiating text and those contained in article 21, paragraph 3, of part III of the text, to which he himself had drawn attention during the informal negotiations. He had also listened with interest at the previous meeting to the statement by the representative of Canada, who had spoken of the rights and duties of coastal States in the territorial sea and economic zone, and whose views he shared. With regard to article 21, paragraph 5, he wished to reserve his position and state his views after the new text had been studied in depth. He was sorry that, because of insufficient time, the Committee had been unable to complete the negotiations on the provisions relating to enforcement powers and to the jurisdiction and rights of the coastal State, the flag State and the port State.

25. Mr. AL-MAHMEED (Bahrain) thanked the Chairman for the very thorough report he had submitted and said that the question of pollution of the marine environment by ships, and particularly by tankers, was of particular concern to his country because that type of pollution presented a very serious danger to its marine resources. He had several comments to make on article 21, paragraph 5, of part III of the revised single negotiating text. First of all, his delegation supported paragraph 5, which gave the coastal State the right to establish laws and regulations for the prevention of marine pollution and provided for the establishment of special areas. Secondly, it would like to have some clarification concerning the phrase "after appropriate consultations with any other countries concerned". In his delegation's view that could only mean neighbouring countries in the same region. Thirdly, it was stated in paragraph 5 that "Such laws and regulations shall not become applicable in relation to foreign vessels until twelve months after notification to the competent international organization". He thought that that period was too long and should be shortened. Lastly, he considered that developing coastal countries should be given the means of setting up adequate port facilities.

26. Mr. BENTEIN (Belgium) thanked the Chairman for the thorough and objective report that he had submitted on the activities of the Third Committee, and also Mr. Vallarta, who had spared no effort to advance the negotiations. The Belgian delegation had particularly appreciated the way in which the Chairman had demonstrated the delicate balance existing between the various provisions of the revised single negotiating text. It accepted the report and the changes made in the negotiating text. However, it strongly disagreed with the contention of some delegations that the provisions of part II of the text constituted a step back from the provisions of the 1958 Convention on the Territorial Sea and the Contiguous Zone, currently in force. He did not wish, however, to dwell at length on the question or on the problems posed by the existing connexions between article 21, paragraph 3, of part III of the negotiating text and article 20, paragraph 2, of part II, on which he would comment later. His delegation, like the Danish delegation, would be in favour of continuing the

deliberations between sessions and ready to participate in them.

27. Mr. HAQ (Pakistan) thanked the Chairman for the very full report he had submitted, particularly on questions relating to vessel-source pollution, and he also thanked Mr. Vallarta and Mr. Metternich, who had presided so successfully over small group meetings. His delegation, like many others, felt that the revised single negotiating text constituted a suitable basis for negotiations. However, the deliberations had brought forth some outstanding issues which needed to be resolved at the next session. As several representatives had pointed out, there was conflict or ambiguity in certain articles. The enforcement powers vested in the coastal State under the provisions contained in article 21, paragraph 3, of part III of the negotiating text were adversely affected by the provisions of article 20, paragraph 2, of part II, relating to the design and construction of ships. His delegation thought that that paragraph should be brought into conformity with the interests of the coastal State. On the question of setting up national laws and regulations in the territorial sea in conformity with the international rules, a very rigid attitude would pose a number of problems for Pakistan, on account of natural factors, and he thought that a more flexible approach was required. Similarly there were issues relating to port State enforcement powers and it should be determined whether that State should have universal jurisdiction or limited jurisdiction. His delegation felt that coastal State powers and the powers of the flag State and port State were not balanced and needed to be carefully considered at the next session. Throughout the deliberations his delegation had been somewhat concerned over the reference in articles 21, 28 and 30 of part III of the negotiating text to applicable international standards. It felt that indiscriminate use of such terms was likely to add ambiguity and confusion to the provisions of the text. His delegation also felt that the coastal State enforcement powers were not adequate in cases of substantial discharge from ships and that those powers should be broadened to enable the coastal State to safeguard its marine environment. With regard to the establishment of particular areas, as provided in article 21, paragraph 5, his delegation had stated during the negotiations that it was not in favour of applying the international rules and regulations drawn up by IMCO to such areas. No set standard international rules could be applied to all the special areas. Rules and regulations for new special areas should be established taking into consideration the conditions prevailing in the area. His delegation also had difficulty in accepting IMCO as the sole organization competent in the matter. Such problems could be better solved by some international agency co-ordinating the activities of competent international organizations, including IMCO. At an early stage in the negotiations his delegation had proposed an amendment to paragraph 1 (c) of article 26 on the subject of dumping in the international area. There was no provision for the deliberate act of dumping by a State in the international area adjacent to a coastal State. In fact the provisions relating to dumping contained in part II of the revised single negotiating text only referred to the dumping resulting from yet other activities. His delegation would therefore like the Committee, in the course of future negotiations, to consider Pakistan's proposal with a view to inserting it in paragraph 1 of article 26.

