

PETER THACHER UNITED NATIONS ENVIRONMENT PROGRAMME UNITED
NATIONS GENEVA

PLEASE IF POSSIBLE ADMIT PETER DOHRN AS OBSERVER REPRESENTING
INTERNATIONAL OCEAN INSTITUTE AT BARCELLONA MEETING PLEASE
CONFIRM TO HIM DIRECTLY THANKS REGARDS

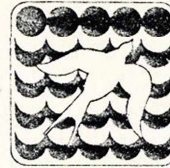
ELISABETH MANN BORGESE

PETER DOHRN ~~XXXX~~ ACQUARIO NAPLES ITALY

CABLED REQUEST TO THATCHER LETTER FOLLOWS LOVE

ELISABETH

226.1
134



Pacem in Maribus

Box 4716

Santa Barbara, California 93103

Mr. Peter Thacher
U.N. Conference on Human Environment
Palais des Nations
Geneva
S W I T Z E R L A N D

Dear Peter,

The International Ocean Institute takes pleasure in inviting you to attend Pacem in Maribus V, to be held in Malta from September 9 through 13, 1974.

As during the past four Convocations, we shall have the participation of distinguished statesmen and legal experts, industrialists, fishery experts, ocean scientists, ecologists, and students and junior civil servants, with a maximum interaction among these groups.

The Convocation will be presided over by H.E. Mr. H. Shirley Amerasinghe of the Republic of Sri Lanka who, as you know, is President of the U.N. Conference on the Law of the Sea. Sir Anthony Mamo, Governor-General of Malta, will be the Honorary Chairman. The inauguration will take place on September 9 at 8:00 p.m. at the Corinthia Palace Hotel.

The Convocation will deal with two major topics:

1. An assessment of the results of the Caracas session of the U.N. Conference on the Law of the Sea, with special emphasis on
 - a. The implications of the Economic Zone concept for the development of an international ocean regime, and
 - b. The prospects for arms control and disarmament in the oceans. This topic will be introduced by Mrs. Alva Myrdal of Sweden on the afternoon of September 13. Her presentation will be followed by a report by Dr. N. K. Panikkar of India on the Indian Ocean as a Zone of Peace, and by general discussion.
2. The development of the living resources of the Mediterranean. This topic will be introduced by Dr. Sidney Holt, Director of the IOI.

The meeting of the IOI Planning Council is scheduled for September 9 at 10:00 a.m. The annual meeting of the IOI Board of Trustees will take place at 10:00 a.m. on September 13.

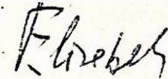
Pacem in Maribus V will be followed by a seminar, organized by the Geneva-based Quaker Service on the multiple peaceful uses of the Mediterranean.

Enclosed you will find a registration form with a return envelope. Please return this at your earliest convenience.

We very much hope that you will be able to take part in these deliberations. Now that the United Nations Conference on the Law of the Sea is actually under way, we feel that our work, initiated in 1967, is really reaching its climax. Your cooperation is needed more than ever.

With all good wishes,

Sincerely yours,



Elisabeth Mann Borgese
Chairman, Planning Council

Encl: Registration form
General information

We are counting on you!



20 August 1973

*I regret the editing wot my
reference to your role down to the footnote on
page 90. Best wishes*

*Avec les compliments
du ~~Directeur Exécutif~~*

*With the compliments
of ~~the Executive Director~~*

Peter S. Thacher
Programme Director

Mrs. Elisabeth Mann Borghese
Box 4068
Santa Barbara
California 93103
U. S. A.



DALHOUSIE UNIVERSITY ARCHIVES DIGITAL SEPARATION SHEET

Separation Date: June 15, 2016

Fonds Title: Elisabeth Mann Borgese

Fonds #: MS-2-744

Box-Folder Number: Box 36, Folder 51

Series: Administrative records of the International Ocean Institute

Sub-Series: Correspondence

File: Correspondence between Elisabeth Mann Borgese and Peter Thatcher

Description of item:

File contains a photocopy of the following article:

Thacher, Peter S. "Assessment and Control of Marine Pollution: The Stockholm Recommendation and Their Efficacy." *Stanford Journal of International Studies* 8 (1973): 79-98.

Reason for separation:

Pages have been removed from digital copy due to copyright concerns.



for the Study of Democratic Institutions / The Fund for the Republic, Inc.

August 12, 1973.

Mr. Peter Thacher
United Nations Environment Programme
Palais des Nations
Geneva, Switzerland.

Dear Peter:

Sorry I missed you in Geneva. I had an interesting visit, though, with the Sea-Bed people, with the Environment people, and with the Secretariat.

For your information I am enclosing copy of my latest letter to Maurice Strong.

In the meantime, I had occasion to discuss the whole problem with Mr. Frosch with whom, in fact, we had a very good talk. I understand that it is better to leave the grants, as planned, project-oriented: not institutional. I also want you to know that we don't need the whole thing in one lump and tomorrow. It all can be tested and spaced.

The only thing that has a certain urgency now is the energy project. In accordance with Maurice's advice we applied for a grant of \$20,000 - 25,000 in this connection, to finance the ocean-oriented part of the project. Six of our research papers deal with ocean problems: the oceans as means of transportation for energy resources; as location for energy production; as source of new energy resources and technologies; as repository of energy waste products. We want to study the impact of a transition to new energy sources and technologies on ocean affairs; and we want to try to apply what we are learning from the problems of the international management of ocean space and resources to the international management of energy resources..

At least 10 of the members of the Planning Council of the International Ocean Institute will participate in the New Delhi conference.

We wish you would, too. Could you? October 15-17? Or else, could you send some one else?

