(IV) DEVELOPMENT OF INTERNATIONAL LAW OF HUMAN ENVIRONMENT

Consideration by the International Law Commission

One of the relatively recent additions to the list of "moving frontiers of international law" is the law relating to the human environment. The "Survey of International Law", a document prepared by the U. N. Secretary-General to review the International Law Commission's long-term programme of work[1], has not excluded the possibility that the International Law Commission under its programme of work might be able to take up the topic of environmental law. In Chapter XIII, on the Law relating to the Environment, the following is stated:

> "In the case of the law relating to the preservation of the environment the 'law' as such, regarded as a distinct segment of international law, is relatively less developed."[2] Further, "(It) is understood that the task confronting the international community entails the development of essentially new law, on what may eventually prove to be a considerable scale, and not merely the codification of the existing legal rules and practices. It is difficult at this stage to say what form the arrangements to be made will take and whether the relationship between the component parts will be such as to result in a coherent body of law, or whether the eventual solution will be a series of piecemeal agreements, without any underlying pattern or system, nor it is possible to define, in exhaustive terms, all the areas and aspects which may need to be borne in mind in devising the legal instruments in question."[3]

1. See Document A/CN.4/245.
2. *Ibid*, Page 173.
3. *Ibid*, Page 174.

During the twenty-fifth session of the International Law Commission, some members of the Commission singled out the topic of the development of environment law and made few preliminary remarks.

Mr. Hambro thought that "problems the world had to face in regard to protection of the human environment were likely to prove much more important in the future than other matters now in the forefront of international relations. On the protection of the environment, as on outer space, however, new law was being made all the time and it would be dangerous to try to freeze the development of the law."[4]

Mr. Reuter felt that "the Commission should not deliberately reject topics which were of unduly pressing concern, such as human rights, the environment, outer space and the sea-bed."[5] However, since "the General Assembly and the Security Council had seen fit to entrust them to other organs ..... it would be unseemly for the Commission to propose that it should deal with them."[6]

Mr. Jorge Castaneda was of the view that "the question of the environment could lend itself to useful action by the Commission."[7] In his view "the main difficulty arose from the diversity of sources and forms of pollution."[8] However, he thought that "the Commission might well endeavour to identify five or six legal principles on the protection of the environment."[9] He suggested that the Commission should recommend to the General Assembly the inclusion of four new topics in its long-term programme of work: first, the treatment of aliens; secondly, principles of law relating to the environment; thirdly, State responsibility for lawful acts; and fourthly, the law of the non-navigational uses of international water-courses.[10]

4. 1233rd Meeting, Year Book of the International Law Commission, 1973, Vol. I Summary Records. Page 160.
5. *Ibid*, Page 161.
6. *Ibid*.
7. 1234th Meeting, Page 165.
8. *Ibid*.
9. *Ibid*.
10. *Ibid*.

Mr. Calle Y-Calle stressed that the Declaration adopted by the United Nations Conference on the Human Environment at Stockholm in 1972 should be translated into legal rules determining the rights and duties of States in that field. He endorsed the suggestion of Mr. Castaneda that the General Assembly should be invited to consider the codification and progressive development of environmental law and possibly to refer the topic to the International Law Commission.[11]

Mr. Martinez Moreno observed that the law relating to the environment was a suitable topic for inclusion in the Commission's programme. In his view, "the practical and political aspects of the topic justified its consideration by the Commission."[12] He recognised that, "it was true that the topic presented many technical problems, but they could be rendered more manageable by dealing with only one or two aspects of that very complicated branch of law to begin with."[13]

Consideration by the United Nations Environment Programme

At its first session, the United Nations Environment Programme could not pay specific attention to the legal problems concerning human environment. However, at the second session, the Executive Director drew the attention of the Governing Council to this aspect of the problem. During the course of the general debate in the Governing Council several delegations endorsed the proposition of the Executive Director that the progressive development of international environmental law should be of priority concern for UNEP.

Several representatives suggested that one of UNEP's main concern should be the preparation of an environmental code of conduct, or of a charter for the environment. This could be initiated by a comprehensive codification of minimum environmental standards, which would then serve as the basis of a new code of environmental ethics, leading eventually to a comprehensive codification of a new body of international environmental

11. 1235th Meeting, Page 169.
12. 1236th Meeting, Page 175.
13. *Ibid.*

law. It was, however, recognised that the elaboration of an international environmental law would not be an easy task, since it required a level of knowledge and experience that was still non-existent in most of the areas of environmental co-operation.

