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United Nations Conference on the human environment

International organizational
implications
of action proposals

(subject area VI)



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INTERNATIONAL ORGANIZATIONAL IMPLICATIONS
OF ACTION PROPOSALS

(Subject Area VI)

Report by the Secretary-General

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Chapter I
THE APPROACH

1. One of the underlying premises of the preparatory work for the Conference, and particularly of the discussions of the action proposals to be considered at Stockholm, is that the effectiveness of international co-operation in the field of the human environment will largely depend on the existence of suitable institutional arrangements. The Preparatory Committee accordingly recommended the inclusion in the Conference's agenda of an item on organizational matters, which will enable the Conference to consider all the institutional implications of its decisions with a view to ensuring their prompt and adequate implementation.

2. It would not be desirable, at this juncture, to set out precise suggestions on institutional matters. Pending the adoption by the Conference of concrete decisions on substantive matters, including the proposed Action Plan, the purpose of this paper is, in the main, to provide governments with background material and basic alternatives that may be helpful in considering organizational questions and in formulating policy in respect of them. The paper contains general information and certain relevant considerations regarding the structure, principles and practice of the United Nations, and outlines some of the courses open to the Conference in this context.

3. In preparing this paper, the secretariat has drawn upon the whole of the preparatory process as it has unfolded to date, as well as on the broad experience of the various components of the United Nations system which are currently dealing with environmental problems. A description of the current and planned activities of the organizations of the United Nations system is included in the consolidated document prepared by the Administrative Committee on Co-ordination,^{1/} which should be read in conjunction with this report.

A. The need for new approaches

4. The management of environmental problems entails new and complex tasks at all levels of society. As has frequently been stated in the course of the preparatory

^{1/} Consolidated document on the UN system and the human environment, submitted by the Administrative Committee on Co-ordination (A/CONF.48/12).

work for the Conference, the term "Human Environment" is being applied to a broad range of individual but interrelated problems and issues, many of which have been dealt with individually for a long time. Both nationally and internationally, the picture that presents itself is one of activities in which there are intrinsic cause and effect relationships that are not adequately reflected or co-ordinated at the level of policy formulation or implementation.

5. Increasing concern for the problems of the human environment, and the growing awareness of the essential interrelatedness of many of these activities has led many governments to adopt, at the national level, measures designed to achieve policy cohesion and better co-ordination of such activities. It is understandable, therefore, that governments have begun to see a need for similar action at the international level. Indeed, it has been repeatedly pointed out, both in and outside the Preparatory Committee, that global environmental problems cut across traditional disciplines and functions. Moreover, they involve dynamic and inter-acting cause and effect relationships which transcend conventional sectoral and institutional boundaries. International co-operation in the environmental field thus points to the need to consider to what extent existing international organizational structures and methods of work are suited to the adoption of concerted and effective action.

B. Criteria for international organizational arrangements in the environment field

6. The Preparatory Committee for the Conference has therefore given to the secretariat only very general guidance as to the type of organizational arrangements that are envisaged to give practical effect to the decisions to be taken by the Conference. The Committee has taken the position that "form should follow function", and has agreed that a full discussion of organizational implications should take place at its fourth session.^{2/} The Committee, nonetheless, did express general agreement with the criteria that the Secretary-General of the Conference had proposed in his report to the third session.^{3/} They are reproduced below because of the generally positive response that they received from the Committee and because they seem to constitute an appropriate starting point for further discussions.

^{2/} Cf. A/CONF.48/PC.13, para. 145.

^{3/} Cf. A/CONF.48/PC.11, para. 222.

7. The criteria read as follows:

- (a) any organizational arrangements should be based first on agreement about what needs to be done. Until this is reached, no firm decision can be made on the ways and means to be adopted;
- (b) all functions that can best be performed by existing organizations should be assigned to those organizations, both international and national, most capable of carrying them out effectively. No unnecessary new machinery should be created;
- (c) it is more logical to consider a network of national, international, functional and sectoral organizations with appropriate linkages and "switchboard" mechanisms, whereby international organizations supplement and complement national organizations, than to think in terms of a global "super agency";
- (d) any action envisaged should allow for the preliminary state of knowledge and understanding of environmental problems, and should be flexible and evolutionary;
- (e) governments will want to attach highest priority to the need for co-ordination and rationalization of the activities and programmes of the various international organizations active in the environmental field. This is essential in order to avoid overlap and duplication and to assure most effective use of scarce resources of money and manpower;
- (f) any policy centre that is expected to influence and co-ordinate the activities of other agencies should not itself have operational functions which in any way compete with the organizations over which it expects to exercise such influence;
- (g) in the establishment of any additional or new machinery it is essential to provide strong capability at the regional level;
- (h) the United Nations should be the principal centre for international environmental co-operation;
- (i) the organization of environmental activities within the United Nations should be so designed as to strengthen and reinforce the entire United Nations system;

- (j) environmental problems and situations vary greatly among nations and any organizational arrangements contemplated must necessarily bear this fact in mind.

C. The United Nations system

8. The convening of the Stockholm Conference attests to the ability of the Organization to reflect the concerns and preoccupations of the world community and constitutes a manifestation of its readiness to accommodate a wider range of interests and problems. The Conference will undoubtedly indicate that individual governments conceive international action in connexion with problems of the human environment in different ways. Over and above such differences, however, it appears that the practical operation of any institutional arrangements that the Conference may see fit to recommend will involve a historical challenge to the process of multilateral co-operation inherent in the United Nations.

9. To the extent that further work regarding the human environment would add a new dimension to the system of international co-operation embodied in the Charter, the recommendations of the Conference on institutional matters should therefore evidence the capacity of that system, as a whole, to introduce adjustments to serve specific needs and to adapt itself to changing circumstances. For progress towards a peaceful and prosperous world means, inescapably, progress towards the evolution of international institutions capable of facilitating better management and planning of man's impact on the earth.

10. It may be relevant to stress, in this context, that the constitutional strengths, and weaknesses, of any international organization are, in the last analysis, in the hands of governments. The powers which it exercises are those which governments have vested in it; the powers which it lacks are those which they have withheld from it. In formulating its recommendations to the General Assembly on institutional questions within its competence, the Conference therefore bears a heavy responsibility.

D. The problem of co-ordination

11. Co-ordination is not just a necessary aspect of environmental management - it is its very essence. For, as noted earlier, environmental issues involve the management of a whole series of relationships touching upon all facets of human activity.

International co-operation in the field of the human environment therefore poses

particularly complex problems of co-ordination. It could even be argued that the existing system of functional decentralization of responsibilities does not lend itself to the most effective management in this context.

12. This is not, however, the first time that the United Nations system has been confronted with the need to tackle problems of a multi-disciplinary character. A notable feature of the evolution of international economic co-operation in the decade of the 60's was the sustained effort made to enable each of the component organizations to contribute, through concerted approaches, to the achievement of common goals. This was brought about, in particular, by the need to initiate new tasks of an intrinsically inter-disciplinary nature such as those arising out of the pledges made by the international community to support the development endeavours of a large number of developing countries, as well as those deriving from the progress made in science and technology. The International Development Strategy, and the arrangements made for review and appraisal of progress in its implementation, readily spring to mind as the culmination of that process, and as one indication of the desire to give coherence to the system in the light of the requirements of the contemporary world community. The consensus adopted on the structure and operation of UNDP is another example which is particularly relevant to any discussion of concerted activities.^{4/}

13. This should not, however, in any way, be construed as an underestimation of the problem. By virtue of the very nature of the problems of the human environment, co-ordination will be particularly difficult - and inadequate co-ordination in this field could therefore lead not merely to misuse of scarce resources, but frustration of the main purposes of the activities concerned. Notwithstanding its many shortcomings and serious defects, however, it should be emphasized that the United Nations system has been responsive to new requirements, and has shown that it can be adapted to serve the objectives that governments will set themselves at Stockholm.

