

Geneva, August 10th, 1936.

LEAGUE OF NATIONS

**ORGANISATION FOR COMMUNICATIONS AND TRANSIT**

**POLLUTION OF THE SEA BY OIL**

**REPLIES OF GOVERNMENTS RELATING TO THE DRAFT CONVENTION  
AND DRAFT FINAL ACT**

On July 19th, 1934, the United Kingdom Government addressed a letter to the Secretary-General of the League on the subject of the pollution of the sea by oil.

The report of the Second Committee of the Assembly (fifteenth ordinary session, 1934) provided for an initial enquiry to be undertaken by the Communications and Transit Organisation on the understanding that after this enquiry the Organisation would convene experts belonging to various countries to study the problem more closely. The Chairman of the Advisory and Technical Committee for Communications and Transit invited experts from certain countries to study the question, and the first session of the Committee of Experts was held at Geneva from November 19th to 23rd, 1934.

On December 8th, 1934, the Secretary-General informed the Council that, in pursuance of the work of the Committee of Experts, the Transit Organisation recommended the conclusion of an international convention on this subject, and submitted to the Council a memorandum adopted by the Committee explaining the object of such a convention and the advantages to be derived therefrom. The Council approved the conclusions of the memorandum and adopted the following resolution on January 11th, 1935 (eighty-fourth session) :

“ The Council :

“ Authorises the Communications and Transit Organisation to make all necessary preparatory studies with a view to facilitating the future conclusion of an international convention in regard to the pollution of the sea by oil.”

With a view to giving effect to the resolution adopted by the Council, and in accordance with the request of the Chairman of the Advisory and Technical Committee, the Secretary-General addressed, on January 23rd, 1935, a circular letter, with a subjoined questionnaire, to States Members of the League and non-member States.

In the report<sup>1</sup> on the work of the Organisation for Communications and Transit between the fifteenth and sixteenth ordinary sessions of the Assembly adopted by the Assembly, there was an account of the progress made by the Organisation in the technical examination of the problem, with particular reference to the replies<sup>2</sup> to the questionnaire sent to Governments.

On September 24th, 1935 (sixteenth ordinary session), the Assembly adopted a resolution which read, in part, as follows :

“ The Assembly,

“ Notes with satisfaction the work performed by the Communications and Transit Organisation between the fifteenth and sixteenth ordinary sessions of the Assembly ;

“ . . . . .

<sup>1</sup> Document A.47.1935.VIII.

<sup>2</sup> Document A.20.1935.VIII. Replies received subsequent to the publication of this document appear in an Addendum, 1936.

“ Taking note of the admirable work performed by the Communications and Transit Organisation in investigating the problem of the pollution of the sea by oil, and of the replies received from Governments to the questionnaire addressed to them :

“ Considers that the subject of the pollution of the sea by oil is one suitable for solution by an international convention ;

“ Requests the Council to instruct the Communications and Transit Organisation to take, as rapidly as possible, and with the assistance of expert advice, if required, the necessary steps to complete the preparation of a draft convention and to submit that draft to Governments for consideration ;

“ Invites the Council, in the light of the observations received from Governments, to convene an international conference on oil pollution at an appropriate time.”

On September 27th, 1935 (eighty-ninth session), the Council adopted the following resolution :

“ The Council,

“ Having regard to the resolution adopted by the Assembly on September 24th, 1935, with respect to the question of the pollution of the sea by oil :

“ Recalls that, at its eighty-fourth session, it authorised the Communications and Transit Organisation to make all necessary preparatory studies with a view to facilitating the future conclusion of an international convention ;

“ Instructs the Communications and Transit Organisation to complete the preparation of a draft convention on this subject for the consideration of Governments, and to report to the Council when the observations from the Governments have been received.”

In order to give effect to the above-mentioned resolutions of the Assembly and the Council, the Chairman of the Advisory and Technical Committee convened the Committee of Experts at Geneva from October 21st to 25th, 1935, with the object of preparing, in the light of the replies to the questionnaire and of subsequent replies laid before the Committee, a draft convention for submission to Governments at an early date ; and at its nineteenth session, held at Geneva from November 5th to 9th, 1935, the Advisory and Technical Committee adopted the following resolution :

“ The Advisory and Technical Committee :

“ Takes note of the resolutions adopted by the Assembly at its fifteenth and sixteenth ordinary sessions, and by the Council at its eighty-fourth and eighty-ninth sessions, in regard to the problem of the pollution of the sea by oil ;

“ Is gratified to observe that the Committee of Experts appointed to ensure the execution of those resolutions has prepared a draft Convention and a draft Final Act<sup>1</sup> on the questions ;

“ Decides to transmit these drafts to the Governments, with the request that they should send to the Secretary-General of the League of Nations in the near future any observations they may see fit to make, at the same time informing the Secretary-General whether they are prepared, on the basis of these drafts, to take part in an international conference for the conclusion of the proposed convention.

“ The Chairman of the Committee is instructed to take the necessary steps in execution of the present resolution.”