28. Mr. PFIRTER (Argentina) thanked the Chairman and Mr. Vallarta for their efforts and expressed satisfaction at the fact that the negotiations held at the present session had enabled the Committee to make substantial progress in its work. His delegation particularly welcomed the agreement achieved on article 21, paragraph 5, the text of which seemed to take suitable and balanced account of the interests of all parties. It would therefore like to see it incorporated in the future convention.

29. The revised single negotiating text certainly constituted a good basis for negotiation even if some issues still needed to

be resolved. With regard to the jurisdiction of the port State, for example, his delegation could not agree that it should be universal. It was also concerned about some aspects of the jurisdiction of the coastal State regarding the establishment and enforcement of laws and regulations concerning pollution of the territorial sea. It hoped that for article 21, paragraph 3, of part III of the revised single negotiating text the Committee would adopt a wording that would make reference to article 20, paragraph 2, of part II. In its view it was essential to include a provision to that effect and to amend article 30, paragraph 2, of part III of the revised single negotiating text accordingly.

30. His delegation thought that part III should strike a balance between the sovereign rights of coastal States over their territorial sea and the right of innocent passage of foreign ships in the territorial sea of those States. Several delegations had agreed on that subject. The question was a practical one: the merchant fleets of developing countries were limited as regards tonnage and technical resources. They would certainly be the first to be affected, and the most seriously affected, by provisions such as those contained in article 30, paragraph 1, as currently worded.

31. Mr. CROSBY (Ecuador) thanked the Chairman for his report which, in his view, contained elements which provided a sound basis for negotiation. However, while he did not wish to dispute the value of that document, he thought it was still not sufficiently balanced. In fact, in its present form it was even disadvantageous in some ways to the coastal States. Some provisions conferred excessive rights on the flag State, while the principle of coastal State jurisdiction was governed by far too many conditions. In the protection and preservation of the marine environment, the coastal State should have priority of action in areas over which it exercised its sovereignty, since in the event of pollution it was that State which was first affected. The international authorities should also co-operate in preserving the marine environment, as should the flag State, which must act in close co-operation with those authorities and the coastal State. His delegation was even prepared to see the port State exercise additional jurisdiction with regard to the States concerned—both the coastal State and the flag State. The provisions of article 21, paragraph 3, of part III of the negotiating text and those drawn up by the Second Committee should be closely co-ordinated. He had reservations about article 21, paragraph 5, on the establishment of special areas, since the international authorities should not be able to prevent the coastal State from establishing such areas. National laws should of course be in harmony with international rules and standards, but they should not be secondary to them. The only international standards to which a State should conform were those which it had officially agreed to apply. The wording of articles 28 and 30 should be slightly amended since the use of the adverb "voluntarily" in paragraph 1 of both those articles might considerably reduce the State's powers of action. Article 38 was very open to criticism since it prejudiced the interests of coastal States, and he would therefore like to see it deleted. However, his delegation would be agreeable to the adoption of a different formula for providing machinery which guaranteed the State's sovereign right to take legal action and institute proceedings. He trusted that the Third Committee would continue its far from easy task under the direction of its current Chairman, in the conviction that if they maintained their present unity, the members of the Committee would manage to achieve their aim of drafting an instrument which did not harm the interests of any country.

32. Mr. MUJAHID (Libyan Arab Republic) pointed out that the sovereign rights of coastal States over their territorial sea were an acknowledged fact and said that his delegation would oppose any action by any party, including the international authority, which might prejudice those rights. If the sovereignty of the coastal State were restricted, that State would

be unable to preserve and protect the marine environment or to draw up national laws to supplement international standards. Coastal States were the first to suffer from pollution from vessels and should be entitled to impose the necessary penalties.

33. The matter of competent international organizations was a complex one and all references to individual organizations should be avoided. His delegation considered that such organizations should not interfere in the definition of special areas by coastal States.

34. With regard to the pollution of the marine environment, there was no need to refer to the innocent passage of vessels, which was an already well-established principle. However, when the passage of a vessel caused pollution it could no longer be regarded as innocent.

35. The coastal State was the State primarily concerned with special areas and it should be entitled to define those areas and to apply regulations to them. The coastal State would notify the competent international organization of its action and that organization would communicate the information to all States within a given period, on expiry of which the regulations drawn up by the coastal State would take effect.

36. The revised single negotiating text guaranteed the rights of the flag State and provided a new balance between the rights of the coastal State and those of the flag State. His delegation supported the observations made in that connexion by the representatives of Canada, the United Republic of Tanzania and Kenya. Coastal States were not to be given absolute authority and powers, but only such powers as would enable them to contribute effectively to the preservation and protection of the marine environment, while the competent international organization would be given the task of drawing up standards on the design, construction, manning and equipment of vessels, provided that such standards were regularly reviewed.