In late 1973, the Executive Director convened a meeting of a group of international jurists with particular interest in environmental problems. The general discussion in the group centred around the following topics:

(i) International responsibility of States for environmental protection;

(ii) Liability and compensation for damage to the environment;

(iii) Maritime and land-based activities adversely affecting the marine environment;

(iv) Weather modification;

(v) Access of foreign States or persons to domestic procedures;

(vi) Method of dissemination of information between interested parties in regard to national regulatory activities having an internationally significant environmental impact.

The Executive Director has planned to submit to the Governing Council at its third session concrete proposals in this respect.

In view of this still unclear picture, any discussion on the development of environmental law would necessarily have to be confined to the evaluation of legal principles incorporated in the Stockholm Declaration on the Human Environment. The Declaration which is set out in the form of Principles contains a wealth of material to guide the development of environmental law. The rights and duties of States contemplated in the Principles of the Stockholm Declaration could provide a good framework for the emerging international environment law. An analysis of some of the relevant Principles it set out below:

Principle 1 — While recapitulating the universally recognised rights of freedom and equality, adds the third "fundamental right.....(to) adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being."[14] The insertion of the right to "healthy environment" in the body text of the Declaration in the very first principle, imparts added significance to this right. However, the ambit of right is subject to a co-relating duty to protect and improve the environment not only for the future generations, but for the present one as well.

Principles 2 and *3* recognise the responsibility deemed to be delegated to the States to husband their natural resources with care and caution.

Principle 4 makes a special reference to the responsibility for the preservation of the heritage of wild life and other endangered animal species. It is the duty of the States to ensure the establishment and support of a programme of action, including enactment of legislation to protect forestry and animals of rare species. There are only a few international agreements to protect wild life and other endangered species The first significant international agreement on these subjects dates back to 1935 when the African Convention relating to the Preservation of Flora and Fauna in their Natural State prohibited hunting and harassment of wild life. In 1942 Pan-American Union concluded a Convention on "Nature Protection and Wild life Preservation in the Western Hemisphere."

After nearly ten years of preparatory work, the International Union for the Conservation of Nature and Natural Resources convened an international conference at Washington from February 12 to March 2, 1973. The Conference adopted

14. Article 25(1) of the Universal Declaration of Human Rights stipulates that "each person has a fundamental right to healthful environment". Similarly Article 11(1) of the International Convention of Economic, Social and Cultural Rights (adopted by G.A. on December 16, 1966) provides for "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions."

a Convention on *International Trade in Endangered Species of Wild Fauna and Flora.* Endangered species are divided into three categories: Species whose survival is in a critical state (Appendix I); potentially endangered species (Appendix II); and species which a contracting State has protected in its own territory and for controlling its trade the state requires international assistance (Appendix III). Trade in species of first category is provided only in exceptional circumstances. The prior grant of import and export, and, where relevant, re-export, permit is necessary. Article III of the Convention contains other details in this regard. Trade restrictions for the second category of species are less stringent. However, it is the duty of the national authorities of exporting State to see that "the export of specimens of any such species should be limited in order to maintain that species throughout its range at a level consistent with its role in the eco-systems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I." In the case of species of third category, trade is permissible subject to conditions similar to, but less restrictive than, those laid down for the second category of species.

Article VII of the Convention lays down a number of exemptions and other provisions relating to trade, which include: travelling circuses, the artificial propagation and breeding in captivity of species, loans of species between scientific bodies, and specimens that are personal or household effects.

The Convention obliges the signatories to maintain records of their trade in the species regulated by the Convention. It is their duty to take measures to enforce the provisions of the Convention, including measures to penalise trade in and possession of specimens in violation of the provisions of the Convention. The Convention contemplates establishment of a secretariat within the framework of the United Nations Environmental Programme (UNEP). The contracting parties would make periodic reports on their implementation and enforcement of the Convention to that secretariat.

In November, 1973, five States bordering the Arctic- Canada, Denmark, Norway, U.S.S.R. and U.S.A. signed an

Agreement on the Conservation of Polar Bears. The Agreement prohibits the hunting, killing and capturing of polar bears. However, certain exceptions are made in favour of Eskimos, who may continue their hunt, provided they use traditional methods. The use of aircraft and large motorised vessels for hunting polar bears is specially prohibited. Furthermore, signatories to the Agreement are obliged to prohibit any trade in polar bears or the products of polar bears which have been taken contrary to the provisions of the Agreement. The signatories agree to undertake appropriate action to protect the eco-system of which polar bears are a part in accordance with sound conservation practices. They agree to co-ordinate and exchange their researeh on polar bears and to hold consultations for further protection measures.