14. It thus seems that what is necessary, besides the adoption of broadly agreed policies - which is an essential precondition of good co-ordination - is the effective performance by the United Nations of the central leadership role which devolves upon it in this respect. The Conference may wish to bear this in mind in setting forth the

functions of any intergovernmental organ which might be entrusted with decision-making and policy-review responsibilities in the field of the human environment. For, within the broad mandate for co-ordination assigned to it in the Charter, it should be possible for the Organization to introduce suitable methods to achieve the high degree of concerted action that the problems of the environment demand. This might indeed be an opportunity to take concrete steps to close the gap that so often exists between principles and practice of co-ordination, as well as the occasion to give practical meaning to the modern conception of co-ordination as a built-in substantive ingredient of any programme.

15. This would in turn accelerate the shift in emphasis away from the mere reconciliation, a posteriori, of jurisdictional conflicts towards a system of co-operative action which, beginning at the planning stage, seeks to achieve maximum results in programme development and execution as well as in resource utilization. Co-ordination then becomes a means to an end, not an end in itself, and if the Stockholm Conference agrees to recommend the establishment of an environment fund - discussed elsewhere in this paper - it should be administered in such a way that it would constitute an additional means to achieve effective co-ordination and a proper allocation of available resources.

16. Whatever arrangements are made at the international level, environmental co-operation will only function properly if there is effective co-ordination within national governments. Governments need a national basis for effecting international co-ordination and one of the greatest contributions of the Stockholm Conference might therefore be that of encouraging more governments to establish or strengthen focal points in their national administrations for the co-ordination of environmental action, both domestic and international. Only thus will governments succeed in maintaining in all the governing bodies of the international agencies a consistent set of policies and objectives. It will be for each government, of course, to decide on its specific requirements and policy-making procedures, but agreement at Stockholm on the importance of co-ordination at the national level will constitute, by itself, a significant step towards the establishment of a solidly built framework of international action.

E. Relations with intergovernmental and non-governmental organizations

17. A large number of intergovernmental and non-governmental bodies outside the United Nations system have developed extensive activities relating to the human environment. The contributions made by these organizations to the preparations for

the Conference are a significant indication of their potential to carry out work of paramount importance to the success of multinational action in this field.

International co-operation in dealing with environmental concerns provides a major opportunity to work out new and effective means of associating more fully these organizations with the United Nations family.

18. United Nations practice regarding formal relations with intergovernmental bodies which are not part of the system in the economic and social field is rather limited. Chapters IX and X of the Charter, which deal with international economic and social co-operation, make no reference to the subject, and the rules of procedure of the General Assembly and the Economic and Social Council make no provisions for the participation of intergovernmental organizations at their meetings. Although the Assembly and the Council have made special arrangements for representation at meetings, no action has been taken to codify rules and practices in a general statute.

19. UNCTAD was the first United Nations organ with world-wide responsibilities required to establish a procedure for relations with intergovernmental bodies not part of the system, and other organs, like UNIDO, have adopted similar procedures. It might be possible therefore to build upon the practical experience of these organs in their respective fields and devise pragmatic relationships with bodies dealing with problems of the human environment. Such relationships would seek to achieve, on the one hand, proper co-ordination of work and, on the other, a suitable degree of inter-action which would lend further impetus to the activities of the United Nations system and those bodies.

20. The Charter does provide, in Article 71, for consultative arrangements between the United Nations and non-governmental organizations and a wealth of experience is available which could profitably be used to take advantage of the potential of such bodies. The environmental field presents many new opportunities to utilize the resources and energies available in the non-governmental community in ways which can complement and support the work of the United Nations system in this field. Not only can they perform a variety of specific functions in areas where they have special competence, but they can also play a major and indispensable role in the vital field of education.

F. Regional co-operation

21. As stated in the criteria, it will be necessary to place considerable emphasis on action relating to environmental matters at the regional level. Many of the conditions affecting the environment have a distinctive regional character and, therefore, the

specific problems of each of the regions of the world will often respond best to a regional approach. Patterns of intergovernmental organization differ markedly in the major regions of the world, as do their relations with the scientific communities of the respective areas. No standard format for regional environmental organization can be suggested that is uniformly relevant; the organizational pattern will inevitably differ greatly from one area to another, and from one subject-focus to another.

22. Whether to build on existing organizations or to start afresh is a matter for governments of each region, which will no doubt wish to consider, in the first instance the potential of the regional economic commissions and of the United Nations Economic and Social Office in Beirut to deal with problems of the environment. The regional commissions have made very valuable contributions to the preparations of the Conference - notably through the ECE Symposium on problems relating to environment and the seminars convened by the other regional commissions and UNESOB. Moreover, ECE has already set up a body of "Senior advisers to ECE governments on problems relating to environment", which will be addressing itself to a dynamic work programme, and ECA, ECAFE, ECLA and UNESOB are actively considering institutional and administrative adjustments to meet the requirements of regional work on environmental problems.

23. The regional organization of environmental activities also provided both a new need and a new opportunity for the development of close and co-operative relationships between the regional members of the United Nations system and other non-United Nations regional organizations with interests in the environmental fields. An important beginning has been made in this direction by the active participation of several such regional organizations in the preparatory work for the Conference.

Chapter II

NEW FUNCTIONS REQUIRED AT THE INTERNATIONAL LEVEL

24. As noted above, a full description of the functions presently performed by the various organizations of the United Nations system is contained in the consolidated document prepared by ACC. When agreement on measures for international action has been achieved, governments will have a range of options open to them regarding the order and timing in which such actions are to be put into effect. At this stage, it can only be assumed that priority needs for further action will fit into broad functional categories. What follows is an outline of the new environmental activities that would now seem to be required, and of the supporting actions that may be needed.

A. The knowledge acquisition and assessment function

25. This general function would include four subsidiary categories of functions, namely evaluation and forecasting, research, monitoring, and information exchange.

(i) Evaluation and forecasting

26. The state of the environment and its changes with time can only be described in terms of a large number of widely diverse variables. Clearly the scientific and technical evaluation of research findings and data relating to any variable must normally be carried out by the organization with the necessary professional competence to study it. There remains however the vitally important task of determining priority needs and of relating these specialized evaluations to the broader concerns and issues which have important policy implications for the international community. This involves giving proper perspectives, and calling the attention of governments, to significant trends, pointing out present and potential problems and opportunities of international importance as well as possibilities for corrective and preventive or anticipatory action.

27. These functions can only be performed at the international level by a body which is not tied to any individual sectoral or operational responsibilities and is able to take an objective overall view of the technical and policy implications arising from a variety of multi-disciplinary factors.

(ii) Research

28. One of the principal needs identified in the preparatory process is for new or improved knowledge in a number of important areas. While most of the research required to meet these needs will be carried out nationally and such research as is

conducted internationally may be carried out by existing organizations - both inter-governmental and non-governmental - there is an important additional requirement at the international level for a means of facilitating environmental co-operation by:

- identifying needs that are common to a number of countries and that can most effectively and economically be met by co-operative use of facilities and personnel;
- arranging multinational support for programmes designed to meet common needs;
- providing a continuing over-view of existing programmes and needs to assist governments and international organizations in making best use of available resources.

29. These functions would complement and support the important work of existing United Nations bodies, which would, of course, continue. But the performance of such functions by one designated body of the United Nations would provide the coherence and overall co-ordination of the environmental research activities within the United Nations system that is so essential.