In conformity with the Council resolution of September 27th, 1935, and the request of the Chairman of the Advisory and Technical Committee, the Secretary-General, on November 27th, 1935, transmitted the above-mentioned drafts to Governments, asking them to communicate to him by April 1st, 1936 :

- (1) Their observations on the drafts ;
- (2) Whether, on the basis of these drafts, they would be prepared to participate in an international conference for the purpose of concluding a convention on the question of the pollution of the sea by oil ;
- (3) (In conformity with a recommendation made at the second session of the Committee of Experts). The maximum figure of bunker capacity in small vessels driven by crude, fuel or Diesel oil in respect of which, in the view of Governments, special treatment might be accorded — *e.g.*, a reduction in any penalties which might be imposed for offences against the provisions of a future convention ;
- (4) Information as to the nature of the oil used in the bunkers of such vessels.

\* \* \*

Below are summarised the replies to the circular letter of November 27th, 1935, which had been received up to August 10th, 1936. The replies are analysed under the four headings of the circular letter, and one additional heading under which are found supplementary observations furnished by Governments.

It will be noticed that most of the important maritime countries which have already replied to the circular letter would be willing, on the basis of the drafts prepared by the Committee of Experts, to participate in an international conference at which a convention would be concluded.

<sup>1</sup> Document C.449.M.235.1935.VIII.

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*Union of South Africa.*

1. None at this stage.
2. Yes.
- 3 and 4. Impossible to furnish this information.
5. The Government adds that the question of oil pollution of the sea has not arisen to any extent in Union waters, as provision exists to deal with such eventualities in the Harbour Regulations of the Union of South Africa and South West Africa. Harbour Regulation No. 39 states " . . . nor shall oil of any description be discharged into or allowed to escape into a harbour ".

*United States of America.*

1. The draft Convention contains, in so far as fundamental principles are concerned, the main provisions of the draft Convention drawn up at the Washington Conference in 1926. As is well known, the Government of the United States has already indicated its agreement in principle to the provisions drawn up in this latter draft Convention. In general, therefore, the Government finds itself in substantial agreement with the proposals made in the draft Convention prepared by the experts at Geneva.

2. Yes.
3. Since a small vessel with limited bunker capacity can be a serious source of pollution, it would seem that, in order that an international agreement should be fully effective, any vessel, irrespective of its size, which carries ballast water in its oil tanks, should not be exempt from the provisions of the agreement. If special provisions are found to be necessary in respect of small vessels, some criterion other than bunker capacity should perhaps be found. The Government of the United States will be prepared to give consideration to any effective criterion which might be suggested.
4. It is understood that the oil used in the vessels under consideration is of 24 to 32 degrees Baumé, if the vessels are driven with Diesel engines, and of 12 to 20 degrees Baumé if steam-driven.

*Australia.*

1. The problem primarily concerns the State Governments and local harbour authorities. Technical opinion considers that the only practicable method of preventing pollution is for oil-carrying ships to be fitted with separators. In view of the difficulties mentioned by the Committee of Experts, however, it is recognised that such a comprehensive requirement may not be feasible.

As to whether general acceptance of the draft Convention would lead to the prevention of pollution, the Government mentions that the State harbour authorities, at a conference held in 1935, expressed fears that they would be called upon to instal separating plants which could not be profitably used. They adopted the following resolution :

" That in view of the meagre use of oil-separating equipment provided by port authorities in the United Kingdom, the port authorities of the Commonwealth should refrain from providing such equipment, and that this Conference urges that the provision of oil-separating equipment should be made compulsory on all oil-burning and oil-carrying vessels."

The Government considers that if the Commonwealth were to ratify a convention in the terms of the draft, and sought to establish zones within which the discharge of oil would be prohibited, it would be open to other countries to object to a zone in which shore separating plant was not provided.

Difficulty is also seen in accepting the recommendation as to the exemption from dues in respect of any space on a ship rendered unavailable for cargo by the installation of a separating device. It is assumed that to give effect to this recommendation it would be necessary to make allowance for such space in measuring the ship to ascertain the net tonnage for registration purposes. Otherwise constant difficulties would be experienced in adjusting charges for particular ships. Commonwealth law does not provide for the registry of ships, all Australian ships being registered under the British Merchant Shipping Act.

Apart from these two aspects, it is thought that the Convention would be workable, from an administrative point of view.

2. The Commonwealth Government does not desire to take an active part in the proposed conference, but if a convention is ultimately adopted, in a form acceptable to the Commonwealth Government, it is anticipated that the State Governments will be prepared to adopt any practical steps necessary to implement it.

3. The number of such vessels operating in Australian waters is so small that the data obtainable are insufficient to provide grounds upon which any suggestion can usefully be based.

4. Diesel oil in such ships as are propelled by internal combustion engines.

5. Up to the present time, oil pollution in Australian waters has not been serious.

#### *Austria.*

2. As a land-locked State, the Government does not intend to participate in the eventual conference. Nevertheless, if the States more directly interested in the problem should conclude a convention, Austria reserves the right to accede to such a convention for the reasons of international solidarity which determined its attitude with regard to the Convention for the Regulation of Whaling, to which Austria recently acceded.