At its seventeenth session, on November 16, 1972, the UNESCO General Conference adopted a *Convention for the protection of the World Culture and Natural Heritage.* The basic theme of the Convention is that the cultural and natural heritage is the common heritage of the whole mankind. The "cultural heritage" to be protected includes monuments, buildings, sculptures, paintings and structures and sites which are of archaeological importance. The "natural heritage" includes physical and biological formations of outstanding aesthetics or scientific value, the habitats of threatened species of animals and plants, and sites outstanding for their natural beauty or scientific importance. States are supposed to identify any object or property in their territory which falls under the protected categories stipulated in the Convention. It is their duty to take necessary legal, financial, administrative and scientific measures to protect these objects.

Article 8 of the Convention envisages establishment of a World Heritage Committee. The functions of the Committee would include, preparations of a "World Heritage List" comprising a list of objects of outstanding universal value, and a "list of World Heritage in Danger" consisting of those objects for the conservation of which major operations are necessary and for which assistance has been requested under this Convention.

Article 15 provides the basis for the establishment of a "World Heritage Fund". The Fund would be raised from voluntary or compulsory contributions from the contracting States. The World Heritage Committee will decide for what purpose the Fund is to be used.

Principle 5 lends support to the idea of utilization of non-renewable resources for the benefit of the whole mankind. To quote Professor Sohn: "...the idea of sharing of benefits by all mankind provides a link between the Stockholm Declaration and other United Nations Declarations which with increasing frequency put stress on the new social character of international law, which no longer protects the lucky few, but instead provides for more distributive justice."[15] More specifically he said, "while the sea-bed declaration was limited to the resources of the sea-bed, the Stockholm Declaration applies the principle of equitable sharing more boldly to all non-renewable resources, wherever they may be situated.[16]

Since the discharge of toxic substances, or of other substances in excessive quantity poses great danger to the eco-system, *Principle 6* obligates the States to take all practical steps to prevent any serious damage to the eco-system.

Principle 7 is a specific application of Principle 6 in the sense that the obligation of the States contemplated in Principle 7 is only concerned with the marine environment. Principle 7 stipulates that States should take all possible steps to prevent pollution of the seas by substances that are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

Principle 7 does not stipulate any new obligation. Many States have taken steps to prevent the pollution of the marine environment. However, these steps are either un-coordinated or

15. See his Article "The Stockholm Declaration on the Human Environment," *Harvard Journal of International Law*, Vol. 14 Number 2, page 461.
16. *Ibid.*

ineffective. The magnitude of the problem has increased to such an extent that unless immediate steps are taken the problem may become uncontrollable.

The existing framework of the law relating to prevention of marine pollution provides a good basis for a discussion of the obligations of the State envisaged in Principle 7 of the Stockholm Declaration [17] The historic 'Declaration of Principles Governing the Sea-bed and the Ocean floor, and the Sub-soil thereof, beyond the limits of National Jurisdiction'[18] could be a starting point for the discussion. Regarding protection of the marine environment, the Declaration states that:

"With respect to activities in the area and acting in conformity with the international regime to be established, States shall take appropriate measures for and shall co-operate in the adoption and implementation of international rules, standards and procedures, for *inter-alia*:

(a) The prevention of pollution and contamination, and other hazards to the marine environment, including the coastline, and of interference with the ecological balance of the marine environment;

(b) The protection and conservation of the natural resources of the area and prevention of damage to the flora and fauna of the marine environment.

The Declaration, thus, did not give any definition of the term 'marine pollution'. It laid down the guidelines of the basic obligations of the States. However, a widely accepted definition of marine pollution is given by the United Nations Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP). Marine pollution, according to this definition, is

17. There are numerous international conventions and agreements which deal with the regulation of marine environment. However, the discussions have provided only a broad survey of those international agreements and conventions which touch upon the problem of pollution in one or another form.