Well, it is in connection with this project that a decision

Mr. Peter Thacher

August 12, 1973.

is somewhat urgent. If we could have a commitment within August, and the funds by October 15, it would be a great help.

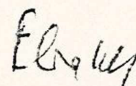
I can assure you in good conscience that, due to the way this project is set up, you can hardly get so much for so little money anywhere else!

I would be very very grateful if you could help in speeding up the proceedings.

When this is done, we'll tackle the Arctic. We are most anxious to go ahead with this one too -- it is all set up to go; but let's do one thing at a time!

With all good wishes,

Yours sincerely,



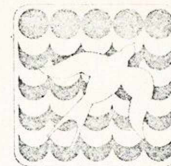
Elisabeth Mann Borgese.

P.S. The grant should be made to the International Ocean Institute, Royal University of Malta, Msida, Malta, and transmitted to the Rector, Dr. Edwin Borg-Costanzi.

Encl: letter to Maurice Strong.

The Secretary-General

Box 4068
Santa Barbara, California 93103



Pacem in Maribus

May 8, 1973.

Mr. Peter S. Thacher
United Nations Environment Programme
Palais des Nations
CH-1211 Geneva 10.

Fin

Dear Peter:

That is sad news that you should miss PIM IV. We give great importance to it, because it is the last before the opening of the Law of the Sea Conference.

I still hope you will be able to sneak away.

But at any rate we would welcome Bob Frosch -- without you or with you. Will you forward the information to him, or shall I send an invitation?

Of course, also, we are very much disappointed that Maurice will have to miss the Trustees meeting. We were looking forward to discussing a number of things with him.

We have received an invitation to attend a meeting of nongovernmental organizations which will be held in Geneva at the time of the Governing Council meeting. Unfortunately I cannot make it -- I'll be in the Soviet Union at that time, on Arctic business -- but Sidney Holt will certainly be there to represent us.

Is there anything I should do with regard to our applications for support for our projects? Do things like that come up at the Governing Council meeting?

I am enclosing copies of my recent letters to Maurice. ✓
He had encouraged me to apply when we met in New York.

Work on the Energy project is proceeding well. I think that the ocean-oriented part, which is co-ordinated by the IOI will, in some ways, be the most interesting part. I would be grateful if you let me know.

encl. BT enclosures

Mr. Peter Thacher

May 8, 1973.

I just worked up another project, with a powerful environmental component -- I'll send that to you in a few days.

Please give my fond regards to Maurice, and some time somewhere I hope to see you this summer.

All the best,

Yours as ever,

Elisabeth

Elisabeth Mann Borgese.



CONFÉRENCE DES NATIONS UNIES SUR L'ENVIRONNEMENT
UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT



UNITED NATIONS ENVIRONMENT PROGRAMME

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RÉF No: 42/7/1
(à rappeler dans la réponse)

Palais des Nations
CH-1211 GENÈVE 10

25 April 1973

Dear Elisabeth,

It looks as though I shall miss PIM this year. This is because our Governing Council meets here 12-22 June and there is always a lot of work which must be completed immediately afterwards while details are still freshly recalled.

But I would regret not being present and will look for any opportunity to change this and be in touch accordingly.

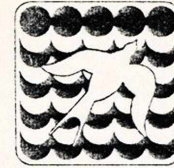
Another possibility arises from the likelihood that Bob Frosch, Assistant Executive Director, will attend some part of a meeting of UN Resident Representatives in Addis Ababa in the period 25 June - 6 July. Conceivably a stop in Malta might be arranged while PIM IV is in session.

I had hoped, as had Maurice, that he could attend your Board meeting this year but this was ruled out by an official visit Maurice is making to Israel at that time.

With best wishes,

Peter S. Thacher
Programme Director

Mrs. Elisabeth Mann Borgese
Chairman, Planning Council
Pacem in Maribus
Box 4068
Santa Barbara, California 93103
U.S.A.



Pacem in Maribus

Box 4068
Santa Barbara, California 93103

April 17, 1973

Mr. Peter Thacher
U.N. Conference on Human
Environment
Palais des Nations
Geneva
S W I T Z E R L A N D

Dear Peter,

The International Ocean Institute takes pleasure in inviting you to attend Pacem in Maribus IV, to be held in Malta from June 23 to 26, 1973.

As during the past three Convocations, we will have the participation of distinguished statesmen and legal experts, industrialists, fishery experts, ocean scientists, ecologists, and students and junior civil servants, with a maximum interaction among these groups.

The Convocation will be preceded this year by a special conference on Marine Parks in the Mediterranean to be held in Naples and vicinity from June 18 to 22.

Enclosed you will find:

1. Program and agenda for Pacem in Maribus IV,
2. Program and agenda for the conference on Marine Parks (please note that both programs are provisional and may undergo minor changes), and
3. Registration form for either or both events, with a return envelope. Please return this to us at your earliest convenience.

We very much hope that you will be able to take part in these deliberations and shall be happy to answer any questions you may have.

With all good wishes,

Sincerely yours,

Elisabeth Mann Borgese
Chairman, Planning Council

April 11, 1972.

Mr. Peter Thacher
U.N. Conference on the Human Environment
United Nations
Geneva, Switzerland.

Dear Peter:

This is confidential. What I really want is your opinion.

To me, it seems to have a rather terrific potential.

What we have in mind is a proposal for an international research institute on nuclear fusion energy, to be set up under the aegis of the IAEA: with two sectors: one, R & D on the large-scale production of nuclear fusion energy (General Atomics/Gulf Oil are far ahead with this. It seems, according to their conservative estimates, nuclear fusion energy will be on the market in about 15 years; and why should we leave it to Gulf Oil?); and one sector should deal with economics/social sciences: to explore NOW the economic implications of this forthcoming, and inevitable revolution in the production of energy.