#### *Belgium.*

1. *Articles I, III and VI.* — The existing Belgian laws provide for fines and imprisonment in the case of persons guilty of polluting national inland and maritime navigable waters.

In order to bring this legislation into line with the draft Convention, its scope must be extended to the prohibited zones to be established under the Convention; it will be necessary to provide that masters of Belgian vessels must enter in their log the information mentioned in Article III, (2), and to consider whether the above-mentioned penalties are in accordance with those provided in foreign countries.

At the proposed conference, it will no doubt be possible to obtain information as to the intentions of Governments on this last point.

*Article II.* — In view of the situation of the Belgian coast-line and the prevailing currents and winds in the North Sea, the establishment of any prohibited zone by Belgium would be inoperative unless it were carried out by agreement with neighbouring countries.

This question may also be discussed at the conference, but it would be interesting to ascertain in advance the intentions of the various Governments regarding the width of the protection zones which they contemplate within the limit of 50 nautical miles, save for exceptional cases.

As regards the Belgian coast, although there are no experimental data, the opinions of authoritative persons limit the width of the zone to 10 nautical miles, in order effectively to protect the beaches, constructive works and harbour works.

If neighbouring countries, including Great Britain, adopt a width of 50 nautical miles for the protection zones, the greater part of the English Channel and the southern part of the North Sea will form prohibited zones within which vessels arriving at or leaving Belgian ports will have to traverse long distances without being able to discharge the oil residues or oily mixtures referred to in the draft Convention.

In order to make the application of the Convention effective, the ports bordering on the parts of the sea mentioned above should accordingly possess installations for collecting such residues.

The attention of the countries concerned should be drawn to this particular fact.

No Belgian ports at present possess such installations. The Naval Administration is communicating with the authorities governing these ports, requesting them to consider the acquisition of such material as might prove indispensable as soon as the Convention is put into force.

*Article IV.* — With a view to making the provisions more general, it would appear that the expressions "in bulk as cargo" might usefully be replaced by "as cargo", in order to include also the discharge of bilge water polluted by the leaking of barrels or drums of mineral oil forming part of the cargo of any vessel whatever.

*Article VI.* — With a view to the application of this article, the Belgian Government would have to commission the captains and masters of State vessels plying outside territorial waters in the zone to be determined at right angles with the Belgian coast, in order to enable them legally to note the offences committed.

While agreeing with the prohibition regarding the stopping of or *interfering* with an offending vessel, the Belgian Government considers that, in order that the repressive procedure laid down in the Convention may be more effective, it is advisable to authorise the vessel noting the offence to put certain questions to the vessel at fault and to provide that the latter must reply to these questions. These questions should naturally be limited to certain particulars enabling the vessel to be identified. The entries on this subject in the log would, moreover, assist the national authorities of the accused vessel in their investigation of offences reported to them.

*Article X.* — The Belgian Government is not interested in the draft Convention as regards the coast of the Congo. Moreover, it points out that the *negative* formula of Article X of the draft might inadvertently involve an undertaking on the part of the Belgian Congo and Ruanda Urundi, and it prefers a *positive* wording, such as "Any High Contracting Party may declare that he assumes an obligation . . .", which would constitute a safeguard against the above danger.

*Article XIII, (1).* — In view of the geographical position of Belgium, its participation in the proposed Convention would be of little effect for the protection of its coast if neighbouring countries did not also take part in the Convention. In application of Article XIII, (1), ratification by Belgium should be considered as conditional on the ratification of the Convention by the United Kingdom, France and the Netherlands.

*Article XVI.* — As a consequence of the above remark, the denunciation of the Convention by one of the above-mentioned States would cause Belgium to examine the advisability of denunciation.

\* \* \*

Belgium can also adhere to the recommendations proposed in the draft Final Act.

The first recommendation can be complied with under the Belgian tonnage measurement regulations for sea-going vessels.

As regards the second recommendation, it should be observed that a large Belgian shipping concern declares its readiness to fit oil separators on its vessels which are designed to carry liquid fuel in their double bottoms.

Lastly, with regard to the third and fourth recommendations, the Government refers to the considerations and opinions expressed above.

\* \* \*

2. Yes.

3. It appears to be difficult to base regulations on the bunker capacity, which may vary on board certain vessels according to the necessities of the work. The conference might therefore be requested to consider the adoption of the gross tonnage limit of 1,600 tons, which is taken in the London Convention of 1929 on Safety of Life at Sea, as determining the obligation to carry a wireless installation.

4. The fuel used in Belgium by small vessels is gas oil for motor-boats and fuel oil for steamers.

#### *United Kingdom of Great Britain and Northern Ireland.*

1. His Majesty's Government in the United Kingdom have no general observations to offer on the substance of the draft Convention and Final Act proposed by the Committee. They may, however, wish to propose certain amendments of a drafting character to the draft texts at a later stage.