18. See General Assembly Resolution 2749(XXV) adopted on 17 December, 1970.

"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 or use of sea-water, and reduction of amenities." Commenting on this definition, James Barros and Johnston observe, "..... this definition is limited to pollution by man, but it is sufficiently inclusive, in its reference to causes, to embrace thermal pollution arising from the increase in temperature caused by hydro-electric works. It is also sufficiently inclusive, in its reference to effects, to embrace pollution resulting in the "reduction of amenities.....".[19]

Another relevant definition is of the phrase "hazardous polluting substances." Article 1 of the 1972 U.S. - Canadian Agreement on Great Lakes Water Quality defines these substances "as any element or compound identified by the parties which, when discharged in any quantity into or upon receiving waters or adjoining shorelines, present an imminent and substantial danger to public health or welfare."[20]

The four international conventions on the law of the sea, adopted by the 1958 United Nations Conference on the Law of the Sea contain certain provisions relevant to the subject under consideration.

Article 24 of the Convention on High Seas obliges States to "draw up regulations to prevent pollution of the seas by the discharge of oil from ships or pipelines or resulting from the exploitation and exploration of the sea-bed and its sub-soil."

Article 24 of the Convention on the Territorial Sea and the Contiguous Zone accords States the right to exercise preventive or protective control for the infringement of their customs, fiscal,

19. See James Barrows and Douglas M. Johnston. *The International Law of Pollution*, 1974, page 6.

20. At it is elaborated, "Public health or welfare" encompasses all factors affecting the health and welfare of man including but not limited to human health and the conservation and protection of fish, shell-fish, wild life, public and private property, shorelines and beaches, *Ibid.* pp 6-7.

immigration or sanitary regulations within their territory or territorial sea. However, this right would not extend beyond twelve miles from the baseline from which the breadth of the territorial sea is measured.

Article 6 of the "Convention on Fishing and Conservation of the Living Resources of the High Seas" recognises coastal States special interest in the maintenance of the productivity of the living resources of the high seas, adjacent to the territorial sea. Paragraph (2) of the same article incorporates the right of the coastal State to take part in any system of research and regulation for purposes of conservation of living resources of the high seas in that area. even though its nationals do not carry on fishing there.

Article 5, paragraph 1 of the Convention on the Continental Shelf lays down that the exploration of the continental shelf and the exploitation of its natural resources must not result in any unjustifiable interference with navigation, fishing or conservation of the living resources of the sea. It also prohibits any interference with fundamental oceanographic or other research carried out with intention of open publication. Further, article 5(7) obligates coastal States to undertake, in safety zones established around devices on the shelf, ' all appropriate measures" for the protection of the living resources of the sea from harmful agents.

International Convention for Prevention of Pollution of the Sea by Oil, 1954

In 1954, a 32-nation conference convened in London, adopted an "International Convention for the Prevention of Pollution of the Sea by Oil." The Convention prohibited the discharge of persistent oils, defined as crude oil, fuel oil. heavy diesel oil and lubricating oil, or a mixture containing 100 parts per million of such oil, within designated areas known as prohibited zones. The prohibited zones extended generally up to fifty miles from land, with wider zones in specifically sensitive areas such as the North Sea and the Atlantic Ocean. The Convention made certain exceptions such as accidental discharge or leakage or discharge necessary to save a ship or human life. It

required ships to maintain "oil record books" to help port inspectors keep track of oil discharges. It obliged contracting States to provide port facilities to receive oily ballast and tank clearing residues.

The Inter-governmental Maritime Consultative Organization, established in 1958 as a specialised agency of the U.N., convened a second London Conference in 1962 to strengthen the provisions of the aforesaid Convention. The limit of prohibited zones was extended upto 100 miles along many coasts. The scope of the Convention was further extended to cover all tankers down to 150 tons gross tonnage. Further amendments to the Convention were introduced in 1969. These new provisions tightened the discharge limitations and prohibited all tanker discharges within 50 miles of land. For ships other than tankers, which were not subject to total ban within the prohibited zone of fifty miles, it was agreed that discharges must have an oil content of less than 1/15000 of the total cargo carrying capacity of the vessel, as well as meeting the 60 litres per mile criterion.

Again in 1971, further two amendments were adopted. The first one aimed at minimizing the amount of oil which would escape as a result of maritime accidents. particularly those involving very large tankers. The second amendment made special provisions for the protection of the Great Barrier Reef.

International Convention for the Prevention of Pollution from Ships, 1973

The Inter-governmental Maritime Consultative Organisation convened an international conference in 1973 with the object of preparing a suitable international Convention, for placing restraints on the contamination of the sea, land and air by ships, vessels and other equipment operating in the marine environment. The Convention. as approved in 1973, replaced the 1954/62 Oil Pollution Convention. The application of the Convention, however, was not extended to pollution directly arising out of the exploration and exploitation of sea-bed mineral resources.