(iii) Monitoring ^{5/}

30. Monitoring is one of the most important activities which requires international co-operation for effective operation. Most environmental monitoring programmes will be carried out by national and international organizations which have the specialized competence and facilities required to perform particular functions. Co-ordination at the international level will continue to be exercised by organizations according to sectoral responsibilities, e.g. by WHO for public health effects, by WMO for meteorological aspects. However, in order to integrate these effectively on global scale, making the best use of all available facilities, it seems necessary that there be a central point in the international system for the overall co-ordination that is needed on a continuing basis.

^{5/} "Monitoring" is here taken to mean the collection of "base-line" environmental data and of information on changes in the quality of media which, directly or indirectly, may significantly affect the health or well-being of man. It does not connote the policing or surveillance of compliance with regulations or standards, though information obtained by monitoring will be a valuable indication of the effectiveness of control measures.

(iv) Information exchange

31. New functional responsibilities should be allocated for the accumulation and exchange of environmental information at the international level. Here again, the need is for a central point of reference both for the various components of the United Nations system and for governments, non-governmental organizations and the scientific community. The need for a data storage and retrieval mechanism is only part of the requirement. There should also exist, if this function is to be properly fulfilled, a capacity to develop standardization and comparability of data through intercalibration of methods. This involves an active role of consultation with research centres and other sources of environmental information.

32. The information exchange function would also include collection of information on environmental systems management both at the level of theory (formulation of general principles regarding economic and social activities, dysfunctions and planning measures and systems) and of operational practice (collection of technical-commercial data, information on legislation, institutional innovation, the operation of official controls, norms and standards, etc.).

33. Some of the latter functions fall appropriately within existing United Nations organizations. However, the receipt, classification and transfer of such information should be systematized, and a central environmental body should have the resources and capability to promote such systematization.

B. The environmental quality management function

34. This general function includes three subsidiary categories:

(i) Goal setting

35. There will be a growing need to provide a broad international basis for establishment of goals for the improvement of environmental quality. Such goals may be established internationally in a number of ways including:

- non-mandatory recommendations and guidelines;
- proposed uniform national codes for environmental protection;
- international agreements (treaties, conventions, etc.).

36. It should be emphasized that this vast range of possible new international agreements must be very largely administered and monitored at the national (or sub-national) level. In the great majority of instances the international institutional function would be primarily the provision of a forum for international considerations and ultimately agreement on these matters.

(ii) Consultation on proposed actions affecting the international environment

37. In addition there is a growing need to facilitate and promote international consultation over proposed environmental actions of concern to the world community. Such consultations would generally occur on an ad hoc basis, as particular issues of potential international environmental hazard arose.

(iii) International agreements

38. As and when new areas of international environmental concern become ripe for international agreement, a forum will clearly be required within which such agreements can be developed. This process is already occurring as a result of the preparations for the Conference as evidenced by work on conventions on marine dumping, conservation of wetlands, etc. There will inevitably be many other cases for which similar functions will in the future need to be fulfilled within the United Nations system.

C. Prevention and settlement of disputes

39. It is unfortunately probable that international disputes over environmental issues are likely to increase in the future. There seems to be widespread agreement that emphasis should be placed on preventive environmental diplomacy -- on measures to avoid environmental conflicts which could trouble international relations and might even threaten international peace. Performance of the function outlined above could make a major contribution to this objective particularly by facilitating consultations amongst governments and providing advisory services to governments.

40. Progress towards this objective might be made even more effective if a procedure were to be agreed upon under which Members of the United Nations would make periodic reports to the Secretary General on all activities by themselves or their nationals that could have a significant environmental impact beyond their borders, and would declare themselves available to consult in good faith with other Members or international agencies which wished to present comments or raise questions about such activities. A procedure of this kind would represent an institutionalization and further development of the national reports utilized in preparation for the Stockholm Conference.

D. International supporting actions required to help countries both to acquire and assess knowledge and to improve environmental management

41. This general function would include three subsidiary categories of functions:

(i) Technical co-operation

42. First and foremost among the measures needed to enable developing countries to improve and protect their human environment is the provision of far greater flows of

international development resources which will bring environmental improvements to the lives of the largest part of humanity. The environmental concern also has particular functional implications for national governments which may require technical assistance from international sources, especially in:

- formulation of appropriate environmental guidelines for international and national development programmes;
- provision of support for education and training of environmental professionals including environmental education in schools and universities;
- provision of the resources - both human and financial - necessary to integrate environmental considerations into development programmes. This should include technical assistance in assessing and offsetting the economic and social impact of other nations' trade and investment controls to protect their environments.

43. New international environmental functions which come under the above heading of technical co-operation, and which governments decide to assign to the United Nations system, should normally be organized and executed by the existing technical co-operation services of the organizations of the system.

(ii) Education and training

44. International activity in the field of environmental education and training would be in the nature of action in support of environmental quality management. However, in this area, as elsewhere in international action in support of environmental quality management, a central environment body in the United Nations would be necessary for the consideration of environmental education priorities, for the identification of international needs for manpower resources especially among environmental professionals, ecologists and multidisciplinary planners, and facilitating arrangements for meeting these needs.

(iii) Public information

45. It is vitally important to the success of all national and international environmental efforts that adequate resources be available for activities that will help to develop a global environmental consciousness. International agencies can make an important contribution to public understanding of environmental problems through publications, conferences and use of mass media. It is equally important that the specialized information and resources available to a central environmental body be fully utilized in providing support and guidance for the vital public information task.

Chapter III

THE BROAD INSTITUTIONAL ALTERNATIVES

46. It is necessary to emphasize again that the characteristics of any institutional arrangement depend upon the scale and nature of the problems and issues as conceived by governments as well as upon their agreed position regarding the extent and type of the required multilateral action. A certain degree of consensus on these essential matters must therefore precede any agreement on detailed arrangements.

47. The preparatory work for the Conference has already contributed significantly to the elucidation of fundamental issues relating to the human environment and has increased the awareness and concern about the problems that they pose. On the other hand, the broad agreement reached within the Preparatory Committee on the criteria for institutional arrangements - which is reproduced in Chapter I - constitute a good basis for the adoption of constitutional and institutional formulae which would take into account differences that may prevail in this context.

48. While it would be premature to outline the one institutional framework which would adequately meet the objectives and needs of international co-operation in environmental matters, an effort has been made to indicate some broad options which may assist governments in reaching agreed conclusions. What now seems to be required is an institutional pattern that fills important gaps in the existing structure, minimizes overlapping and duplication, makes the most effective use of limited personnel and financial resources, and takes needed initiatives on priority tasks.

49. In connexion with those functional areas where machinery already exists, but in which activities related to problems of the human environment have not as yet started, or are not as yet given adequate priority, it appears safe to assume that the Conference will wish to suggest the adoption, by the competent governing bodies, of measures designed to give proper emphasis to environmental questions. The precise nature of such recommendations will necessarily stem from the conclusions reached by the Conference as to the type of actions required. The options that follow refer to those functions in regard to which it appears that the United Nations should consider special institutional arrangements.

i. Central policy review and co-ordination

50. There seems to be widespread agreement on the need for an intergovernmental body to perform the functions of central policy review and co-ordination referred to in Chapter II. Such a body would, of course, require adequate secretariat services to provide the necessary substantive support and technical expertise.

51. The principal task of the intergovernmental body would be to review all the environmental activities of the system and related organizations and establish policy guidelines regarding on-going and planned programmes of work in the field of the human environment, bearing in mind the need to achieve proper co-ordination. This function could be performed on the basis of periodic reports on various aspects of the world environment and of other special studies prepared by the secretariat on particular issues and problems. It would be of paramount importance to ensure that the institutional arrangements establishing the intergovernmental body be such as to enable governments to agree on an appraisal of new issues and problems requiring multilateral consideration and action.

