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International Council for the
Exploration of the Sea

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Fisheries Improvement Committee



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Inter-Governmental Maritime Consultative Organization

International Conference on Marine Pollution

Church House, Westminster, London, England.

8 October to 2 November 1973

by

A. Preston^{x)}

The Conference, which had as its objective the drafting of a Convention for the elimination of intentional pollution of the marine environment from vessel operation by 1975, if possible, and anyway by the end of the decade, was attended by delegations from 74 countries, by representatives of the United Nations and 6 of its Agencies, and by observers from 4 inter-governmental organizations and 13 non-governmental organizations. It was opened by the Secretary General of IMCO (Mr Colin Goad) and addressed by Mr Michael Heseltine (United Kingdom Minister for Aerospace and Shipping) who welcomed delegates on behalf of the United Kingdom Government, and by the Executive Director of the United Nations Environment Programme (Mr Maurice Strong).

The Conference elected Mr S. Bhava of India as President, and 24 Vice-Presidents, of which the First Vice-President was Mr G. Lindencrona (Sweden), who was Chairman of the Marine Pollution Sub-Committee which prepared the material for the Conference.

The work of the Conference was divided between the Plenary Sessions, four working committees and a drafting committee, with facilities for any three to work in parallel:-

Plenary Sessions	President	Mr S. Bhava (India)
Committee I	Chairman	H.E. Dr P.V.J. Solomon (Trinidad and Tobago)
Committee II	Chairman	Dr L. Spinelli (Italy)
Committee III	Chairman	Mr R.J. Lakey (US)
Committee IV	Chairman	H.E. Prof. A. Yankov (Bulgaria)
Drafting Committee	Chairman	Mr G.A.E. Longe (Nigeria)

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Ministry of Agriculture, Fisheries and Food,
Fisheries Laboratory,
Lowestoft,
Suffolk, ENGLAND.

The Conference working document comprised a set of 21 Articles and 5 Annexes dealing with oil, noxious chemical substances other than oil, harmful chemical substances carried in packaged forms, sewage and garbage. The Conference was also to consider a draft protocol relating to intervention on the high seas in cases of marine pollution by substances other than oil.

By contrast with the Marine Pollution Sub-Committee, which prepared the work of the Conference over the preceding two years, there was a much stronger representation from developing countries including formal representation of the Committee of 77, the United Nations block from the underdeveloped world, led by the senior Egyptian delegate. As with the London dumping convention meeting of the previous year, issues relating to the forthcoming Law of the Sea Conference played a prominent, though not always overt part, in deciding the alignment of coastal versus flag state interests, and it was not always the scientific facts in relation to marine pollution which decided such issues as the designation of special areas, or the stringency of controls called for within the respective Annexes. As anticipated, the Conference agreed to accept Annexes I and II as mandatory, and 65 countries eventually signed the draft Conference document. Ratification by 15 countries, representing not less than 50% of the world tonnage, will be necessary to bring it into force.

Committee I (Articles)

The work of this committee was overshadowed by issues relating to the forthcoming Law of the Sea Conference, and in particular to the rights of coastal states to require the observance of standards more stringent than those embodied in the Convention in the sea areas contiguous with, but outside, their territorial limits, i.e. the concept of contiguous zone in a pollution context. An agreed version of the relevant Article (No. 9) was reached in Committee but proved unacceptable to the Plenary, and two whole days at the end of the Conference were spent in an attempt to resolve the problem. In the event, it was removed from the Articles following a motion for its inclusion which was defeated by a vote of 27 for to 22 against, with the USSR and other eastern European countries abstaining. Thus it did not attract the necessary support of two-thirds majority of the representatives present and voting.

Committee II (Annexes I, IV and V)

The central issues of the Convention revolved round the work of this Committee in relation to the provisions of Annex I for the control of oil discharges. In many respects the perspectives developed from available data on the extent and significance of oil pollution were difficult to reconcile, and many took the view that ratification and implementation of the 1969 amendments to the 1954 Convention on Oil Pollution would have led to a very different view of the situation.