The Convention contains 20 articles, two protocols dealing respectively with reports on incidents involving harmful substances and details regarding arbitration, and five annexures containing regulations for the prevention of :

(a) pollution by oil;

(b) pollution by noxious liquid substances carried in the bulk;

(c) pollution by harmful substances other than those carried in bulk;

(d) pollution by sewage from ships; and

(e) pollution by garbage from ships.

(a) *Pollution by oil*

The Convention does not make any change in the oil discharge criteria prescribed in the 1969 amendments to the 1954 Convention, except that the maximum quantity of oil which is permitted to be discharged in a ballast voyage of new oil tankers has been reduced from 1/15,000 to 1/30,000 of the amount of cargo carried. However, the 1973 Convention introduces a new concept of "specified areas", within which oil discharges have been completely prohibited to some minor and well defined exceptions. The Convention designates the Mediterranean Sea Area, the Black Sea Area, the Baltic Sea Area, the Red Sea Area and the 'Gulfs' Area as special areas. The Convention specifies that all new and existing oil tankers and other ships will, with certain exceptions, be required to be fitted with appropriate equipment, which will include an oil discharge monitoring and control system, oily water separating equipment or filtering system, slop tanks, sludge tanks, piping and pumping arrangements.

(b) *Control of pollution by noxious liquid substances (Annexure II)*

The Convention lays down detailed requirements for the discharge criteria and measures for control of pollution by noxious liquid substances carried in bulk. These substances are

divided into four categories depending upon their hazard to marine resources, human health, amenities and other legitimate uses of the sea. The Convention prohibits any discharge of residues containing noxious substances within 12 miles from the land. The Baltic Sea Area and the Black Sea Area are the two special areas where any discharge of noxious liquid substances is prohibited.

(c) *Prevention of pollution by harmful substances carried in packaged forms, or in freight containers or portable tanks or road and rail tank wagons (Annexure III).*

The Convention sets out general requirements relating to the prevention of pollution by harmful substances carried by sea in packaged form or in freight containers, portable tanks or road and rail tank wagons. Detailed requirements on packaging, marking and labelling, documentation, stowage, quantity limitations and other aspects aimed at preventing or minimising pollution from such substances will be formulated in the future within the framework of the International Maritime Dangerous Goods Code or in other appropriate form.

(d) *Prevention of pollution by sewage and garbage (Annexures IV & V)*

The Convention prohibits ships to discharge sewage within 4 miles from the nearest land unless they have in operation an approved treatment plant. Further, between 4 and 12 miles from land, sewage must be comminuted and disinfected before discharge. Similarly, for garbage, specific minimum distances from land have been set for the disposal of all the principal kinds of garbage. The disposal of all plastics is prohibited.

According to Article 4 of the Convention, any violation of the Convention, such as the unlawful discharge of harmful substances or non-compliance with the Convention requirements in respect of the construction and equipment of a ship, wherever such violation occurs, will be punishable under the law of the flag State. Any violation of the Convention within the jurisdiction of any party to the Convention shall be punishable either under the law of that party or under the law of the flag State.

Article 5 provides that, with the exception of very small ships, ships engaged on international voyages are required to carry on board valid international certificates. Such certificates may be accepted at foreign ports as a *prima facie* evidence that the ship complies with the requirements of the Convention. If, however, there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially to the particulars of the certificate, or if the ship does not carry a valid certificate, the authority carrying out the inspection may detain the ship until they satisfy themselves that the ship can proceed to sea without presenting unreasonable threat of harm to marine environment.

International Convention relating to Intervention on the High Seas in cases of Oil Pollution Casualties, 1969

The Convention recognises the right of a coastal State to take such measures on the high seas as may be necessary to prevent, mitigate or eliminate danger to its coastline or related interests from pollution by oil or the threat thereof, following upon a maritime casualty. However, such action should be taken only when it is necessary and should be proportionate in the light of the pollution or threat thereof, and after due consultations with appropriate interests, including, in particular, the flag State or States of the ship or ships involved, the owners of the ships or cargoes in question and, where circumstances permit, independent experts appointed for this purpose.

The 1969 Convention's scope was limited to casualties involving pollution by oil only. The 1973 IMCO Conference adopted a Protocol which extends the scope of the convention to those substances other than oil which are either annexed to the Protocol or which have characteristics substantially similar to those substances.