52. The intergovernmental body could be given the power to recommend to its parent organ the convening of special conferences to consider, in depth, specific problems within its competence. It could itself be authorized to call ad hoc meetings to study particular questions of special technical interest and importance.

53. It could be given the power to designate the organizations outside the United Nations system which shall be associated with the work related to problems of the human environment and to establish, or recommend the establishment of, intergovernmental expert groups to review broad categories of problems (such as was done in the case of ionizing radiation when the General Assembly created the United Nations Scientific Committee on the Effects of Atomic Radiation).

54. It would provide overall direction to the secretariat in carrying out its environmental tasks.

55. Should an environment fund be established, the intergovernmental body could also exercise overall policy guidance and supervision regarding the operation of such a fund.

(i) Intergovernmental arrangements

56. The first question that would arise in the consideration of this matter would be that of the location of the intergovernmental body within the Organization. The experience and legislative history of the last few years would suggest that two main alternatives could be considered in this regard: establishment of (a) a subsidiary organ of the Economic and Social Council or (b) a subsidiary organ of the General Assembly.

57. In support of the first alternative it can be argued that, in many essential respects, the problems of the human environment fall within the competence of the Council, as defined in the Charter, and that the interrelated issues of environment, development, and science and technology, should be dealt with in the same body. The Council is at present undergoing a fundamental process of change, having adopted far-reaching proposals designed to enhance its role as a principal organ of the United Nations - responsible, inter alia, for overall co-ordination in the economic and social field - and to improve its methods of work in order to enable it to discharge more effectively the functions conferred upon it "in the formulation of general economic and social policies to meet the challenges of the modern world".^{6/} The Council's wide sphere of work has recently been further broadened by the establishment of three committees to deal, respectively, with natural resources, science and technology, and review and appraisal of the International Development Strategy.

58. If this alternative were adopted, the Council could be invited to establish another committee at the same level as the three mentioned above. Another course to which the Council no longer seems inclined to have recourse to, but which is provided for in the Charter, would be the establishment of a commission under the terms of Article 68 of the Charter, which would have a status similar to, among others, the Statistical Commission, the Human Rights Commission and the Commission on Social Development.

^{6/} Economic and Social Council resolution 1621 (LI).

59. The second alternative would be to establish a subsidiary organ of the General Assembly in accordance with Article 22 of the Charter. The Assembly has made extensive use of this provision, in connexion with virtually all subjects within the competence of the United Nations. Conspicuous in this category are the United Nations Conference on Trade and Development (UNCTAD)^{7/} and the United Nations Industrial Development Organization (UNIDO).^{8/} Other examples of the same approach are the United Nations Children's Fund (UNICEF),^{9/} the United Nations Relief and Works Agency for Palestine Refugees (UNRWA)^{10/} and the United Nations Development Programme (UNDP).^{11/} A number of constitutional and political considerations were invoked at the time of the adoption of these institutional arrangements. It does not seem necessary, however, to endeavour to reproduce these considerations, particularly because most of them were related to specific aspects of the respective fields of competence of the organs concerned, and because others are no longer relevant, having been superseded by subsequent events and decisions, such as the enlargement of the membership of the Economic and Social Council.^{12/}

60. The fact that the Assembly is the parent body of organs such as UNCTAD, UNIDO and UNDP, which deal with vital questions of international development co-operation, may be regarded as pertinent to any consideration of the appropriate location in the Organization of an organ on environmental matters. It could also be argued that the human environment transcends, in many important aspects, traditional economic and social values. Thus, establishment of an organ of the General Assembly would enable the Assembly effectively to tackle problems posed by the interconnexion of development with the need to safeguard the environment and to provide policy guidance thereon.

^{7/} General Assembly resolution 1995 (XIX).

^{8/} General Assembly resolution 2152 (XXI).

^{9/} General Assembly resolutions 57 (I) and 902 (VIII)

^{10/} General Assembly resolutions 302 (V) and 2452 B (XXIII)

^{11/} Most recently General Assembly resolution 2029 (XX)

^{12/} The General Assembly recently decided to adopt, in accordance with Article 108 of the Charter, an amendment to the Charter - and to submit it for ratification by the Member States of the United Nations - whereby the Economic and Social Council shall consist of fifty-four Members. (General Assembly resolution 2847 (XXVI) of 20 December 1971).

61. These considerations might lead governments to the conclusion that it is necessary to adopt a solution under which both the Council and the Assembly would be given an opportunity to review the activities of the system in the field of the human environment. In this connexion, it is pertinent to note that the resolutions of the General Assembly setting up the organs mentioned above contain provisions under which the Council considers their reports, discussed relevant aspects of their work, and in some cases elects the members of their governing bodies. The juridical formula which might serve this purpose could provide that the new body dealing with the environment be established as a subsidiary organ of the General Assembly reporting to the Assembly through the Council. It might also be desirable to specify, in some detail, the role that the Council would be expected to perform in considering the report on environmental matters.

62. Adoption now of such an institutional arrangement would not foreclose any subsequent adjustments called for in the future by changes that might become necessary in the mandate and operation of the intergovernmental organ dealing with the environment - including, perhaps, its transformation into a different type of institution - or indeed by a future decision of the Assembly or the Council as to their own methods of work which might have a bearing on their consideration of environmental matters.

63. If it is decided to recommend the establishment of an intergovernmental body on the human environment it will be necessary to consider its composition. It is not, of course, for the secretariat to advance any ideas in this regard and it will thus confine itself to setting out some relevant factual information. Firstly, it should be noted that the Preparatory Committee for the Conference comprises twenty-seven members. Other bodies, the membership of which may be relevant, are the three aforementioned standing committees recently established by the Economic and Social Council which comprise 54 members, elected by the Council in accordance with its own geographical distribution of seats. The Trade and Development Board of UNCTAD comprises 55 members elected by the Conference with "full regard for both equitable geographical distribution and the desirability of continuing representation for the principal trading States" and, to that end, seats are distributed on the basis of an established pattern and of lists of States contained in the Annex to General Assembly resolution 1995 (XIX). The Industrial Development Board comprises 45 members elected by the Assembly under resolution 2152 (XXV), on a similar basis as that provided for

UNCTAD. Under the terms of resolution 2814 (XXVI), recently adopted, the Governing Council of the UNDP comprises 48 members elected by the Economic and Social Council in conformity with rules regarding the distribution of seats set out in the same resolution.

64. Whatever the size of the intergovernmental body, its effectiveness will be largely determined by the level and quality of participation. The Conference may therefore wish to recommend that - as in certain other areas - governments should appoint as their representatives in the intergovernmental body senior officials or persons with special competence in environmental matters.

(ii) Secretariat

65. The need for the United Nations Secretariat to service the intergovernmental body on the human environment must be dealt with within the context of Article 101 of the Charter. The principal question that arises is whether the secretariat services concerned should be an integral part of the Department of Economic and Social Affairs or a separate unit within the United Nations Secretariat. In choosing between these possibilities it will be necessary to bear in mind the special characteristics of the secretariat required to deal with environmental matters.