The beauty of it is that such a project reconciles the conflicting aspirations of development policy and environmental policy since fusion energy does not pollute -- and is cheap.

We have commissioned a paper on this, which I am, confidentially enclosing. This paper may be going somewhat overboard in enthusiasm and optimism, and one may take it with many grains of salt. However, the basic facts are what they are.

Stockholm, of course, is not to deal with resources and energy as such. But this is really not a question of ~~resources~~ resources in the traditional sense. I think the proposal might be immensely appealing to the developing nations. And it is relatively very cheap to realize. The Chinese should go for it.

I am now gathering some top scientific assessment of the Kaplan paper, both from natural scientists and from economists. Before that, I really would not like to let it (the paper) out of the bag.

But the proposal for a Nuclear Fusion Energy

research institute stands on its own legs. I think
it would add a lot to Stockholm.

Let me know.

Looking forward to seeing you in Split.

Yours a se ver,

E. Holt

E.

Our ability as a secretariat to take advantage of the results of this conference materially depends on how quickly we receive the main results - regardless of the form in which they reach us, it's content we need.

Therefore I would appreciate anything you can do to get advance copies to me ASAP

P. S. Thaelin
Program Director
UN Environment Conference Secret.
Palais des Nations

tel: 34.60.11
x 2744

Geneva, Swiss

March 31, 1972

Mr. Peter Thacher
United Nations Conference on the Human Environment
Palais des Nations
Geneva, Switzerland

Dear Peter:

I am enclosing a tentative agenda for Pacem in Maribus-III.

In accordance with our telephone conversation, we have scheduled you to give a report on "Stockholm and After". If you wish to change the title, please let us know.

With all good wishes,

Sincerely yours,

Elisabeth Mann Borgese

P.S. I still have not heard the official confirmation from Maurice Strong with regard to the Board of Trustees. This is urgent.

March 15, 1972

Mr. Peter S. Thacher
Programme Director
United Nations Conference on the Human
Environment
Palais des Nations
CH-1211 Geneva, Switzerland

Dear Peter:

Thanks for your form letter. We are gratified, indeed,
to see that our work is being helpful.

I was very sorry to miss you in New York the other day.
I came to the United Nations at the agreed hour and was
kindly received by the Conventions Officer in Room 2 --
but you had disappeared and there was no trace of you.
At 12 o'clock I had another appointment.

You will be pleased to hear that we just got another
grant from the Swedish Riksbankens Julileumsfond.
Things are shaping up and I am looking forward to
seeing you in Split.

All the best,

Sincerely yours,

Elisabeth Mann Borgese

cc. A. Silj

CONFÉRENCE DES NATIONS UNIES
SUR L'ENVIRONNEMENT

STOCKHOLM, 5-16 juin 1972



UNITED NATIONS CONFERENCE
ON THE HUMAN ENVIRONMENT

STOCKHOLM, 5-16 June 1972

Télégrammes : UNATIONS, GENÈVE
Télex : 22.212 ou 22.344
Téléphone : 34 60 11 33 40 00 33 20 00 33 10 00

RÉF. No : GI 42/9
(à rappeler dans la réponse)

Palais des Nations
CH-1211 GENÈVE 10

February 1972

Dear Elizabeth

Since our discussions in Malta last July preparations have gone forward for the Stockholm Conference this June. Having in mind your interest in the marine aspects of environmental questions I am sending you separately two of the Conference documents that have just been published.

In the pollutants paper (A/CONF.48/8) I call your attention to Chapter IV Part B, Chapter VIII and the pertinent recommendations in Chapter IX.

In the paper on international organizational implications (A/CONF.48/11), please note the Annex, "Organization to Deal with Marine Pollution: a Special Problem". Further consideration of organizational implications will be undertaken by the Preparatory Committee at its forthcoming session, 6-17 March in New York, and specific recommendations will be developed for the Conference.

I hope you will see reflected in these papers many of the concepts which have been developed and discussed as a result of Elisabeth Mann Borgese's leadership in the Pacem-in-Maribus convocations. Just as those discussions have contributed to our preparations for Stockholm, so I hope you find these papers of utility in your future work.

Yours sincerely,

P. S. Thacher

Peter S. Thacher
Programme Director
Committee 3

*Just to show you what the
form letter looks like - going
to 50 of the 7-in-61 partici-
pants*

Miss Elisabeth Mann Borgese
Secretary-General
Pacem in Maribus
Senior Fellow, Center for the Study
of Democratic Institutions
Box 4068
Santa Barbara, Calif. 93103
U.S.A.

February 22, 1972

Mr. Peter Thacher
Program Director
United Nations Conference on Human Environment
Palais des Nations
Geneva, Switzerland

Dear Peter:

Thanks for your very interesting letter. I am looking forward to receiving the material you announce.

Your comments on the situation in the Mediterranean fit in with my own general impression. We are trying to approach the problem in segment and as a whole. It has to be tried, at least.

I am enclosing the tentative agenda for the Split conference. At present we are filling in the last gaps, such as Albania.

Would it be possible for you to send someone to report to the Split conference?

More soon.

With all good wishes,

Sincerely yours,

Elisabeth Mann Borgese
Secretary General
Pacem in Maribus

cc: Alessandro Sili

CONFÉRENCE DES NATIONS UNIES
SUR L'ENVIRONNEMENT

STOCKHOLM, 5-16 juin 1972



UNITED NATIONS CONFERENCE
ON THE HUMAN ENVIRONMENT

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RÉF. No : GI 42/9
(à rappeler dans la réponse)

Palais des Nations

CH-1211 GENÈVE 10

14 February 1972

Dear Elisabeth,

I will be sending you in late February all Conference documentation relating to marine pollution - the papers on pollution and international organizational implications. We have been extremely busy completing these papers within tight deadlines and I apologize for my lack of correspondence until now. I will also send the paper on development which you will recognize from the "Founex" report of last June (a printed version of which I am now sending separately).