Dumping of wastes and other matters

World-wide concern over dumping of wastes and other matters is a relatively recent phenomenon. The 1958 Geneva Convention on the High Seas at that time considered dumping of only radioactive wastes as a matter of real concern. Article

25 of the Convention accordingly stated that every State should take measures to prevent pollution of the seas resulting from dumping of radioactive wastes. The authors of the Convention recognised the intricacies of any proposal providing for complete ban of dumping of radioactive waste, hence they merely stated the obligation of the State to co-operate with the competent international organisations in taking measures for the prevention of pollution of the seas or air space above, resulting from any activities or experiments with radioactive materials.

A multilateral conference of 11 members of North-East Atlantic Fisheries Commission and Finland was convened in Oslo from October 19 to 22, 1971 to discuss pollution of the sea other than by oil.[21] The outcome of the conference was a "*Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft.*" The area to which the Convention is applicable extends to the high seas and the territorial seas of the North-East Atlantic and North Sea. The scope of the Convention covers ships and aircraft of three types:

(i) those registered in a contracting State;

(ii) those loading in the territory of a contracting State the substances which are to be dumped; and

(iii) those ships and aircraft which are believed to be engaged in dumping within the territorial sea of a contracting State.

The Convention divides dumping into three categories. Article 5 lists out the substances dumping of which is absolutely prohibited. Article 6 deals with those substances which can be dumped subject to a permit. Article 7 describes the substances which may only be dumped with the approval of national authorities. However, exceptions are made in the case of dumping resulting from *force majeure* due to stress of weather or any other cause where safety of human life or of a ship or aircraft is threatened.

21. The Convention was opened for signature in Oslo on February 15, 1972.

It is the duty of the States parties to the Convention to issue permits and approval, keep records of the permits and report to the Commission contemplated in the Convention.

The other obligations of the contracting parties include:

(i) co-operation in scientific research concerning pollution and in monitoring the distribution and effects of pollutants;

(ii) assist one another in dealing with pollution incidents at sea;

(iii) co-operate in promoting within the relevant international bodies measures to deal with pollution caused by oil, radioactive material and other noxious substances.

A global *Convention on the Dumping of Wastes at Sea* was adopted by a conference under the United Nations auspices in London on 30 October 1972. Representatives from more than 78 countries, including the major maritime nations, participated in the conference.

The text of the Convention contains 22 articles. Article I obliges the contracting parties to "individually and collectively promote the effective control of all sources of pollution of the marine environment, and pledge themselves especially to take all practical steps to prevent the pollution of the sea by the dumping of wastes and other matter that is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea".

Like the Oslo Convention, this Convention also divides wastes into three categories. Annexure I specifies harmful materials whose dumping is prohibited except in an emergency arising for the safety of human life or of vessel. Annexure II includes materials dumping of which is permitted under a prior special permit issued by the appropriate authority. The third category consists of all other wastes, dumping of which may take place after obtaining a prior general permit.

It is the duty of the contracting States to issue permit after careful consideration of all the relevant factors including the characteristics and composition of the matter, the characteristics of the dumping site and the method of deposit. Each contracting state would designate their appropriate authority responsible for issuing special and general permits. Maintenance of records of all permitted dumping is also an obligatory function. It is the duty of the contracting States to co-operate in monitoring the conditions of the seas.

Belgium, Denmark, France, Federal Republic of Germany, the Netherlands, Norway, Sweden and the United Kingdom have concluded an *Agreement concerning pollution of the North Sea by oil.* The contracting parties undertake to co-operate actively to prevent the pollution of the North Sea. They have undertaken the obligation to inform the other parties about:

(a) their national organisation for dealing with oil pollution;

(b) the competent authority responsible for receiving reports of oil pollution and for dealing with questions concerning measures of mutual assistance between contracting parties;

(c) new ways in which oil pollution may be avoided and about new effective measures to deal with oil pollution.

Agreement between Denmark, Finland, Norway and Sweden concerning co-operation to ensure compliance with the regulations for preventing the pollution of the sea by oil, obliges contracting parties to forthwith inform the competent authority of another contracting State of the sighting of any considerable amount of oil on the sea which may drift towards the territory of the latter State. One contracting State would also inform the competent authority of another contracting State of any case where a vessel registered in the latter State has been observed committing an offence, within the territorial or adjacent waters of the contracting States against the regulations concerning pollution by oil. The contracting parties would furnish