66. When UNCTAD was set up as a subsidiary organ of the Assembly it was decided that "arrangements shall be made, in accordance with Article 101 of the Charter, for the immediate establishment of an adequate, permanent and full time secretariat within the United Nations Secretariat ..."^{13/} and a very similar provision was adopted when UNIDO was set up.^{14/} In pursuance of these decisions the Secretary-General set up within the secretariat two separate units which for administrative and other practical purposes have the status of a department but which, inasmuch as they service their own governing bodies, are required to operate, in the fields of their competence, under the guidance of those bodies. These two secretariats are headed by officials of Under-Secretary-General rank appointed by the Secretary-General the appointments being subject to confirmation by the General Assembly. The High-Commissioner for Refugees, who is also in charge of a separate secretariat unit, is elected by the General Assembly on the

^{13/} General Assembly resolution 1995 (XIX), paragraph 26.

^{14/} General Assembly resolution 2152 (XXI), paragraph 17.

nomination of the Secretary-General. The Administrator of UNDP is appointed by the Secretary-General after consultations with the Governing Council and subject to confirmation by the General Assembly.

67. A principal task of the secretariat would be to service, both substantively and logistically, the intergovernmental body on the human environment. In that context it would prepare the reports on the world environment and such other studies as may be required, and, generally, provide technical advice on matters within its competence. It would be responsible for ensuring implementation, at the technical level, to all the directives adopted by the intergovernmental organ, the Economic and Social Council and the Assembly regarding co-ordination of work and activities in the field of the human environment. In this connexion, and in order to enable these organs to exercise their leadership role, the secretariat would establish close relations with all related agencies and organizations so as to give practical meaning to the concept of positive co-ordination mentioned in Chapter I.

68. Inasmuch as it will be especially important to ensure that co-ordination starts at the very moment in which a new project and activity is conceived, the secretariat would avail itself, mutatis mutandis, of existing procedures for, and follow established practices of, interagency relations, including, in particular, those regarding prior consultation and exchange of data. Similarly, it will make appropriate administrative arrangements - possibly including secondment of staff - which would ensure the closest possible relations with individual agencies. In these respects, too, the problems of the human environment will require the gradual evolution of new methods of work and the adoption of appropriate systems of substantive consultation.

69. The executive head of the secretariat for the human environment would assist in the implementation of agreed decisions and in finding practical solutions to specific problems. He would bring to the attention of the intergovernmental body matters relating to the human environment requiring consideration by governments. He would endeavour to maintain close relations with the scientific community and should have access to the best available professional resources. Should an environment fund be established, the executive head might be vested, under the general guidance and supervision of the intergovernmental body, with responsibility for the administration of the fund, (see Chapter IV).

(iii) Relationship with the scientific community

70. The intergovernmental body and secretariat should work in close liaison with the scientific community. The value of developing close working relationships with the various components of the scientific community, such as ICSU and its subsidiary bodies, particularly SCOPE, as well as IUCN, has been concentrated during preparations for the Conference. These working relationships should embrace all branches of the scientific community including medicine and the social sciences.
71. While a single panel of scientific advisers might be created to meet all these purposes, it would seem better to proceed by convening expert groups on an ad hoc basis. Such groups could include, as they have in the preparatory process, experts from the United Nations system, governments and non-governmental sources. In this way, in addition to the support that they would have from other United Nations bodies and services, the intergovernmental body and secretariat would be able to seek advice from those persons whose expertise was most relevant to the particular problem under review. In assessing the risks due to exposure from certain pollutants of international significance (such as heavy-metals, and chlorinated hydrocarbons), it would seem preferable to constitute separate groups of experts rather than rely for the advice on a single overall panel.
72. A proposal to combine many of these functions in a single institution, i.e. "an International Centre for the Environment" (ICE), has been discussed in SCOPE. Essentially the same conception has been advanced elsewhere under the title "World Environment Institute" (WEI). However, proposals along these lines have not yet taken very specific form, nor have they been considered in detail in either the scientific community or intergovernmental bodies, and it is not clear how such a centre would be organized and financed.
73. For the immediate future, therefore, insofar as the United Nations system is concerned, more modest and flexible arrangements might be considered for the acquisition and exchange of environmental knowledge, without prejudice to the possibility that a more comprehensive proposal may develop which would merit consideration at a later stage. The responsibility for overall co-ordination and for identifying gaps in the existing monitoring networks could be carried out by the new intergovernmental body and secretariat, in consultation with the agencies concerned. Central data bank facilities could, where necessary, be made available through arrangements with specialized agencies

and the United Nations Office at Geneva. The International Computing Centre (ICC), recently established in Geneva for the collection of economic and social information, could possibly be utilized for this purpose. The encouragement of exchanges of national experience could be performed by the intergovernmental body with the aid of the secretariat.

74. One of the principal deficiencies which the environmental issue discloses in existing institutional arrangements is the inadequate relationship between the scientific community and social and political decision-making processes. This stems in part from inadequacies within the scientific community, and particularly in the relationship between the natural and social sciences, which make it difficult to obtain the kind of consensus within the scientific community itself that would provide clear guidance to political decision-makers on important questions. It also stems from inadequate arrangements in many countries for the kind of close communication and understanding between scientists and political decision-makers that is indispensable to successful environmental management. New institutional machinery should especially be directed towards this problem, recognizing that this is an area in which international efforts can be helpful in encouraging and supporting better relationships at the national level.

B. The prevention and settlement of disputes

75. In connexion with the prevention and settlement of environmental disputes, it may be recalled that Article 33 of the Charter requires the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, to seek a solution first of all by "negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies, or other peaceful means of their own choice". Members could be encouraged to have recourse to such procedures for the settling of environmental disputes even where disputes did not actually threaten international peace. Where international agreements are negotiated on particular environmental problems, specific provision could be made, wherever possible for appropriate procedures for resolving disputes over their interpretation.

76. Parties to environmental disputes should have the option of bringing disputes to the environmental intergovernmental body or to other appropriate intergovernmental forums, which could make recommendations for peaceful settlement. Parties to disputes could also make use of the advisory services and good offices of the environmental

secretariat. Non-governmental organizations with special competence in the subject matter should have an opportunity to present their views and, in appropriate cases, advice could be sought from a specially-constituted panel.

77. Some kinds of environmental disputes could appropriately be referred to the International Court of Justice, which has authority under its Statute to make use of scientific advisers or "assessors" to inform itself of the facts. In the case of other environmental disputes, it may be more appropriate to resort to an ad hoc arbitral tribunal. In still other cases, it may be preferable to employ non-judicial procedures like negotiations, mediation and conciliation where a flexible adjustment of interests can be achieved through mutual accommodation.

78. In the absence of effective international measures to avoid and settle environmental disputes, governments are likely to resort to unilateral measures to protect their environmental interests, possibly including direct reprisals against other governments, for actions which inflict environmental injury upon them, a retaliation which could have grave consequences. This is another reason why the avoidance and settlement of environmental disputes deserves continuing attention, even if specific machinery for this purpose cannot be established immediately.

Chapter IV
FUNDING

A. Requirements for international financing

79. It is evident that any programme of international co-operation in the field of the human environment that goes beyond current activities will entail additional costs and require additional funds. While most action proposals have not reached a stage of elaboration where detailed cost estimates can be made, it is already clear that the total cost of all proposals being considered for inclusion in the Action Plan will exceed the resources likely to be immediately available to international environmental activities. A special study of the overall range of costs involved is being undertaken and will be available by the time of the Conference. But the matter goes beyond that of funds alone. The access to additional funds by the environmental machinery will give it a greatly enhanced value as an organization, able not only to advise upon, and co-ordinate national, regional and international programmes, but capable of initiating and encouraging other programmes in a practical manner. The new institutional arrangements must be actively involved in world environmental developments; the access to additional funds is crucial to this practical involvement.