I had a talk with Sidney in Monaco last week - we were there for ACC co-ordination meetings - and I hope everything will work out successfully for his move to Malta and that he will get to Stockholm in June.

I despair about the situation in the Mediterranean; a lot of talk - so much that it may explain the absence of action. I am intrigued with the idea of encouraging Yugoslavia to take an initiative. Part of the problem is that one or two major WE states have seized the initiative on paper - I suspect purely for domestic political reasons - and thereby held others back without producing anything themselves. This certainly is what happened after our June IWG in London. (The Spanish recently told me they - and Algeria - would like to move but are inhibited by this factor).

OECD and ECE are probably on the verge of racing each other for at least the appearance of action, and while almost any effort should be supported - especially involving the principle sources of pollution - neither group can encourage a sense of participation by North Africa or the Middle East. Indeed a basic question is whether one should start by approaching the Mediterranean as a whole or in segments.

I was very impressed by the IAEA Laboratory in Monaco and would

Miss Elisabeth Mann Borgese
Box 4068
Santa Barbara
California 93 103
U.S.A.

like to support an expansion of their intercalibration work beyond radionuclids to include at least heavy metals and chlorinated hydrocarbons. They work closely with the Bombay set-up. I was also tempted to look for means of helping the local effort to use that area as a pilot project.

I would be very interested in your own thinking, especially about the Mediterranean and how to go about assembling the many pieces into some sort of sensible pattern that gets things moving. Please let me know about Yugoslavia and what, if anything, we might usefully do.

Like you, the zero-growth approach turns me off thoroughly; much better is zero-waste.

With apologies for a long absence of correspondence.

Best wishes,



Peter S. Thacher
Programme Director
Committee 3

PS

Since writing the above I have talked to Peter Dohrn who passed through after the Duttweiler meeting, and to Sidney who is shortly leaving for Santa Barbara. He will convey some thoughts and bring you up-to-date.

15 NOVEMBER

THIS COPY IS SUBSTANTIALLY CORRECT
BUT IS BEING EDITED AT UN HEADQUARTERS
IN NEW YORK. FRENCH, SPANISH + RUSSIAN TEXTS
WILL CONFORM.

Distr. GENERAL
A/CONF.48/IWGMP.II/5
ORIGINAL: ENGLISH

P. S. THACHER

UNITED NATIONS CONFERENCE ON
THE HUMAN ENVIRONMENT

Inter-Governmental Working Group
on Marine Pollution

REPORT OF THE SECOND SESSION OF THE

INTER-GOVERNMENTAL WORKING GROUP

ON MARINE POLLUTION

OTTAWA 8-12 NOVEMBER 1971

TABLE OF CONTENTS

- I. Introduction
- II. General Guidelines and Principles (item 3)
- III. Draft Articles on Ocean Dumping (item 5)
- IV. Elements of a Comprehensive Approach to Preserve the
Marine Environment (item 4)
- V. Closure of the Meeting.

ANNEXES

- I. List of Participants
- II. List of Documents
- III. Principles Submitted by Spain

I. INTRODUCTION

1. The Inter-Governmental Working Group on Marine Pollution, which was established in accordance with a recommendation by the Preparatory Committee for the United Nations Conference on the Human Environment, held its second session from 8 to 12 November 1971, at the Conference Centre in Ottawa, under the sponsorship of the Government of Canada. *
2. The session was attended by the representatives of 42 Member States and by representatives of FAO, UNESCO and its IOC, WHO, WMO, IMCO and IAEA. In addition, some of these organizations had provided technical secretaries who assisted the Secretariat in the fulfillment of its task. A complete list of participants is contained in Annex I.
3. The session was opened by the Honourable Jack Davis, Canadian Minister of the Environment, who welcomed the delegates on behalf of his Government. He emphasized Canada's interest in protecting its coastal waters and stated that each nation should endeavour to do its utmost to prevent marine pollution. The Minister of the Environment urged collective action to cut off pollution at its source, as well as joint studies and research to enable governments to deal with particular crises. He stated that he had "great hopes" for the United Nations Conference on the Human Environment, the IMCO Conference and the Conference on the Law of the Sea each of which, he said, should provide clues as "to how to deal with pollution on the high seas."

* The first session of the group was held from 14 to 18 June 1971 at IMCO Headquarters in London, under the sponsorship of the United Kingdom Government.

4. The Secretary-General of the United Nations Conference on the Human Environment, Mr. Maurice Strong, expressed his thanks to the host country which had provided the facilities for this session of the Working Group.

5. He pointed out that we need no longer await the results of painstaking scientific research; we already know enough to act. Finally, Mr. Strong declared that the United Nations is prepared to take on the challenge "constructively and effectively".

6. The meeting was chaired by Ambassador G. Boyesen, Permanent Representative of Norway to the International Organizations at Geneva. Admiral Diego Mugica-Naranjo, of Mexico, was Rapporteur. Both officers were elected to their posts at the first session of the Working Group.

7. On the understanding that the Working Group would first proceed with a general discussion of the major items before deciding on any specific ways of pursuing its deliberations, the provisional agenda was adopted as follows:

AGENDA

1. Opening of session
2. Adoption of the agenda
3. General guidelines and principles for the preservation of the marine environment
4. Constituent elements of a global plan:
 - (a) Measures and approaches at the national, regional and global levels;
 - (b) Strengthening of developing countries' capability;

5. Draft convention on ocean dumping

6. Adoption of the report

8. In addition to the working papers submitted on general guidelines and principles (by Canada), and on a revised version of a draft convention on ocean dumping (by the United States), both of which were orally presented by their respective delegations, new papers were introduced by Australia, Iceland, Japan, Norway, Spain, Sweden, United Kingdom, United States of America. A complete list of documents is reproduced in Annex II.