A major issue in the discussion centred on the control of non-persistent or white oils, with the United Kingdom, Norway, Netherlands and others taking the view that the controls adopted with respect to persistent or black oils, primarily concerned with the prevention of 'slick' formation and beach pollution, and having their origin in the 1954 Convention, were inappropriate for those oils whose main impact related to the potential effect on biological resources. The opposite view, taken by the United States, USSR, Canada and others, resulted in a vote in favour (23-19) for controls identical to those for persistent oils. However, the Committee approved and the Conference adopted a resolution calling upon the Organization to review, at an early date, all available data on oil pollution with a view to improving measures for control, and especially those under Regulation 9 relating to non-persistent oils.

Segregated ballast, as a method of reducing oil discharge from tankers, was agreed for new ships over 70,000 deadweight tons, but the adoption of double bottom construction as a method of implementing this was lost.

Special areas, also a subject of much discussion, resulted in the adoption of the Baltic Sea area, the Black Sea area, the Mediterranean, the Red Sea and the Persian Gulf as areas in which the discharge of oil would be totally prohibited for oil tankers, and for any ship other than an oil tanker over 400 tons gross tonnage.

The provision of shore reception facilities to achieve these objectives would be mandatory for States Party to the Convention whose shorelines abut special areas, and much discussion centred on the date by which such facilities should be provided. In the event, the date was fixed as not later than 1 January 1977 for the Baltic, Black Sea and Mediterranean, and an agreement was reached for the Red Sea and Persian Gulf which permitted special area provisions entering into force at a date to be fixed by the Organization, but only when notification of the provision of facilities is complete.

There was prolonged discussion on the requirements for control of sewage discharge under Annex IV before it was finally agreed to refer quality standards for such discharges to the Organization. Controls would relate to ships over 200 tons with more than 10 persons aboard, and would permit treated sewage discharge (to the as yet unspecified standards) within 4 miles of the shoreline, macerated and disinfected sewage discharge 4-12 miles of shoreline, and untreated sewage discharge beyond these zones. It is to be hoped, in the interests of consistency, that those countries who pressed so hard for the provisions within 4 miles soon bring the control of their land-based discharges up to equivalent standards!

The provisions of Annex V relating to garbage discharge were arrived at largely on the basis of the document submitted by the Marine Pollution Sub-Committee. Provisions adequate to safeguard fishing interests in relation to offal and net scraps were secured under terms unprejudicial to the Convention.

Committee III

The presence at the Conference of many nations not privy to the preparatory work leading to Annex II led to some re-examination of the work of the joint IMCO/GESAMP Panel of Experts which provided the hazard profiles for noxious substances other than oil, and also to some review of the assignment of such substances to categories under the terms of the Annex. The end result was the creation of an additional Category D and associated discharge control criteria; the substances in this new category were previously in the list of reviewed but uncategorized materials attracting no discharge control requirements. The special area concept was also applied to this Annex for the Baltic and Black Sea areas, and discharges of substances in all categories attracted more stringent control criteria in these two areas.

The provisions of Annex III followed the lines recommended by the Marine Pollution Sub-Committee and included such provisions as packaging, labelling, quantity limitations per package, stowage etc., all to be followed in such a way as to help minimize environmental hazard and facilitate salvage of lost cargo.

Committee IV

This Committee dealt with the draft Articles of a high seas intervention protocol which would allow contracting states to take action in the event of an accident occurring to a ship which might lead to a threat of serious environmental pollution in the offshore waters of a state. It envisages an appendix listing

noxious materials which might merit intervention by a state within the terms of the Articles. It is perhaps difficult to draw up a definitive list of such materials when the other parameters determining the severity of an incident meriting intervention, e.g. quantity of cargo, site of accident and nature of accident, cannot be determined in advance.

Resolutions

Among those resolutions of interest in an environmental context were:

1. The previously mentioned resolution dealing with a review of the control criteria for oil discharge with special reference to non-persistent oils.
2. A US resolution calling upon the Organization to review in conjunction with GESAMP the methodology required to draw up water quality criteria for selected pollutants.
3. A resolution urging those Governments who have not already done so to accept the 1969 amendments to the 'International Convention for the Prevention of Pollution of the Sea by Oil', 1954, and to do so as a matter of urgency.
4. Other resolutions urging the Organization to proceed as required by regulations of various Annexes to develop the standards for discharge etc. requested to them, to provide for accident and spillage reporting for noxious materials other than oil and to provide for training and assistance to under-developed countries were adopted.