80. Clearly, however, it would be necessary to determine first the manner and extent of the additional work that is required, and more particularly, the objectives that should be sought through additional financial resources. To a large extent these objectives arise out of the description of the environmental functions to be performed at the international level, outlined in Chapter II. International financing will be required to meet three essential needs which would arise from approval by the Conference of the Action Plan, incorporating the proposals being submitted to it for consideration.

(i) Basic costs of the central environmental organ

81. It has been the practice in the establishment of subsidiary organs either to provide that:

- (a) all expenses are to be borne by the regular budget of the United Nations; or
- (b) administrative expenses of the organ are to be borne by the regular budget of the United Nations and other expenses are to be financed by voluntary contributions; or,
- (c) all expenses, both for administration and programme are to be financed by voluntary contributions.

82. Financing procedures in accordance with (a) were adopted in the case of UNCTAD.^{15/} Examples of subsidiary organs which operate according to the format of (b) are UNIDO and UNHCR. Examples of subsidiary organs which are financed in accordance with (c) are UNITAR, UNICEF, UNRWA, WFP and UNDP.
83. Governments may wish to consider providing that the costs of the basic secretariat - excluding costs of special programme activities - be borne by the regular budget of the United Nations. It may be noted in this respect that the Assembly has decided, in respect of several subsidiary bodies, that there should be a special budgetary provision in the regular budget to defray their administrative expenses. The adoption of such formula would give member governments, and the international civil servants involved, the proper degree of confidence in the continuing concern for multilateral action in the field of the human environment. But nothing in such a type of financing approach would prevent the provision of supplementary funds from voluntary contributions for special administrative and programme-support purposes.
- (ii) Costs of international environmental programmes
84. The performance of the functions outlined in Chapter II would require funds for new international programmes and activities.
85. Assuming that additional financial support for international co-operation in the field of the human environment is forthcoming, the central question that necessarily arises is whether such additional financial resources should be channelled through the regular budgets of the United Nations and the specialized agencies or whether there is a need for a new "Environment Fund" which would operate separately from the regular budgets involved.
86. Several considerations may be seen to weigh against the creation of a separate fund. It could be argued that most of the functions to be performed at the international level can, and should be, financed through assessed contributions. International activities such as oceanographic and atmospheric monitoring depend for their success on assured continuity and it could therefore be stated that if they were financed through voluntary contributions there would always be a danger that such work could be affected or even interrupted as a result of lack of adequate resources. A weightier consideration against a separate central fund might be the danger that it would run into complicated and contentious issues, particularly in deciding which kind of requests for funds are, or are not, justified.

^{15/} Subsequently UNCTAD became a participating agency of UNDP in order to perform operational functions within its field of competence.

87. There are, however, at least equally valid arguments to counteract the foregoing, bearing in mind, in particular, the need to make the best possible use of limited international resources. The precedents of UNDP, UNFPA and several other separate funds, constitute a manifestation of a well-established policy of many governments which is designed to supplement assessed contributions to regular budgets through such voluntary contributions to separate funds, as well as an indication of their conviction that it is possible and necessary to strengthen co-ordination through additional separate central funding. In fact, governments may consider that, in the field of the human environment, additional separate central funding provides the best means of achieving positive co-ordination as described in Chapter I and the best use of limited funds.

88. The problem of complexity and of contention in decisions as to what a separate central fund should or should not finance, must be matched against the complexity and contention that might arise from the alternative situation whereby environmental activities would compete for regular budget resources with established and often interrelated priorities within individual agencies, in addition to the well-known problems of ensuring co-ordination through separately funded components.

89. From a policy-making standpoint, separate central funding may have strong appeal to the interests of both developed and developing countries. Developed countries would feel reassured that their contributions are being used specifically for environmental purposes; developing countries would feel greater re-assurance that the costs of environmental activities are being met by the provision of new resources and not through the diversion of existing resources. Inasmuch as the developing countries' full participation in any endeavour of international co-operation for the protection of the human environment is essential, this may, in fact constitute the most important argument in favour of separate central funding. For their priorities are understandably determined by the most pressing development needs and they will often be unwilling or unable to participate in multilateral environmental programmes unless the financial resources that are required are provided from external sources. Separate central funding could thus become the best safeguard of the principle of "additionality" which has been reaffirmed only recently, by the General Assembly.^{16/}

^{16/} Resolution 2849 (XXVI).

90. Notwithstanding the apparent balance of advantage in favour of separate central funding of environmental activities, it does not follow that it would be practical or desirable for all environmental activities of the agencies to be financed through such a fund. It would be feasible to consider limiting the separate central funding to the costs of new initiatives and studies, and "seed" money for new programmes, as well as to support of special research, monitoring, information exchange and technical co-operation. This would mean that existing programmes and new programmes after they have been established as an ongoing part of an agency's activities would be financed from its regular budget.

91. The problem as to what activities to fund centrally thus becomes the nodal question. Here again, a gradualist, and flexible approach would be well advised. It has already been mentioned that a separate document is being prepared on this subject.^{17/}

(iii) Incremental costs of incorporating environmental measures into development programmes

92. The best means of funding the environmental costs that may result from application of environmental knowledge and its incorporation into the developmental activities of the developing countries raises much larger questions that will require a great deal of close and continuing attention.

93. Support for surveys, studies and pilot projects in resource management, pollution abatement, tropical ecosystems, developing country urban environment problems, etc. should of course continue to be provided by the UNDP, though it is clear that substantial additional resources are urgently needed for this type of "pre-investment" activity.

94. As regards capital costs, the short-run benefits attributable to environmental protection measures will out-weigh the costs in many cases. In such instances, financing of environmental costs would be borne as an integral part of the total costs of the projects concerned. However, the problem, in such cases, might often be to carry out the more comprehensive cost-benefit analysis that will bring these facts to light, and technical assistance in doing this should be available when required.

95. A more difficult case occurs where environmental expenditures will pay out over the long run, but will sharply reduce net short-term benefits. In such instances, there is also a strong case for contributions of additional resources to the International Bank for Reconstruction and Development (IBRD), and to the regional development banks, to enable them to incorporate environmental protection or enhancement features.

^{17/} cf. para. 79 above.

Experience with development assistance indicates that it has thus far been possible to reach mutual agreement with borrowers on projects in this category, at least as to protection against first order environmental effects. Additional costs have averaged from one to three per cent of total project costs and have been covered by increasing the amount of the loan at regular interest rates. Despite the success of this project-by-project approach so far, there are grounds for concern over the additional costs on an aggregated basis, especially for countries with heavy overall debt burdens.

96. This leaves a class of cases in which the environmental benefits to the country involved are small in comparison with those to other states or the international community at large. If the effect will be felt by neighbouring States, as might be the case with an international river system, the supplier of funds might wish to assure before proceeding with the financing that appropriate arrangements have been made among the states involved as to the apportionment of benefits and burdens. Technical co-operation in preparing the basis of such an agreement would seem to be valid object of support by a central environment fund.

97. Where the international benefits are more general, as for example in the case of the protection of a wildlife reserve, there is a strong argument for paying the cost of protective measures out of international resources.

B. Administration of international environmental funds

98. If funding of international environmental programmes is carried out through the direct provision by governments of funds to the individual agencies carrying out these programmes, such funds would, of course, be administered as part of their normal management process.

99. As regards the establishment and the administration and control of an Environment Fund, several approaches could be considered but the three following options would seem to be the most relevant:

- (a) to follow the precedent used for the Narcotics Abuse Control Fund and the United Nations Fund for Population Activities which were both established by the Secretary-General and are administered by the Secretary-General in the first case and the Administrator of UNDP in the second case. The second case is a more relevant precedent because programme co-ordination with or through UNDP could be arranged by various means. It would be necessary, however, to find a formula that would give the intergovernmental

body on the environment the necessary policy-making flexibility while preserving Governing Council control - in order to balance responsibilities. The Governing Council of UNDP would probably expect to review carefully the use of funds for environment purposes if UNDP were heavily involved. But an important consideration which cannot be emphasized too strongly is that any arrangement which would separate the administration of the Fund from the review of the environmental policy and co-ordination of environment functions would lead to the existence of two entities within the United Nations with all the potential problems of overlapping and duplication.

