

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.2/134/Add.4
26 June 1953

ORIGINAL: ENGLISH/
PORTUGUESE

TRANSPORT AND COMMUNICATIONS COMMISSION
Sixth session
Agenda item 11 (f)

POLLUTION OF SEA WATER

Addendum to the report by the Secretary-General

Since documents E/CN.2/134 and Add.1, Add.2 and Add.3 were prepared, the Brazilian Government has communicated the following report in a reply dated 18 June 1953:

REPORT OF THE TECHNOLOGICAL RESEARCH SECTION OF THE NATIONAL RESEARCH COUNCIL
ON INQUIRY NO.1727/52 (POLLUTION OF SEA WATER)

1. The matter to which this inquiry refers is covered by inquiry No.1393/52 which reached us in October. It originated in the questionnaire sent by the Secretary-General of the United Nations to the Ministry of Foreign Affairs and transmitted by the latter to the Ministry of Education and Health in March. The Ministry of Education replied on 25 September that the question was entirely outside the scope of the technical organ of the Ministry to which it had been referred.
2. As the question has now been referred to this section, we are consulting two bodies - The National Petroleum Council and the Water and Sewers Department of the Federal District Prefecture - which may possibly be able to give some information on this question.

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3. In any case, to avoid further delay in the submission of Brazil's reply to the questionnaire, we suggest, on the basis of the limited data in our possession, that the United Nations Secretariat should be informed that:

(a) Brazil has at present no studies at its disposal which would enable it to make any definite proposal in the matter;

(b) It is considered that the Draft Convention on the Pollution of Sea Water by Oil, prepared in 1935 under the auspices of the League of Nations, although out of date in some respects, could serve as a working basis for initial consideration of the problem and be used as a guide for agreements on the matter.

(c) The convening of a meeting of competent governmental experts is considered to be the appropriate procedure, although Brazil could not be represented at such a meeting as it has no further data to offer on the question.

(d) The consequences of pollution of greatest concern to Brazil at the present time are (1) the damage caused to marine fauna by oil; (2) the damage to bathing beaches.

(Signed) Paulo Sá

1 December 1952

From: The Director of the National Tanker Fleet
To : Dr. Plinio Cantanhede, M.D.
President of the National Petroleum Council

We return herewith the letter which the National Research Council sent to you on 20 November last regarding the questionnaire on the pollution of sea water transmitted by the Secretary-General of the United Nations.

In this connexion, we have received the following information from our technical adviser:

(a) Articles 129, 130, 132 and 146 of the regulations concerning port authorities, approved by Decree No. 5,798 of 11 June 1940, contain a series of restrictions and prohibitions regarding the discharge of oil, coal, ballast and inflammable substances into the sea.

(b) The text of the articles mentioned is as follows:

Article 129. Rubbish, cinders, oil or other waste matter shall not be thrown into the waters of a port or waterway. Any person contravening this provision shall be liable to a fine of 200 cruzeiros in addition to any penalties provided in other regulations.

Article 130. A vessel carrying stone, coal, bricks or any other non-floating substance shall be liable to a fine of 50 cruzeiros if any such substance falls into the water either while the vessel is in motion or as a result of lack of care in loading or unloading.

Article 132. The loading or unloading of ballast and the discharging of waste may be effected only at places previously designated by the port authorities in agreement with the port administration. Any person contravening this provision shall be liable to a fine of 200 cruzeiros.

Article 146. It shall be unlawful to discharge inflammable or explosive substances, in any quantity, into the water except in case of emergency, proof of which shall be furnished to the port authorities at the first port of call. Any person contravening this provision shall be liable to a fine of 200 cruzeiros.

(c) In so far as the work of this Fleet is concerned, the articles quoted fully cover the question of precautions against fire.

(d) As regards the questions in point 3 of the original letter, it is felt that other more specialized organs of the Government, such as the Ministry of Transport, the Directorate of the Merchant Marine, the National Fisheries Department, etc., may be in a better position to express an opinion.