2. Yes; the Government attach particular importance to the participation at the proposed conference of representatives of all the principal maritime countries.

3. It is suggested that concessions might be granted under Article I, (3), of the draft Convention to small vessels with a maximum oil bunker capacity of 80 tons, on condition that these vessels use only Diesel or light oils, and that these oils are stored in bunkers or other places which are not available for use for water ballast.

4. The oils used in these small vessels are Diesel or gas oils, petrol or paraffin. Such oils are not likely to be so serious a source of contamination as the heavy fuel oils, used in boilers, which contain a comparatively large percentage of the asphaltic and carbon residues, and which are the chief sources of pollution.

#### *China.*

1. Because of the small number of oil-burning or oil-carrying vessels, whether Chinese or foreign, in Chinese waters, and the absence of complaints, the Government presents no observations.

2. No.

*Denmark.*

2. Yes.

3 and 4. As regards the fuel for small vessels, the only oil used in Denmark is gas oil. Should fuel such as crude petroleum, fuel oil or Diesel oil be used by these vessels, it is not considered necessary to fix the maximum bunker capacity, since it would be certain that the bunkers would be arranged in such a manner as not to communicate with the sea. Consequently, there would be no question in general of pumping oil or water mixed with oil from these bunkers into the sea.

*Danzig.*

1. It has no objection to the drafts.

2. Yes.

*Egypt.*

2. While the Government does not intend to participate in the future conference, it would be prepared to consider its eventual accession to such a Convention.

*Estonia.*

1. Having only a theoretical interest in this question, the Government does not see the necessity to assume the obligations included in the draft Convention.

2. No.

*Finland.*

1. As the question of oil pollution is of small importance to Finland, the Government presents no observations.

2. A decision will be taken later as to participation in the international conference.

*France.*

1. *Article I.* — The draft contains the expression “navires et bateaux”; in maritime law and in conventions of this kind, however, the term “navires” is used for all sea-going vessels, including pleasure vessels and fishing-boats. It would therefore appear to be advisable to use only the term “navires”; otherwise, the use of both terms might give rise to doubts as to the interpretation of other Conventions, such as the Convention of 1910 on Collisions between Vessels.

*Article II.* — The width of the zones within which the discharge of oil or oily mixtures is prohibited is fixed by the draft Convention at 50 nautical miles. The French Government thinks it would be advisable to make this zone 30 nautical miles, a width which, in the opinion of the French technicians, is the normal distance of the pollution. The width of the exceptional zones should be 100 nautical miles from the coast (paragraph 1 of the draft).

It would therefore be necessary to change Article II, paragraph 1, together with paragraphs 2 and 4 of the same article, the distances in the two latter paragraphs being changed from 100 to 60 nautical miles and from 50 to 30 nautical miles. The establishment of zones of 30 nautical miles would have the special advantage of avoiding the difficulties encountered by vessels sailing in such waters as the English Channel or the Baltic through the fact that they are unable to pump out the bilge water for a period which may considerably exceed twenty-four hours.

Moreover, the concluding provisions of Article II, under which the dispute regarding the extension of the prohibited zone is to be settled in accordance with the procedure set out in Article IX, are in danger of being inoperative. This procedure ultimately leads up to the Permanent Court of International Justice. The dispute refers, however, not to a question of law, but to the advisability of the proposed extension. The Court would therefore not be the proper organ to settle a question of this kind, and it may possibly regard itself as unable to exercise such a function without disregarding its Statute. The procedure which should be contemplated in the present case is rather one of arbitration, the methods of which remain to be defined.

*Articles VII and VIII.* — The French Government considers it advisable that the Secretariat of the League of Nations should be in possession of all necessary information as to the various sanctions laid down in each State, so that it may be possible to ascertain under what conditions the clause in question would be respected. Two additions would therefore be made to the present terms of the draft; the first would be at the end of Article VII, which would read as follows:

“On receipt of such information, the former High Contracting Party shall investigate the matter, and, where the circumstances justify it, take steps for the punishment of the offence for breach of regulations laid down by that High Contracting Party, *under the conditions provided in Article I, and shall inform the other signatory Government which has instituted the proceedings.*”

The other addition would be made to Article VIII, paragraph 1, which would read as follows:

“The Secretary-General of the League of Nations is invited to receive, co-ordinate and circulate to the Members of the League and all non-member States referred to in Article XI, (1), information relating to the system of zones and *sanctions* established under the terms of this Convention . . . .”

*Draft Final Act.* — The French Government considers that it might be of value to supplement paragraph 2 of the draft Final Act as follows :

“ That the High Contracting Parties should recommend to shipowners that separators should be designed for and fitted on new vessels wherever practicable, particularly on large vessels to be provided with oil tanks or *bunkers* which are also to be used for water ballast . . . .”