- (b) The Fund could be established by the General Assembly and managed by the intergovernmental body on environment. This formula would have the intrinsic advantage of ensuring governmental control over programme formulation and co-ordination of environmental activities. It does present the obvious disadvantages of lack of flexibility and efficiency in the administration of a fund which will relate to a very wide and complex programme of activities.
- (c) A third approach, which might combine all the advantages of governmental policy guidance and of flexible and expeditious administration would be one whereby the fund would be established by the General Assembly and administered by the executive head of the environment secretariat on behalf of the Secretary-General under the overall policy and administrative supervision of the intergovernmental body. To that end, the executive head would submit regular reports to the intergovernmental body and seek from it guidance and instructions regarding the operation of the fund.

ANNEX

Organization to deal with marine pollution: a special problem

1. International organizational arrangements to deal with marine pollution will require special attention at the Stockholm Conference.^{1/} The concern of governments with marine pollution has been manifested in recent General Assembly resolutions, in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction (the "Sea Bed Committee"), and in the Intergovernmental Working Group on Marine Pollution established in accordance with a recommendation of the Preparatory Committee for the Conference. Although valuable measures of co-operation have already been undertaken to deal with marine pollution it is considered that the existing organizational structure is inadequate to cope effectively with all the relevant aspects of this problem. In this connexion, it is important to recognize that the problem of marine pollution must be viewed not only in relation to the problem of managing ocean resources but also in relation to all pollutants found to be of international significance.
2. By far the largest amount of marine pollution is caused by activities which take place on land or in waters subject to national jurisdiction. The fundamental unity of the environment - in particular the marine environment - and the scale of the activities now undertaken, require, however, that further measures of international co-operation should now be established.
3. Many of these measures may most usefully be instituted at regional level. This is not only because common interests may be more readily perceived at the regional level but because of the different characteristics of different bodies of water. Arrangements are already under way to study and deal with the pollution of certain enclosed or semi-enclosed seas - the Caspian, the Baltic, the North Sea, and the Mediterranean. At Stockholm, governments may wish to encourage these efforts and call for additional measures to deal with other threatened bodies of water where adequate arrangements do not as yet exist.
4. As regards global arrangements, the nature of the arrangements made or to be made may be divided into several categories. There is the question of the overall legal framework, which is the concern of the Sea Bed Committee, as the preparatory

^{1/} See also A/CONF.48/8, chapters IV and VIII

body for the 1973 Conference on the Law of the Sea. There are arrangements or proposals for regulating particular activities or sources of pollution, most notably the International Convention for the Prevention of Pollution of the Sea by Oil (1954), as subsequently revised, which has been dealt with by IMCO, and a draft convention relating to the control of ocean dumping, which has been considered by the Intergovernmental Working Group on Marine Pollution. Of particular interest to the Stockholm Conference is the question of the institutional arrangements to be made with regard to the monitoring of marine pollution and the collation of relevant scientific data. This matter has been a special concern of IOC.

5. A considerable number of organizations in the United Nations system are presently concerned with the marine environment. In addition to the United Nations itself, FAO, IAEA, IMCO, IOC and UNESCO, WHO and WMO are pursuing activities in accordance with their terms of reference in the field of marine pollution. These activities, however, are carried out along sectoral lines and at present no intergovernmental organization has sufficiently wide terms of reference to provide overall policy guidance except with regard to scientific and monitoring activities where a key role is played by IOC, the specialized mechanism supported by organizations whose executive heads participate in the Inter-Secretariat Committee on Scientific Problems Relating to Oceanography (ICSPEO) (UNESCO, FAO, WMO, IMCO, UN).

6. As regards, first, the activities of the United Nations, the General Assembly has shown its interest in this topic on several occasions, most notably in adopting resolution 2566 (XXIV) on the prevention and control of marine pollution. More broadly, a distinction may be made between "standing" arrangements, centred on the activities of the Economic and Social Council or of its subsidiary bodies, and the work of other organs such as the Conference on the Human Environment and the Sea Bed Committee. The Economic and Social Council, in dealing with the general question of the development of mineral resources, has given increasing attention to the environmental aspects of their rational development. In particular, it has dealt with the subjects of the exploration and exploitation of marine resources in various resolutions and reports. These have included considerations related to marine pollution. Moreover, under the mandate given it by the Charter, the Economic and Social Council has kept under continuous review the co-ordination of United Nations organizations in matters related to the marine environment.

7. Within the framework of the Conference on the Human Environment, the Intergovernmental Working Group on Marine Pollution established in accordance with a recommendation of the Preparatory Committee has examined proposals for an international convention to regulate ocean dumping - the transportation by ship of

waste materials from the land for dumping at sea as well as considering the formulation of various principles relating to marine pollution. As regards the ocean dumping proposals, under one proposal which was submitted to the Group, responsibility for administering a convention on this particular form of pollution would be entrusted to the international organization created as a result of the Law of the Sea Conference and, pending the creation of such an organization, to a General Conference of contracting parties. An alternative possibility would be to entrust the responsibility to IMCO.

8. As previously mentioned, pollutants reaching the oceans from land-based sources through the atmosphere, rivers and direct run-off from land are the most important sources of marine pollution. Insofar as the pollutants, or sources of pollution, in question may affect the atmosphere, or human or other forms of life on land, they have been of concern to the Intergovernmental Working Group on Monitoring; in this context the problem of protection of the marine environment merges with that of protection of the environment in general. These sources, although responsible for the bulk of marine pollution, are subject to little or no form of international regulation. They will undoubtedly have to be dealt with in coming years if the health of the oceans is to be protected. International action could take the form of the establishment of a monitoring system (or of a series of interlocked systems) designed to monitor the extent of pollution from these sources, the creation of standards of water quality for different parts of the marine environment, and, eventually, setting limits on the discharge of particular pollutants.

9. A general obligation to protect the health of the marine environment is contained in Article 25 of the Geneva Convention on the High Seas, paragraph 2 of which obliges States "to co-operate with competent international organizations in taking measures for the prevention of pollution of the seas or air space above, resulting from any activities with radio-active materials or other harmful agents". Although IAEA has established recommended standards relating to the disposal of radio-active wastes produced from peaceful uses of atomic energy and IMCO has pursued its activities designed to curtail or eliminate pollution from specific sources of pollution (most notably from ship-borne oil), in the absence of an organization of general competence in this area, the obligation has so far been of little practical significance.

10. The United Nations body which has been particularly concerned with marine matters in recent years has been the Sea Bed Committee. Originally established, as its title suggests, to deal with the problems which would arise from exploitation of mineral and other resources of the sea-bed beyond the limits of national jurisdiction, the terms of reference of the Committee were expanded by the General Assembly in 1970 so as to make the Committee the preparatory body for a Conference on the Law of the Sea, tentatively scheduled for 1973. Accordingly, the mandate of the Committee was enlarged to include not only pollution from off-shore mineral exploitation but the preservation of marine environment more generally, insofar as changes may be required in the law. Under the first heading, a number of draft conventions have been submitted to the Committee by various States, providing for the establishment of an international sea-bed authority which would, inter alia, have responsibility for pollution occurring on or affecting activities in the area of the sea-bed beyond the limits of national jurisdiction. Certain of these proposals would give the authority functions with respect to the control of marine pollution more generally. As regards the wider mandate of the Sea Bed Committee concerning the law of the sea, the Committee has established a Sub-Committee (composed of all members of the Committee) whose functions are to draft treaty articles on the preservation of the marine environment (including the prevention of pollution) and to promote scientific research.