37. Mr. HAKAPÄÄ (Finland) thanked the Chairman for his balanced report on the work of the Committee.

38. Like other delegations, his delegation attached particular importance to the provisions on coastal States' powers of regulation in the territorial sea, namely article 21, paragraph 3, of part III of the revised single negotiating text and article 20, paragraph 2, of part II. At the same time as it was in favour of preserving the traditional powers of coastal States over the territorial sea, it wanted to emphasize the urgent need for international uniformity of regulations governing the design, construction, manning and equipment of foreign ships in innocent passage. Accordingly, his delegation considered it necessary that those matters should be subject to international regulation only.

39. His delegation noted that numerous other questions were still pending. Given the progress achieved at the present session, however, it was confident in the future outcome of the negotiations on the protection and preservation of the marine environment.

40. Mr. MBOTE (Kenya), referring to article 21, paragraph 5, said that the statement just made by the representative of Greece gave the impression that only IMCO was qualified to protect and preserve the marine environment. There were other international organizations, for example UNESCO, which had much information at their disposal on which the relevant standards and regulations could be based. In the view of his delegation, IMCO's mandate covered only the regulation of maritime navigation and not ecological, oceanographic and other questions. Furthermore, the mandate of the United Nations Environment Programme covered the protection of the environment in general and it too should be therefore be consulted.

41. Mr. MITROPOULOS (Greece) said, in reply to the representative of Kenya, that he had mentioned a number of international organizations. However, the fact remained that IMCO was the international organization best suited for establishing the rules and standards or navigational practices in special areas. It was in

the interests of Governments, before defining those areas, to work jointly with the international organizations under the auspices of IMCO.

42. Mr. McKEOWN (Australia) thanked the Chairman for the report which he had presented on the protection and preservation of the marine environment.

43. In the view of his delegation, the provisions relating to marine pollution should be considered as a whole. Sections 6, 7 and 8 of part III of the revised single negotiating text were closely linked and it was important to maintain a balance between them.

44. His delegation felt that important changes should be made in article 21, paragraph 5, so that the laws and regulations of coastal States could go beyond international laws and regulations and that a strict time-limit should be imposed on the competent international organization for submitting the rules and standards or navigational practices which it had prepared for the special areas. The text under consideration by the Committee met those two concerns.

45. His delegation would have wished that provision had been made for a dispute settlement machinery by objection procedure, but, unfortunately, there had not been a consensus on the matter.

46. He paid tribute to Mr. Vallarta's competence as demonstrated by the text he had submitted on the special areas. The text did not of course reflect the positions of all States, at least not that of Australia, but it was the result of efforts to arrive at a consensus.

47. His delegation felt that statements made at the present session had been constructive and augured well for the future work of the Committee.

48. Miss AGUTA (Nigeria) said that, in the view of her delegation, the Chairman's report on the work of the Committee constituted a useful basis for discussion for the coming session. Her delegation would not express any position but reserved the right to submit concrete proposals in the future at the appropriate time.

49. Mr. KEHDEN (Federal Republic of Germany) said that, although the present meeting had dealt with amendments regarding issues other than pollution from vessels, his delegation would refrain from putting forward such proposals. That should not be interpreted to mean that his delegation accepted the revised single negotiating text or any of the amendments in question. It reserved the right to put forward proposals in the future, especially regarding the control of pollution by dumping.

50. He expressed his appreciation to the Chairman and Mr. Vallarta for their efforts to achieve an agreement and said that his delegation was ready to co-operate with the Committee so that the desired agreement could be reached at the coming session.

51. The CHAIRMAN said that the number of statements occasioned by his report on the work of the Committee relating to marine pollution, in particular pollution from vessels, testified to the importance which the Committee attached to the question. In his view, the statements had been extremely constructive and augured well for the coming negotiation procedure. He suggested that he should submit a report on all the matters studied by the Committee, which would include in particular the three reports which he had presented orally at the 29th, 30th and 31st meetings. In that connexion, he stressed that the method of work followed by the Committee had again shown itself to be effective. Differences in views remained, of course, but a reconciliation of positions had been achieved on some important questions. The Committee had every right to expect to bring its negotiations to a successful conclusion and, with its present knowledge of the possible options and definitive limits, arrive at an agreement on the whole range of provisions which would form part of a convention on the law of the sea. The results of the present session, however modest they were, suggested that it was not impossible to achieve the goal. Optimism and hope were always appropriate.

52. He thanked all delegations for the spirit of co-operation and understanding which they had demonstrated throughout the work of the Committee. Furthermore, he thanked the officers of the Committee, Mr. Vallarta, Mr. Metternich, the Committee secretariat and all the members of the United Nations Secretariat who had assisted the Committee so well in its work.

53. He declared that the Committee had completed its work for the fifth session.

*The meeting rose at 5.35 p.m.*

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