2. Yes.

3. A final decision might appear to be premature, since the criterion to be adopted might be subject to variation according to the measures proposed by the High Contracting Parties to the Convention ; it would, however, appear that the distinction must take account both of the tonnage of the vessel and of the bunker capacity ; vessels enjoying the special treatment would be those not exceeding 500 tons, and with a bunker capacity under 50 tons.

4. The oils generally consumed by small vessels are gas oil, Diesel oil or fuel oil (domestic or otherwise).

5. It would appear that the draft Convention is justified in making a distinction as regards the harmful results of the discharge of oils on the basis of the nature of the fuel used, rather than the quantities which might be discharged ; indeed, all products of this kind are not equally harmful from the point of view of the pollution of water, and it would appear to be reasonable to take no account of the very light oils which evaporate a short time after being discharged into the sea, while special regulations should be provided for oils used by any vessel whatever if they involve a danger of polluting the water with which they come into contact ; this opinion, moreover, would not prevent a distinction being made as regards the sanctions to be applied between the quantities discharged and consequently may justify the special treatment provided for under Article I, (3).

*Greece.*

2. Yes.

*Hungary.*

2. As the matter is of small importance to Hungary, the Government does not intend to be represented at the future conference unless a Hungarian legation or consulate is situated in the place where the conference is convened.

3. 150 cubic metres.

4. Gas oil for internal combustion engines, and fuel oil for steam engines.

*India.*

1. The Government considers that the provisions of the drafts are generally suitable.

2. While the Government is not opposed in principle to the proposed conference, a decision has not yet been taken as to participation in it.

3. The figure of 80 tons is suggested, subject to two conditions : (a) that the oil used is not heavy fuel oil containing a large proportion of asphaltic and carbon residues, but oil such as Diesel and gas oils, and (b) that the oil must be stored in tanks or other spaces which are not available for the use of water ballast.

4. Such vessels under the jurisdiction of the Government of India generally use Diesel or fuel oil, and the oil used is ordinarily stored in tanks or other spaces which are not available for the use of water ballast.

*Iraq.*

2. Yes.

*Irish Free State.*

2. Yes.

3. Ten tons.

4. The oil used in the bunkers of small vessels registered in the Irish Free State varies from paraffin to Diesel oil.

*Iceland.*

1. The Government accepts the fundamental principles of the draft Convention.

2. No.

3. It does not consider necessary any international regulation for small vessels.

4. Gas oil.

*Japan.*

1. *Article I, paragraph 3.* — Fishing-vessels of limited bunker capacity should not be bound by the Convention. This paragraph provides that small vessels may be dealt with by special provisions, but stipulates that such provisions shall not exclude the obligation for such vessels to take all necessary precautions to prevent oil pollution. If this stipulation means

more than a moral obligation, it cannot be accepted by the Japanese Government. It is difficult for the small fishing-vessels in question to reach the zones of other countries, so that cases in which they might cause damage within such zones are necessarily very rare.

*Article I, paragraph 4.* — It would seem necessary to provide that, in case the contingency under consideration should arise when a ship is in an inland sea, or in a bay, or near a port, the ship should, if possible, call up a small tanker in which to discharge oil or oily mixtures.

It is further recommended to make this provision for making use of tankers, even if there is no emergency, in cases where a vast area such as an inland sea is declared as the zone in question.

*Article II.* — The Government has no objection to limiting the breadth of the zone to 50 nautical miles. It wishes, however, to exclude from the zone areas in which the application of the Convention is not necessary and to provide further that the consent of other countries concerned to the establishment of the said zone shall be obtained. The Government proposes that the term "area" should be used instead of "zone", as the latter would suggest an unbroken belt around the entire coast. It is further observed that the term "area" was used at the Washington Conference.

*Article III, paragraph 1.* — It should be stated somewhere that both petroleum used by motor-boats and bilge (including lubricant oil) discharged by ships should be excluded.

*Article VI, paragraph 2.* — It will be necessary to consider the method whereby proof may be obtained for establishing a violation of the Convention.

*Article VII, paragraph 2.* — When punitive measures have been taken, the country or countries concerned should be notified.

2. Yes.

3. (a) There are tankers of small size which engage in the transport of oil between different Japanese ports. However, as Japan is an oil-importing country, such tankers do not go to foreign ports. The Government, therefore, considers that their treatment should be exclusively a matter for national legislation. The maximum bunker capacity for tankers of this kind is 2,000 tons.

(b) With regard to fishing-boats, the maximum bunker capacity is 330 tons (weight). Boats of this kind pollute the sea very rarely; the fishermen must indeed prevent such pollution in their own interest. Fishing-boats should, therefore, be excluded from the Convention.

4. The oils used by the fishing-vessels mentioned above are as follows :

	Specific gravity	Combustion point
Crude petroleum or Diesel oil . . . . .	about 0.93	about 90° C.
Light oil . . . . .	about 0.86	about 60° C.
Lamp oil . . . . .	about 0.83	about 50° C.

