



SEVENTEENTH CONSULTATIVE MEETING OF
CONTRACTING PARTIES TO THE
CONVENTION ON THE PREVENTION OF
MARINE POLLUTION BY DUMPING OF
WASTES AND OTHER MATTER

3-7 October 1994

Agenda Item 14

REPORT OF THE SEVENTEENTH CONSULTATIVE MEETING

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1 INTRODUCTION

1.1 The Seventeenth Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Convention 1972), convened in accordance with Article XIV(3)(a) of the Convention, was held at IMO Headquarters, London, from 3 to 7 October 1994 under the chairmanship of Mr. D. Tromp (Netherlands). Mr. A. Sielen (United States) and Ambassador G. E. do Nascimento e Silva (Brazil) were Vice-Chairmen.

1.2 The Meeting was attended by delegations from the following 37 Contracting Parties to the London Convention 1972:

ARGENTINA
AUSTRALIA
BELGIUM
BRAZIL
CANADA
CHILE
CHINA
CYPRUS
DENMARK
FINLAND
FRANCE
GERMANY
GREECE
ICELAND
IRELAND
ITALY
JAPAN
MEXICO
MOROCCO

NAURU
NETHERLANDS
NEW ZEALAND
NIGERIA
NORWAY
PANAMA
PHILIPPINES
POLAND
REPUBLIC OF KOREA
RUSSIAN FEDERATION
SOLOMON ISLANDS
SOUTH AFRICA
SPAIN
SWEDEN
SWITZERLAND
UNITED KINGDOM
UNITED STATES
VANUATU

1.3 A representative from the following Associate Member of IMO attended the Meeting:

HONG KONG

1.4 Observers from the following States that are not Contracting Parties to the London Convention 1972 attended the Meeting:

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA
LATVIA
LIBERIA
SAUDI ARABIA
VENEZUELA

1.5 Representatives from the INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA) and the following United Nations Organizations attended the Meeting:

UNITED NATIONS
UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)/SECRETARIAT OF THE BASEL CONVENTION (SBC)

1.6 An observer from the following intergovernmental organisation attended the Meeting:

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT/NUCLEAR ENERGY AGENCY (OECD/NEA)

1.7 Observers from the following international non-governmental organizations also attended the Meeting:

INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
EUROPEAN COUNCIL OF CHEMICAL MANUFACTURERS' FEDERATIONS (CEFIC)
GREENPEACE INTERNATIONAL
INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES (IUCN)
PERMANENT INTERNATIONAL ASSOCIATION OF NAVIGATION CONGRESSES (PIANC)
OIL INDUSTRY INTERNATIONAL EXPLORATION AND PRODUCTION FORUM (E & P FORUM)
ADVISORY COMMITTEE ON PROTECTION OF THE SEA (ACOPS)

Opening of the Meeting

1.8 In opening the proceedings, the Chairman welcomed all participants to the Seventeenth Consultative Meeting. He noted that since the Sixteenth Consultative Meeting, Barbados and the Republic of Korea had joined the London Convention 1972. The Chairman also appreciated the presence of observers from those States which are not yet Contracting Parties to the London Convention 1972.

1.9 The delegation from the Republic of Korea thanked the Chairman for welcoming it as a new Contracting Party, and expressed its readiness to actively participate in future Consultative Meetings and its subsidiary bodies.

Address of welcome

1.10 The Secretary-General of IMO, Mr. W. O'Neill, in his welcoming address drew attention to the status of the 1993 amendments to the Convention, and to the importance of the review of the London Convention 1972 to which considerable efforts had been dedicated by the Secretariat and by many of the Contracting Parties during the intersessional period.

1.11 Mr. O'Neill stressed the need to develop a technical co-operation programme to assist Contracting Parties in the implementation of the recently adopted amendments Annexes I and II to the Convention, viz., the development of land-based alternatives to the disposal at sea of industrial waste. This would need close co-operation with other organizations and agencies to ensure that duplication of efforts would be avoided.

1.12 The Secretary-General wished the Consultative Meeting good progress and success with its work.

Adoption of the Agenda

1.13 The agenda for the Meeting (LC 17/1) as adopted, is shown at annex 1 and includes under each respective agenda item a list of documents prepared for consideration. The Meeting also agreed on a timetable for its work (LC 17/1/2).

Review of working methods

1.14 The Consultative Meeting was informed of IMO resolution A.777(18) concerning working methods within the Organization and of the action taken by the Maritime Safety Committee (MSC) and the Marine Environment Protection Committee (MEPC) of the Organization in response to that resolution (LC 17/1/1).

1.15 The Director of the Marine Environment Division, Mr. O. Khalimonov, drew the attention of the Meeting to ongoing discussions concerning working arrangements for MSC and MEPC, with a view to establishing guidelines on their organization and method of work, including guidelines on the establishment of priorities in their work programmes (MEPC 36/19, MEPC 36/19/1).