11. Turning to the specialized agencies and IAEA, their activities relating to marine pollution have been based on their particular spheres of competence. The responsibilities of IOC and IMCO are of special importance, having regard to the central significance of marine questions to these two bodies.

12. The activities of IOC and the supporting ICSPRO agencies concern the scientific investigation of physical, chemical and biological processes in the ocean which help to determine the routes, fates and effects of pollutants, and the problems of monitoring them, and contribute to the protection of living resources. Activities fall into three broad categories: assistance to Member States individually by various agencies in accordance with their terms of reference; promoting collective advancement in methodology, training, research and information services; and assisting concerted action by States through the IOC as in the case of the Long-Term and Expanded Programme of Ocean Exploration and Research (LEFOR) and especially its major component, the Global Investigation of Pollution in the Marine Environment (GIPME).

13. From its inception in 1959, IMCO has exercised not only the depositary functions of the International Convention for the Prevention of Pollution of the Sea by Oil (1954), but also the responsibility for collecting and disseminating technical.

information on oil pollution by tankers. Scientific and technical means for the prevention and control of marine pollution by oil are under continuous review by the IMCO Sub-Committee on Marine Pollution. IMCO is also carrying out work on the identification of noxious and hazardous cargoes which may be considered as potential pollutants. At its 1973 Conference IMCO will consider not only revisions of its 1954 Convention to eliminate all intentional pollution by oil, but also agreements for the elimination of intentional pollution by substances other than oil, for the minimization of accidental pollution by oil and other substances, for the safe carriage of dangerous goods, and for the disposal or treatment of ship-generated sewage or waste.

14. The FAO has been active in the problem of marine pollution for many years because of its direct involvement with the promotion of the world's fisheries. More than a decade ago, it identified the fishery aspects of pollution as follows: harm to the living resources on which fisheries are based; interference with fishing gear and operations; harm to consumers caused by contaminated marine products; and the adverse effects on marketing of the actual or potential reduction of product quality. Since those early days, FAO has broadened its involvement from problems directly influencing fisheries to more general aspects of marine pollution through its regional fisheries bodies and through its support of bodies such as IOC.

15. By statute, IAEA is responsible for establishing standards of safety relating to the peaceful uses of nuclear energy and to the management and disposal of radio-active wastes resulting from the peaceful uses of nuclear energy. Although by far the largest contribution to the radio-active burden of the seas has come from nuclear tests, the peaceful uses of nuclear energy and nuclear techniques have led to the disposal of some radio-active wastes in the sea.

16. The interests and activities of WHO in marine pollution are mainly related to coastal pollution and the health aspects of sea-food products. Its work in this respect falls into four categories: assistance to member countries; research and training activities; the establishment of relevant reference and documentation centres; and co-operation with other agencies. Other WHO interests and activities include comparative studies in water pollution legislation, problems related to waste disposal from ships in harbours and ship sanitation in general. The Organization's activities in these areas are considered to be part of the WHO programme in water pollution control, or to be more precise, as a part of its environmental pollution control programme.

17. The WMO pursues activities relevant to marine pollution since the atmosphere represents a pathway to the oceans for organic and inorganic products released in the air or picked up from the ground by the wind. It is in this knowledge, well documented in the scientific literature of recent years, that the WMO Executive Committee suggested that due account should be given to the role of the atmosphere in the study of marine pollution. There is close collaboration with IOC, especially on monitoring.

18. Having regard to the large number of existing and proposed organizations involved in aspects of marine pollution, there is a strong case for the early establishment of a central point which could provide overall co-ordination of the activities concerned and a measure of policy guidance. Some rationalization has already taken place as far as the scientific aspect is concerned. In order to provide all the organizations in the United Nations system with scientific information concerning marine pollution, a Joint Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP) has been established under the sponsorship of FAO, UNESCO, WHO, WMO, IMCO, IAEA and the United Nations itself. Members of this group are appointed in their individual capacities and the composition of the group is intended to ensure its essential inter-disciplinary approach. While the administrative secretariat of this group has been entrusted to IMCO, each sponsoring organization has appointed a technical secretary. In addition to the creation of this expert body, however, IOC has been increasingly recognized as the organization which should centralize all information on the scientific aspects of marine pollution. Such a course of action has been emphasized by the recommendations of the Intergovernmental Working Groups on Monitoring and Marine Pollution. Whatever new organizational structure may be considered, IOC would appear to be the logical central organ for the provision of basic scientific information. There is, furthermore, at present a large vacuum in regard to planning as well as regulatory and control aspects, particularly in respect to land-based sources of marine pollution.

19. Looked at overall, the following considerations suggest themselves with regard to possible institutional arrangements: first, the area in which there is most immediate need for further co-ordinated action and for institutional strengthening is with respect to monitoring and, in general, scientific research relating to pollution; second, whatever arrangements are made should be sufficiently flexible so as to permit account to be taken of later developments, in particular the outcome of the Law of the Sea Conference; and, third, consideration should be given to the

problem of ensuring that whatever steps are taken to deal with marine pollution are appropriately co-ordinated, and viewed together, with the steps to be taken to safeguard the environment as a whole. This last consideration applies particularly to marine pollution caused by land-based sources.

20. On the basis of the above, and having regard to the requirement that the problems of preserving the marine environment have to be considered also in the broader context of ocean space management and the rational development of marine resources and amenities, a flexible institutional framework may be envisaged along the following lines:

(a) An intergovernmental policy body

This should be the intergovernmental body empowered to deal with the problems of the human environment as a whole. Among its functions would be overall responsibility for assuring that needed guidelines were being provided to governments for the control of all sources of marine pollution, including land-based sources.

(b) Secretariat arrangements

These would consist of the environmental secretariat working in close association, perhaps even jointly, with the secretariats of the United Nations agencies and organizations dealing with marine pollution, including, in particular, the secretariat of IOC and the Department of Economic and Social Affairs. Co-ordination would be facilitated if these services were located in close proximity to one another and to the environmental secretariat, and if measures could be taken to strengthen the interagency mechanism known as the Inter-secretariat Committee for Scientific Programmes related to Oceanography (ICSPRO).

(c) Scientific support organs

IOC could provide a central point to arrange for marine monitoring, the collection and exchange of data, the conduct of research, and related technical assistance to developing countries to facilitate their participation in these activities. GESAMP could make periodic qualitative assessments of the risks, pathways and sources of marine pollution.

21. A structure along the lines envisaged would in no way prejudice any future decision which might be taken as an outcome of the 1973 IMCO Conference or of the Conference on the Law of the Sea. At some point in the future it is possible that

consideration will be given to the establishment of some kind of an international authority for the oceans which would inter alia have responsibility for the scientific and regulatory functions discussed above, together with functions relating more generally to management of marine resources. Opting for this solution would clearly be premature at the Stockholm Conference, in view of the major political issues still unresolved and the work proceeding in other forums. Nevertheless, it would be useful to make clear at Stockholm that present institutional arrangements were being made on a provisional basis.

22. If current considerations in various bodies do point to a new intergovernmental body whose responsibilities would include certain aspects of the marine environment, governments should retain the flexibility necessary to re-allocate tasks at a later date. Here again a central mechanism for policy review and co-ordination on environmental affairs may be the most effective place to design the long-term arrangements to deal with marine pollution.