*Norway.*

2. Yes.

3. The Government considers that it would not be practical to classify the vessels according to their bunker capacity, since that capacity varies and is never fixed by the authorities. The vessels should rather be classified according to their gross tonnage, the maximum limit of vessels considered as small being fixed at 250 tons gross.

4. Vessels with internal combustion engines generally use solar oil; vessels with Diesel engines, Diesel oil; and oil-heated vessels, fuel oil.

*New Zealand.*

1. *Article I.* — The Government agrees with the provisions of this article and has no comments or suggestions to offer.

*Article II.* — In so far as New Zealand is concerned, a limit of 50 miles would more than meet the problem. On account of its isolation and the trends of coastal currents, the coasts of the Dominion have been comparatively free from oil pollution.

The position, in so far as vessels requiring to discharge their tanks after cleaning are concerned, has, in the absence of prohibited zones, been met by the prescription by the Marine Department of certain limits, outside the port at which the vessel lies, beyond which it must proceed to discharge the tanks. These limits are decided upon, in each case, with regard to the trend of currents and other local conditions and in each case the results anticipated have been realised.

There have, however, been one or two instances where vessels have, without permission, discharged oil and oily mixtures close to the coasts, but outside territorial waters, with, in one case at least, serious results to bird life and recreation beaches.

This latter instance certainly supports the proposal for fixed zones, and the Government is prepared to support it, provided that the article is not amended to prescribe an arbitrary limit of fifty miles.

The Government has no objection to the other articles of the draft Convention and the first three recommendations of the draft Final Act.

With regard to *Article V*, it adds that all necessary precautions are taken at present.

With regard to the fourth recommendation, which deals with the desirability of increasing port appliances for separating oil and water, the Government observes that when the questionnaire of January 23rd, 1935, was circulated to Harbour Boards, which are the controlling authorities for the various ports, the replies received showed a general disinclination to provide these, on account of the expense and the probability of the Boards not receiving any adequate return on the cost of outlay and operation. The Government is of opinion that this view is not unreasonable, especially in the case of the intermediate and smaller ports. The four principal ports — Auckland, Wellington, Lyttelton and Dunedin — however, are used by practically all of the vessels which would be affected by the Convention. If zones are established, it would appear reasonable that, as an alternative to requiring vessels to steam these distances to discharge tanks, an efficient port installation would be readily used if provided at the four ports mentioned.

If such a recommendation is transmitted from the Conference, the Government will give careful consideration to it.

2. Yes.

4. Fuel or Diesel oil.

#### *Netherlands.*

1. It appears from observation 5 (b) of the document containing the draft Convention<sup>1</sup> that the discharge of normal bilge does not give rise to pollution of the water. Article IV expresses the same idea by making an exception in favour of vessels burning coal, although the bilge water of these vessels is also mixed with oil which has been used for lubricating the engines. An express exception has, however, not been made for the discharge of bilge water. Such an exception regarding the discharge of normal bilge water should therefore be embodied in the text of the Convention.

The term "vessels commissioned in the naval services" should be interpreted in such a manner as not to include commercial vessels attached to the naval forces without flying the naval flag.

As regards the second recommendation of the draft Final Act, the term "new vessels . . . particularly on large vessels to be provided with oil tanks which are also to be used for water ballast" appears to include tankers which the experts desired to exclude (observation 5 (a) of the document referred to above). These vessels should be expressly excluded.

In addition, it seems to be preferable to omit the words "administrative or financial" at the end of this recommendation.

2. Yes.

3. As regards the small vessels mentioned in Article I, paragraph 3, it should be pointed out that, since the Washington Conference (1926), the use of small motor-vessels has greatly increased for fishing and commercial purposes. The bunkers (containing Diesel oil) of these small vessels are never used for ballast, so that they do not pollute sea-water. Consequently, the capacity of the bunkers does not seem to be a suitable criterion for defining the small vessels for which special treatment is provided. The Government of the Netherlands would therefore prefer to apply to all motor-vessels of less than 500 registered tons gross the special treatment provided by the draft Convention. If the Conference could not agree with this proposal and maintained the criterion of bunker capacity, the Government would desire that that capacity should be fixed at 60 tons.

#### *Netherlands Colonies.*

1. There are no objections in principle to the conclusion of a convention based on the drafts.

3. The Government of the Netherlands Indies wishes to exempt entirely from the provisions of the Convention small vessels of less than 500 metric tons. A great many of these vessels, which use solar oil, and which engage in the coastal trade, keep within 50 miles of the coast. Up to the present time, there have been no complaints as to their polluting the waters.

5. The problem of oil pollution is not found in the Netherlands Indies, Surinam and Curaçao.

#### *Portugal.*

1. Only a few Portuguese vessels are covered by the draft Convention. In any case, the best way of preventing the discharge of oil is to compel vessels to instal separators. The fitting of separators is, however, understood to be feasible only in vessels above a certain tonnage. It is therefore essential to take advantage of the special provisions laid down in Article I, paragraph (3).

<sup>1</sup> Document C.449.M.235.1935.VIII, page 3.