9. The Working Group proceeded to a general discussion of Items 3, 4 and 5 of its agenda. In order to expedite its work, it was decided after a general discussion of Items 3 and 5, to establish two working parties of the whole. One of these under the chairmanship of Ambassador Seidenfaden (Denmark), considered Item 3, general guidelines and principles. The other Working Party, under the chairmanship of Mr. Calenda (Italy), considered Item 5, draft conventions on ocean dumping. This latter working party set up a small drafting group under the chairmanship of Mr. Vallarta (Mexico), in order to assist in the preparation of agreed texts. The results of these working sessions were reported to the Working Group. The Working Group itself considered item 4 on possible elements for incorporation in a comprehensive approach for the prevention of marine pollution. Accordingly, the present report has been organized in three major sections relating respectively to each of these three substantive items of the agenda, with appropriate annexes.

II. GENERAL GUIDELINES AND PRINCIPLES FOR THE PRESERVATION OF THE MARINE ENVIRONMENT. (Item 3)

10. At its first session in London, the Working Group agreed that its members would, at the succeeding session, consider basic principles relative to the jointly agreed responsibility of States to prevent and control activities under their authority which caused damage to the marine environment (A/CONF.48/IWGMP. 1/5).

11. After initial discussion of a general nature based to a large extent on the papers submitted by Canada, United Kingdom, Spain and the Secretariat in the Working Group, the Working Party proceeded to identify and formulate series of guiding concepts which were accepted as representing a basis for general agreement:

I. - Definition

Marine pollution is defined as:

The introduction by man, directly or indirectly, of substances or energy into the marine environment (including estuaries), resulting in such deleterious effects as harm to living resources, hazards to human health, hindrance to marine activities including fishing, impairment of quality for use of sea water, and reduction of amenities.

II. - Objectives

The marine environment and all the living organisms which it supports are of vital importance to humanity, and all people have an interest in assuring that this environment is so managed that its quality and resources are not impaired. This applies especially to coastal nations, which have a particular interest in the management of coastal

area resources. The capacity of the sea to assimilate wastes and render them harmless, and its ability to regenerate natural resources, is not unlimited. Proper management is required and measures to prevent and control marine pollution must be regarded as an essential element in this management of the oceans and seas and their natural resources.

*

III. - Principles

1. Every state has a ~~duty~~ to protect and preserve the marine environment and, in particular, to prevent pollution that may affect areas where an internationally shared resource is located.
2. Every state should adopt appropriate measures for the prevention of marine pollution, whether acting individually or in conjunction with other states under agreed international arrangements.
3. States should use the ~~best practicable~~ means available to them to minimize the discharge of potentially hazardous substances to the sea by all routes, including land-based sources such as rivers, outfalls and pipelines within national jurisdiction, as well as dumping by or from ships, aircraft and platforms.
4. States should ensure that their national legislation provides adequate ~~sanctions~~ against those who infringe existing regulations on marine pollution.
5. States should assume ~~joint~~ responsibility for the preservation of the marine environment beyond the limits of national jurisdiction.

At the suggestion of the Chairman, the Committee agreed that the Secretariat should reorder the sequence of the principles; this has been done in the present text.

6. The states at higher levels of technological and scientific development should assist those nations which request it, for example by undertaking programmes either directly or through competent agencies intended to provide adequate training of the technical and scientific personnel of those countries, as well as by providing the equipment and facilities needed in areas such as research, administration, monitoring or surveillance, information, waste disposal, and others, which would improve their ability to discharge their duties consisting of protecting the marine environment.

7. States should discharge, in accordance with the principles of international law, their obligations toward other states where damage arises from pollution caused by their own activities or by organizations or individuals under their jurisdiction and should cooperate in developing procedures for dealing with such damage and the settlement of disputes.

8. Every state should cooperate with other states and competent international organizations with regard to the elaboration and implementation of internationally agreed rules, standards and procedures for the prevention of marine pollution on global, regional and national levels.

9. States should join together regionally to concert their policies and adopt measures in common to prevent the pollution of the areas which, for geographical or ecological reasons, form a natural entity and an integrated whole.

10. International guidelines and criteria should be developed, both by national Governments and through inter-governmental agencies, to provide the policy framework for control measures. A comprehensive plan for the protection of the marine environment should provide for the identification of critical pollutants and their pathways and sources, determination of exposures to these pollutants and assessment of the risks they pose, timely detection of undesirable trends, and development of detection and monitoring systems.

11. Internationally agreed criteria and standards should provide for regional and local variations in the effects of pollution and in the evaluation of these effects. Such variables should also include the ecology of sea areas, economic and social conditions, and amenities, recreational facilities and other uses of the seas.

12. Primary protection standards and derived working levels - especially codes of practice and effluent standards - may usefully be established at national levels, and in some instances, on a regional or global basis.

13. Action to prevent and control marine pollution (particularly direct prohibitions and specific release limits) must guard against the effect of simply transferring damage or hazard from one part of the environment to another.

14. The development and implementation of control, should be sufficiently flexible to reflect increasing knowledge of the marine ecosystem, pollution effects, and improvements in technological means for pollution control and to take into account the fact that a number of new and hitherto unsuspected pollutants are bound to be brought to light.