1.16 The Consultative Meeting recognized that it was a separate entity within IMO and with its own Rules of Procedure. However it supported the aims and objectives of resolution A.777(18) and agreed to endorse them in principle. The Secretariat was requested to inform the next Consultative Meeting of the results of the considerations within MEPC and MSC, and to prepare a list of additional features which may be necessary to fulfil the requirements of the Consultative Meeting and of its subsidiary bodies.

Participation of intergovernmental organizations and international non-governmental organizations

1.17 The Secretary informed the Meeting that an application for observership status had been received from the Uranium Institute, an organization with headquarters in London, made up of 80 member companies from all over the world. However, the background material describing the expertise, purposes and objectives of the Institute had been submitted too late to be evaluated by the Bureau.

1.18 The Meeting agreed to invite intergovernmental organizations to the Eighteenth Consultative Meeting and to intersessional meetings of its subsidiary bodies, as follows:

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD)
COMMISSION OF THE EUROPEAN COMMUNITIES (CEC)
INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA (ICES)
OSLO & PARIS COMMISSIONS
HELSINKI COMMISSION
PERMANENT COMMISSION FOR THE SOUTH PACIFIC (CPPS)
SOUTH PACIFIC REGIONAL ENVIRONMENT PROGRAMME (SPREP)

1.19 The Meeting decided that the following international non-governmental organizations should be invited to attend, in observer capacity, the Eighteenth Consultative Meeting and intersessional meetings of its advisory bodies as follows:

INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
EUROPEAN COUNCIL OF CHEMICAL MANUFACTURERS' FEDERATIONS (CEFIC)
FRIENDS OF THE EARTH INTERNATIONAL (FOEI)
GREENPEACE INTERNATIONAL
INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES (IUCN)
PERMANENT INTERNATIONAL ASSOCIATION OF NAVIGATION CONGRESSES (PIANC)
OIL INDUSTRY INTERNATIONAL EXPLORATION AND PRODUCTION FORUM (E & P FORUM)
ADVISORY COMMITTEE ON PROTECTION OF THE SEA (ACOPS)
CENTRAL DREDGING ASSOCIATION (CEDA)

2 STATUS OF THE LONDON CONVENTION 1972

2.1 The Consultative Meeting noted the report of the Secretary-General (LC 17/2) on the status of the Convention. To date seventy-three Governments have ratified or acceded to the Convention. Nineteen Contracting Parties have accepted the 1978 Amendments concerning the Settlement of Disputes. These Amendments will enter into force on the sixtieth day after the date on which they are accepted by two-thirds (at present 49) of the Contracting Parties.

2.2 The Consultative Meeting noted the status of the 1993 Amendments to the Annexes to the Convention, as follows:

.1 Phasing out Sea Disposal of Industrial Waste (Resolution LC.49(16)):

Australia submitted a declaration on 11 February 1994 as follows:

"Australia accepts the prohibition on the dumping of industrial wastes at sea as from 1 January 1996 as envisaged in Resolution LC.49(16) for all types of industrial wastes as defined by the Resolution with the exception of jarosite waste for which it is necessary, for technical reasons which will be elaborated at future meetings of the London Convention, to retain the option of dumping at sea for a short period after the expiration of the deadline set down in Resolution LC.49(16). Under no circumstances will the dumping at sea of jarosite be permitted by the Australian Government beyond 31 December 1997."

.2 Disposal at Sea of Radioactive Wastes and Other Radioactive Matter (Resolution LC.51(16)):

The Russian Federation, in a declaration of 18 February 1994, expressed that:

"... the Russian Federation does not accept the amendment to Annexes I and II to the Convention ... as contained in Resolution LC.51(16)..."

... Russia will, however, continue its endeavours to ensure that the sea is not polluted by the dumping of wastes and other matter, the prevention of which is the object of the provisions contained in the above-mentioned amendment..."

Implications for the London Convention 1972 of the entry into force of the UN Convention on the Law of the Sea

2.3 The United Nations Division for Ocean Affairs and the Law of the Sea had submitted comments on the questions raised by the Sixteenth Consultative Meeting concerning implications regarding the Law of the Sea for the London Convention 1972 (LC 17/2/1).

2.4 The representative from the United Nations informed the Meeting that 65 Governments have ratified or acceded to the UN Convention on the Law of the Sea (UNCLOS) which will enter into force on 16 November 1994. From the 65 States Parties to UNCLOS, 41 were not Contracting Parties to the London Convention 1972.

2.5 The Meeting noted that States Parties to UNCLOS will be legally bound to adopt laws and regulations and take other measures to prevent, reduce and control pollution by dumping; these must be no less effective than the global rules and standards (Article 210). These global rules and standards are considered to be those of the London Convention 1972. The Meeting took note of the opinion of several delegations that such States Parties were not only bound to adopt requirements consistent with the current London Convention 1972 but also with future amendments adopted thereto.