If the 50-mile limit specified in Article II of the draft Convention is applied to the Azores, the line of delimitation should be drawn in such a way as to prevent the discharge of oil between the islands, some of which, such as Fayal and Flores, are more than 100 miles apart — that is to say, there should be a single protected zone, embracing the whole archipelago. This also solves the problem of increasing the width of the zone, as provided for in Article II of the draft, since vessels would thus be forbidden to discharge oil between the islands.

As regards the use of port separators, the unanimous view is that this only appears to be possible in large ports where there is a considerable amount of traffic.

Finally, as regards the establishment of a zone of from 50 to 150 miles in which the discharge of oil is prohibited, it is pointed out that it will be very difficult, if not impossible, to exercise effective supervision, not only on account of the great difficulty of watching over such large zones, but also in view of the provisions laid down in the last part of Article VI, paragraph (2), of the draft Convention.

3. It would be more practical to specify that the reference is to the gross tonnage only of such vessels. The limit of 2,000 tons is suggested. This would at least have the advantage of excluding cod-trawlers.

5. Although up to the present no serious harm has been done to sea-birds, inshore fisheries, bathing-beaches or harbours, the Government is in favour of the Convention, because it cannot rely upon the same immunity in future, particularly if neighbouring countries sign the Convention and establish along their coasts the prohibited zones referred to in Article II, in which case they will be free to discharge oil in Portuguese waters, and if this were done on a larger scale serious damage might be caused.

*Sweden.*

1. As the Swedish Government pointed out in reply to the questionnaire of January 23rd, 1935, it considers that the installation of separators should be compulsory in all the large ports frequented by vessels using liquid fuel or transporting oil.

Although this point of view has been taken into account in drafting Article II, (4), of the draft Convention, it should be pointed out that this article relates solely to countries which have established prohibited zones of more than fifty nautical miles in width. For other countries, the above-mentioned drafts make no corresponding provision and are confined to the recommendation made in paragraph (4) of the Final Act. The Swedish Government considers that provisions of a more compulsory character should be included in the Convention in this respect, even for countries establishing zones of less than fifty miles in width.

Under Article III, paragraph (2), of the draft Convention, entries are to be made in the vessel's log whenever oil or oily mixtures are discharged. The same paragraph further provides that such entries shall be signed by the master and one of the vessel's officers. In the opinion of the competent Swedish authorities, the inclusion in the text of the Convention of an obligation on the part of the signatory States to provide for this special signature under entries of discharges in the log would be inconvenient and appears to be unnecessary. It would no doubt be possible to leave it to the internal laws of each country to settle the details of entries in the log of statements regarding discharges. According to the Swedish legislation at present in force, the log is kept by the master or under his supervision and responsibility by the first officer.

2. Yes.

3. Five tons; the Government considers, however, that the special treatment contemplated for vessels with a bunker capacity below this figure should not consist in the reduction of penalties for offences against the provisions of the Convention, as the Committee of Experts appears to think in accordance with observation (7)<sup>1</sup> of its report.

4. Generally crude petroleum or Diesel oil. Rectified petroleum is also used, but to a smaller extent.

The analysis of the crude petroleum is as follows :

	About
Flash point . . . . .	75° C.
Specific gravity at 15° C. . . . .	0.84
Specific viscosity at 20° C. . . . .	1.3
Sulphur content . . . . .	0.5 %

The analysis of the Diesel oil is as follows :

	About
Flash point . . . . .	65° C. or over
Specific gravity at 15° C. . . . .	0.9
Specific viscosity at 20° C. . . . .	1.5
Sulphur content . . . . .	1.4 %

<sup>1</sup> Document C.449.M.235.1935.VIII, page 4.

*Czechoslovakia.*

2. Although the Government does not propose to participate in the future conference, it is prepared, in the event of the conclusion of a convention by the principal maritime States, to take the appropriate measures, so that Czechoslovak vessels will observe the essential provisions of the Convention.

*Union of Soviet Socialist Republics.*

1. The competent authorities approve the draft Convention in principle, but reserve the right to propose certain desirable modifications at the conference.

2. Yes.

3. 400 tons gross.

4. The information required with regard to the nature of the fuel used in the bunkers of the vessels in question will be submitted at the conference.

*Uruguay.*

3. As regards the maximum figure of bunker capacity in small vessels driven by crude, fuel or Diesel oil, vessels of small tonnage entered in the Uruguayan register are between 50 and 900 tons burden (gross weight), and their liquid fuel bunkers, whether for steam engines or internal combustion engines, have a total capacity varying between one and ten tons. Those approaching ten tons of liquid fuel in capacity nearly always have two bunkers, one to port and the other to starboard.

These bunkers, for very good reasons, hardly ever form part of the hull. They are tanks constructed in accordance with the principles of the classification registers, separately from the hull, and of such a shape as to permit of their being placed in or removed to the most convenient parts of the ship.

Tanks making use of the bottom or sides of the hull are in danger of losing fuel when the ships touch bottom, the joints of the plates or the rivets being weakened.