15. Every state should cooperate with other states and with competent international organizations with a view to the development of marine environmental research and survey programmes and systems and means for monitoring changes in the marine environment, including studies of the present state of the oceans, the trends of pollution effects and the exchange of data and scientific information on the marine environment. There should be similar cooperation in the exchange of technological information on means of preventing marine pollution including pollution that may arise from offshore resource exploration and exploitation.

16. International guidelines should also be developed to facilitate comparability in methods of detection and measurement of pollutants and their effects.

17. In addition to its responsibility for environmental protection within the limits of its territorial sea, a coastal state also has responsibility to protect adjacent areas of the environment from damage that may result from activities within its territory.

18. Coastal states should ensure that adequate and appropriate resources are available to deal with pollution incidents resulting from the exploration and exploitation of seabed resources in areas within the limits of their national jurisdiction.

19. States should cooperate in the appropriate international forum to ensure that activities related to the exploration and exploitation of the seabed and the ocean floor beyond the limits of national jurisdiction shall not result in pollution of the marine environment.

20. All states should ensure that vessels under their registration comply with internationally agreed rules and standards relating to ship design and construction, operating procedures and other relevant

*
Factors. States should cooperate in the development of such rules, standards and procedures, in the appropriate international bodies.

21. Following an accident on the high seas which may be expected to result in major deleterious consequences from pollution or threat of pollution of the sea, a coastal state facing grave and imminent danger to its coastline and related interests may take appropriate measures as may be necessary to prevent, mitigate, or eliminate such danger, in accordance with internationally agreed rules and standards.

22. Where there is a need for action by or through international agencies for the prevention, control or study of marine pollution, existing bodies, both within and outside the United Nations system, should be utilized as far as possible.

23. States should assist one another to the best of their ability, in action against marine pollution of whatever origin.

2. AMONG THE DRAFT PROPOSALS SUBMITTED BY THE CANADIAN DELEGATION WERE THE FOLLOWING:

1. A state may exercise special authority in areas of the sea adjacent to its territorial waters where functional controls of a continuing nature are necessary for the effective prevention of

The Delegation of Brazil wished to record its concern that developing countries might not be always in a position to adhere to the highest standards in this regard.

pollution which could cause damage or injury to the land or marine environment under its exclusive or sovereign authority.

2. A coastal state may prohibit any vessel which does not comply with internationally agreed rules and standards or, in their absence, with reasonable national rules and standards of the coastal state in question, from entering waters under its environmental protection authority.

3. The basis on which a state should exercise rights or powers, in addition to its sovereign rights or powers, pursuant to its special authority in areas adjacent to its territorial waters, is that such rights or powers should be deemed to be delegated to that state by the world community on behalf of humanity as a whole. The rights and powers exercised must be consistent with the state's primary responsibility for marine environmental protection in the areas concerned: they should be subject to international rules and standards and to review before an appropriate international tribunal.

13. A number of delegations (including those of Algeria, Argentina, Brazil, Barbados, Colombia, Chile, Cuba, Ecuador, Ghana, India, Spain, Iceland, Ivory Coast, Kenya, Mexico, Malta, Peru, Portugal, Guatemala, Tanzania) supported the general concept contained in these draft principles and similar suggestions by the Spanish delegation as listed in Annex III although not necessarily their exact texts, while others disagreed and still others considered that this forum was not the place for their discussion and accordingly reserved their

position.*

III.

DRAFTS OF CONVENTION ON OCEAN DUMPING

14. In general discussion, the Working Group reaffirmed the importance of urgent and effective action against marine pollution, especially by dumping.

15. The Working Group noted with approval the progress made since its first meeting towards regional agreement to control marine pollution and reiterated its support for such regional approaches. Many delegations agreed, however, that action at global level was also necessary, to link together and to complement regional initiatives.

16. The Working Party under the Chairmanship of Mr. C. Calanda considered the various papers submitted to Working Group. The papers considered included the draft conventions submitted by the delegations of Spain (A/CONF. 48/IWGMP II/WP IV), Sweden (A/CONF. 48/IWGMP II/WP VII) and the United States (A/CONF. 48/IWGMP II/WP III and Rev. 1 and 2), the draft amendments to the United States draft convention submitted by the delegation of Australia (A/CONF. 48/IWGMP II/WP V) and the presentation made by the delegation of Norway on the Conference on the control of marine pollution by dumping from ships and aircraft, held at Oslo, 19-22 October 1971

(A/CONF.48/IWGMP II/WP VI). After further general discussion the Working Party remitted these papers to a Drafting Group under Mr. José Vallarta (Mexico), which was requested to prepare a consolidated text. The Drafting Group was set up on an open-ended basis.

* Several delegations including Belgium, France and Italy expressed formal reservations as to the section II of this report. The Italian delegation expressed its reservation on all points contained in the Principles which could in anyway prejudice the Italian position in other conferences on the Law of the Sea.

17. This Drafting Group held five meetings and provisionally approved the articles reproduced below, on the basis of a first reading. The approval given was not therefore regarded as binding on members of the Drafting Group, either as regards the terms of particular articles or the form which those provisions might finally take. In this latter connection, it was stressed that the formulation of the articles was without prejudice to the question whether the articles should eventually be included in a convention which might be concluded at Stockholm, or whether they should be included in a recommendation or draft resolution to be submitted to the Stockholm Conference and which might be included in a convention at a later date.*

18. The articles are the following:

ARTICLE I

- a) The Contracting Parties pledge themselves to take all possible steps to prevent the pollution of the sea by substances that are liable to create hazards to human health, harm living resources and marine life, damage amenities or interfere with other legitimate uses of the sea.
- b) The Contracting Parties shall take the individual or collective measures appropriate to prevent marine pollution caused by the dumping of harmful substances from ships, aircraft [or stationary platforms at sea], and shall harmonize their policies in this regard.

* References in the articles to "the Contracting Parties", or the "Parties" or "Party", or "the Convention", are accordingly without prejudice to the course to be adopted in this respect.

ARTICLE II

1. "Dumping" means any deliberate disposal at sea of matter from vessels, including the deliberate disposal of vessels themselves, with the exception of matter resulting from the normal operation of vessels or the loss of vessels in the course of their normal operation.
2. "Vessels" includes aircraft, air-cushion vehicles and all other means of conveyance capable of operation in the air, or on or under water.
3. "Sea" means the high seas and the territorial seas of all coastal States, but does not include internal waters.
4. "Matter", means material and substance of any kind or description.
5. "Person" refers to any natural or legal person, whether public or private, including a State and its political subdivisions.
6. "Laws" includes laws themselves, as well as decrees, regulations and other acts taken in application of laws.
7. "General permit" means
8. "Special permit" means

ARTICLE III

It is forbidden to dump at sea toxic mercury, cadmium, organohalogen [and organosilicon] compounds, [and oil and derivative hydrocarbons], other than those which are rapidly converted in the sea into substances which are biologically harmless, except as noted in Article IV. [The dumping of biological and chemical warfare agents and [high level] radioactive waste is also prohibited.]

The dumping of other matter which has a deleterious effect on the marine environment equivalent to the properties of the matter referred to above is also prohibited.

ARTICLE IV

The provisions of Article III shall not apply:

- a) In cases of force majeure when human lives or when the safety of a vessel [or property] is endangered. In such cases, the Contracting Party shall immediately inform any other Contracting Party concerned and [the Commission] report to the registry of materials maintained by [the General Conference] [the international organization that would have to deal with this matter] [any regional organization or body concerned] that such dumping took place, reporting also on the circumstances under which it happened and the place, quantity and nature of the dumped substances.
- b) When the matter described by Article III is present in low concentrations in wastes whose dumping is allowed, provided that these substances have not been added to the wastes in order to dump them at sea. [The Commission shall determine what is meant by a "low concentration" and shall also consider any other circumstances under which the terms of Article III might be varied.]

ARTICLE V

The dumping of any matter other than that referred to in Article III shall be regulated in accordance with the provisions of this Convention.

ARTICLE VI

If a Party desires to permit dumping, in accordance with the provisions of this Convention, it shall create an appropriate national mechanism which may be empowered to grant permits for such dumping, and shall inform the [Secretariat] referred to in Article how the mechanism is constituted. The [Secretariat] shall circulate such information to all Parties.

ARTICLE VII

No Party shall grant permits for dumping if the dumping of matter or the continued dumping thereof would [materially] endanger human health, welfare or amenities, the marine environment, living and other marine resources, ecological systems, or other legitimate uses of the sea.

ARTICLE VIII

Each Party which desires to permit dumping shall establish criteria for the issuance of permits meeting the requirements of Article VI. In establishing or revising the criteria, each Party shall consider, in addition to those matters referred to in Article VI, the possible persistence or permanence of the effects of the proposed dumping, the volume, concentration and toxicity of materials and substances involved, the geographical position of the location proposed for the dumping (including the depth of the water, the distance from the nearest coast [and the distances from fishing grounds and amenity areas]), the characteristics of the location in relation to decomposition and dispersal of materials and in relation to exploitable resources, including adult and juvenile marine life and human amenities, alternative methods and location for disposal, including impact on the public interest of the people of each Party.

For such substances as [radioactive wastes], arsenic, lead, copper and zinc, and their compounds, cyanides and fluorides, and pesticides, a special permit for each dumping shall be required.* The dumping of other matter having effects equivalent to the effects of the above substances should also require a special permit.

ARTICLE IX

Each Party may issue general permits for the dumping of materials which do not harm or which beneficially affect the marine environment. In issuing such permits, Parties shall use the criteria established under the provisions of Article VIII.

ARTICLE X

Each Party shall submit a statement setting forth its criteria to the [Secretariat] referred to in Article VI, which shall circulate the statement to all Parties. Any other State having laws establishing criteria for the issuance of such permits may also submit a statement setting forth such criteria to the [Secretariat], and the [Secretariat] shall also circulate such statement to all Parties.

ARTICLE XI

Nothing in this Convention shall prevent a Party's individually or jointly establishing criteria and prohibitions stricter than are required under Articles VI, VII and VIII.

* One delegation reserved its position with respect to the distinction drawn between special and general permits, and stated that in its view, the central feature should be the stringency of the criteria to be applied rather than the form of the permit; the delegation suggested that the words "or a general permit for dumping under strict criteria" should be added in Article VIII, after "a special permit for each dumping".

as an alternative

ARTICLE XII

Nothing in this Convention supplants any recommendations designed to regulate the disposal of any material adopted by the International Atomic Energy Agency, or the International Convention for the Prevention of Pollution of the Sea by Oil, done at London, 12 May 1954, as amended, or as it may be further amended.

Parties to this Convention undertake to comply with any requirements of the Convention or of the recommendations referred to above.

ARTICLE XIII

In order to further the objectives of this Convention, the Contracting Parties with common interests to protect in the marine environment in a given geographical area may enter into agreements on a regional level.

19. The Working Group took note of the articles, without commitment on the part of the Governments concerned, and agreed that Governments should consult further on these matters, in the hope that agreement on concrete global action might be reached before the Stockholm Conference.*

* The Italian delegation wished it recorded that in the preamble of the recommendation or Convention which might follow mention should be made of its character as an "umbrella" under which complementary regional agreements would be established.