4. As regards the nature of the fuel utilised in ships on the Uruguayan register, they practically all use kerosene or benzine in the explosion motors of motor-launches and tourist vessels. Coasting vessels with semi-Diesel engines burn gas-oil. Some vessels of greater tonnage, approaching 900 tons gross weight and having Diesel engines, use Diesel oil consisting of a mixture of approximately 70 % of fuel oil and 30 % of gas oil. Coasting and trading vessels with steam-engines and boilers and with oil burners use fuel oil.

*Yugoslavia.*

1. As far as point 4 of the draft Final Act is concerned, the Government is of the opinion that the installation of plant in ports for separating oil and water should be optional.

2. As for participating in the proposed international conference for the conclusion of a convention, the Government defers its decision until such conference is convened.

3. All Yugoslav coastwise motor-propelled vessels with a maximum bunker capacity of 5,000 kilogrammes or 5 tons.

4. Naphtha, fuel oil and benzine.

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Geneva, September 23rd, 1936.

LEAGUE OF NATIONS

ORGANISATION FOR COMMUNICATIONS AND TRANSIT

POLLUTION OF THE SEA BY OIL

REPLIES OF GOVERNMENTS RELATING TO THE DRAFT  
CONVENTION AND DRAFT FINAL ACT<sup>1</sup>

ADDENDUM.

In conformity with the Council resolution of September 27th, 1935, and the request of the Chairman of the Advisory and Technical Committee, the Secretary-General, on November 27th, 1935, transmitted the above-mentioned drafts to Governments, asking them to communicate to him by April 1st, 1936:

- (1) Their observations on the drafts;
- (2) Whether, on the basis of these drafts, they would be prepared to participate in an international conference for the purpose of concluding a convention on the question of the pollution of the sea by oil;
- (3) (In conformity with a recommendation made at the second session of the Committee of Experts.) The maximum figure of bunker capacity in small vessels driven by crude, fuel or Diesel oil in respect of which, in the view of Governments, special treatment might be accorded—*e.g.*, a reduction in any penalties which might be imposed for offences against the provisions of a future convention;
- (4) Information as to the nature of the oil used in the bunkers of such vessels.

\* \* \*

Below are summarised the replies to the Circular Letter of November 27th, 1935, relating to the draft Convention and draft Final Act, which have been received since August 10th, 1936. The replies<sup>2</sup> are analysed under the four headings of the Circular Letter and one additional heading under which may be found supplementary observations furnished by one Government.

*Brazil.*

1. The establishment of zones constitutes the most effective means of preventing the pollution of maritime waters, since, in defining the zones, meteorological and dynamic oceanographical conditions are to be taken into account.

It is difficult for the Brazilian Government to accept the principles laid down in paragraph 1 of Article II of the draft Convention, owing to the incompleteness of the meteorological and oceanographical data relating to the coastal waters and the South Atlantic itself.

<sup>1</sup> Document C.449.M.235.1935.VIII.

<sup>2</sup> Replies from twenty-nine countries, received previous to August 10th, 1936, are summarised in document A.18.1936.VIII.

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As regards the provisions of paragraph 3 of Article II, the Government is of opinion that the establishment or modification of zones for the discharge of oil should be indicated, not *preferably* but *compulsorily*, on a chart, and that, before this chart is drawn up, the countries concerned should be informed of the establishment or modification of zones by means of a communication in which the zone should be indicated as accurately as possible by geographical co-ordinates.

It should be stipulated in the Convention that all oil-driven vessels, irrespective of tonnage, should be fitted with separators or other similar appliances suitable for use in vessels with a large or small tonnage for the purpose of remedying the defect referred to above.

2. The Government is prepared to do all it can to enable the proposed international Conference to be convened.

3. The Government does not believe it is necessary to fix the maximum figure of bunker capacity in small vessels, or to accord special treatment to such vessels.

5. In order to guard against the deleterious effects of oil, Article 21, paragraph IX, of the Regulations of the National Department of Ports and Navigation, approved by Decree No. 23067 of August 11th, 1933, explicitly prohibits the discharge by steamers of cinders, oil and refuse in navigable channels and harbour zones. This stipulation does not, however, cover territorial waters as a whole, as provided for in the draft Convention.

*Canada.*

2. His Majesty's Government in Canada would be prepared to participate in an international Conference for the purpose of concluding a convention on the basis of the draft Convention and draft Final Act.

3. The Government suggests that concessions might be granted under Article 1 (3) to small vessels with a maximum oil-bunker capacity of 80 tons, on condition that these vessels use only Diesel or light oils and that these oils are stored in bunkers or in other places that are not available for use as water ballast.

*Lithuania.*

2. The draft Convention is of only theoretical interest to Lithuania in view of the fact that oil pollution has not yet been observed along the coasts of this country. For this reason, the Government doubts if any useful purpose would be served by its participation in the proposed Conference.

*Poland.*

2. The Polish Government is prepared to participate in the proposed Conference.

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