IV. ELEMENTS OF A COMPREHENSIVE APPROACH TO PRESERVE THE MARINE ENVIRONMENT

20. There was a general discussion of the preliminary document which had been presented by the Secretariat, taking into account other documents including a paper submitted by the Delegation of Japan.
21. It was generally agreed that the paper provided a good basis from which to write the final submission for the Stockholm Conference on this subject. The outline of the paper could be largely retained but priority needs should be indicated more clearly and specific action proposals should be added. Such an assessment of priorities for action would not only be helpful to Government delegations at Stockholm but also to the Specialized Agencies in preparing their future programmes. The paper should include recommendations on strategies which could be adopted to combat marine pollution,
22. The section of the paper dealing with scientific matters needed careful revision and updating. Several individual scientists among delegations and U.N. Agencies attending the meeting agreed to provide specific comments directly to the Secretariat on these points and their assistance was welcomed. It was agreed that more scientific information was available in many areas than the paper implied, and there was a continuing input of knowledge on which to base improved pollution control measures. There were some important areas in which, however, knowledge was defective,

and the paper should identify these. Among those cited were the central portions of the Oceans which are not well known and river discharges which are an important input of pollutants from land based sources.

23. Several delegates considered that the paper should start with an explanation of the basic scientific concept of the assimilative capacities of the marine environment, and go on to discuss the development and implementation of proper management procedures. This could lead to an examination of national experience in the control of marine pollution, and when redrafting this section the contributions submitted by several delegations could be utilized. In this connection mention was made of the need for information on national experience which should be provided to the Secretariat.
24. Specific suggestions were voiced that the paper stress recent regional developments and include references to the recent decisions by North-East Atlantic States and progress in the Mediterranean, particularly the work being done and the cooperative investigation in the Mediterranean (CIM) sponsored by CIESM, Food and Agriculture Organization (FAO/GFCM) and IOC.
25. In addition, it was noted that the paper did not adequately record the on-going activities of expert groups, specialized agencies and other international organizations who, between them, possessed extensive information accumulated over many years. Mention should be made of the need for adequate support for international programmes of research on the marine environment and for the further development of basic supporting ser-

vices in the international agencies.

26. It would be necessary to take account of resolutions recently adopted by the IOC concerning the establishment of GIPME as one of the major projects in LEPOR to be organized and coordinated by IOC in cooperation with other organizations concerned; the need for additional funds and staff for the acceleration of GIPME's development.^{*} It was noted that one resolution requested a study on the ways and means of improving the use and efficiency of the Secretariat in order to carry out better its own increasing responsibilities as a coordinating body not only for LEPOR but to promote the development of cooperative scientific and scientific service activities in marine pollution.

27. It was recognized that many of the basic concepts set out in section II of the paper were being incorporated by a working party in the guidelines and principles for the preservation of the marine environment, and that section II would require revision accordingly. Furthermore, to prevent needless duplication or inconsistency, the section of the paper dealing with ocean dumping would need amendment to make it compatible with both the decisions of the Working Group and ~~their~~ recent developments at the regional level.

* GIPME (Global Investigation of Pollution in the Marine Environment)
LEPOR (Long term and Expanded Program of Oceanic Research).

V CLOSURE OF THE SESSION

A draft of the present report was considered by the Working Group at its last meeting and approved following discussion and amendments. The Working Group expressed the hope that the Secretary-General of the Conference on the Human Environment will inform both the General Assembly at its present session and the Preparatory Committee when it next meets in March of the results achieved.

CONFÉRENCE DES NATIONS UNIES
SUR L'ENVIRONNEMENT

STOCKHOLM, 5-16 juin 1972



UNITED NATIONS CONFERENCE
ON THE HUMAN ENVIRONMENT

STOCKHOLM, 5-16 June 1972

Télégrammes : UNATIONS, GENÈVE
Télex : 22.212 ou 22.344
Téléphone : 34 60 11 33 40 00 33 20 00 33 10 00

REF. No: GI 42/7/1
(à rappeler dans la réponse)

Palais des Nations
CH-1211 GENÈVE 10

7 September 1971

Dear Elisabeth,

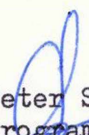
Many thanks for the material just received. I am off tomorrow for New York and the next Preparatory Committee session. While there I will convey the Pacem-in-Maribus material to Vladimir Baum, Chief of the Ad Hoc Unit for Marine Science and Technology, ESA/Resources and Transport Division. If you have an extra set, or any further material, please send it to him as he is looking after marine pollution for us.

..... I am sending you under separate cover for your information the text of my remarks made at your last meeting - 5 July.

I will be in New York until the end of September, then I will be returning to Geneva.

In haste; with best wishes.

Yours sincerely,


Peter S. Thacher
Programme Director
Committee 3

Mrs. E. Mann Borgese
The Center for the Study of Democratic
Institutions/The Fund for the Republic, Inc.
Box 4068
Santa Barbara, California 93103
U.S.A.

(Dictated by Mr. Thacher but signed in his absence.)

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REFERENCE

25 March 1971

Dear Mrs. Borgese,

As you will hear directly from Mr. Strong, he looks forward to attending the Second Convocation himself. I will frankly be swamped by preparations underway (including the Inter-Working Group on Marine Pollution in London, 14 - 18 June), and therefore regretfully conclude I shall not be able to join you this year. If I find any way to slip down for the July 1st session, I will surely do so.

Many thanks, and all wishes for another good success.

Yours sincerely,

A handwritten signature in cursive script that reads "Peter S. Thacher".

Peter S. Thacher *M.A.*

Senior Programme Director
Conference on the Human Environment

Mrs. Elisabeth Mann Borgese
Secretary-General
Pacem in Maribus
Box 4068
Santa Barbara, California 93103

-- dictated but not signed by Peter Thacher