2.6 The Meeting further noted that States which are Contracting Parties to both UNCLOS and the London Convention 1972 will be called upon to carry out specific obligations assumed by them under UNCLOS. Under Article 237(2) of UNCLOS, obligations assumed by Parties under other Conventions should be carried out

consistent with the general principles and objectives of UNCLOS. The Meeting confirmed that UNCLOS is without prejudice to stricter rules that may be adopted among the Parties thereto.

2.7 The Consultative Meeting was further informed of the extensive system of dispute settlement among UNCLOS Parties, with particular application in the field of environmental law. If Contracting Parties to the London Convention 1972 which are also Parties to UNCLOS so agree, they may be able to submit any disputes concerning the interpretation or application of their Convention to the International Tribunal for the Law of the Sea (Annex VI, Article 22). The Meeting agreed that this matter should be taken into account by the Amendment Group in its review of Article XI of the London Convention 1972.

2.8 The Meeting noted that the Secretary-General of the United Nations shall report widely on issues of a general nature that have arisen with respect to UNCLOS (Article 319(2)(a)). The Meeting requested the Secretariat to continue its close co-operation with the United Nations Division for Ocean Affairs and the Law of the Sea and to provide it regularly with information reflecting developments made within the framework of the London Convention 1972.

2.9 Further attention of the Meeting was drawn to the UNCLOS provision that rules, regulations and procedures be drawn up to protect the marine environment from harmful effects directly resulting from the exploitation and processing of minerals at deep sea (Annex III, Article 17(2)(f)). The Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea has prepared a set of draft regulations in this respect. The Consultative Meeting noted Article 208(1) concerning the obligation of coastal States to develop laws and regulations to prevent, reduce and control pollution of the marine environment in connection with seabed activities subject to their jurisdiction. Article 208(3) stipulates that such laws, regulations and measures shall be no less effective than international rules, standards, and recommended practices and procedures. Furthermore, under Article 208(5) States are required to establish global and regional rules, standards and recommended practices and procedures, acting especially through competent international organizations or diplomatic conferences. These matters should be taken into account by the Amendment Group in its review of the London Convention 1972.

2.10 With regard to the statement in paragraph 2.5 above that 41 States Parties to UNCLOS which are not Parties to the London Convention 1972 will be legally bound to adopt laws and regulations no less effective than the global rules and standards, the Consultative Meeting agreed that the Secretary-General of IMO should write to those countries drawing attention to the provisions relating to the prevention of marine pollution by dumping of wastes and other matter at sea, the objectives of, and the achievements made, within the framework of the London Convention 1972 and the assistance that can be provided through co-operation with Contracting Parties to the Convention. Attention should also be drawn to the current process of review of the Convention and its implications for States Parties to UNCLOS which are not Contracting Parties to the London Convention 1972.

2.11 The Secretariat was requested to prepare a draft of the letter mentioned in paragraph 2.10 above for review by other members of the Bureau of the London Convention 1972.

2.12 The texts of requirements of UNCLOS 1982 referred to above are reproduced at annex 2.

2.13 The Meeting expressed its thanks to the United Nations Division for Ocean Affairs and the Law of the Sea for its contribution. It agreed that at this

stage there was no necessity to prepare a more comprehensive study concerning the role of UNCLOS for the application of the London Convention 1972.

3 FOLLOW-UP ACTIONS TO UNCED AGENDA 21

Programme of Action for the Sustainable Development of Small Island Developing States (SIDS)

3.1 The Consultative Meeting took note of the Programme of Action adopted by the Global Conference on the Sustainable Development of Small Island Developing States (SIDS) held in Bridgetown, Barbados from 25 April to 6 May 1994 (LC 17/INF.2).

3.2 The items in the Programme of Action, Chapter III (Management of Wastes), which refer specifically to the London Convention 1972, are summarized below:

- III.A.(iii) "Ratify and implement relevant Conventions on dumping at sea including ... the London Convention 1972 ...";
- III.C.(iv) "Ensure that the international conventions and arrangements and related negotiations on marine pollution, in particular any amendments to the London Convention 1972 ... take into account the interests and capacities of SIDS"; and
- III.C.(v) "Support measures to assist SIDS in improving their capacity for negotiation, for follow-up and for implementation of international conventions or arrangements, as well as for related negotiations on marine pollution, in particular any amendments to the London Convention 1972 ...".

3.3 The Consultative Meeting noted that item III.A.(iii) above was similar in intent to paragraph 17.30.(b)(i) of UNCED Agenda 21, to which attention is being given in the wider context in the follow-up to UNCED. Item III.C.(iv) would be kept in mind in the discussions of any future meetings of the Amendment Group. Any Small Island Developing State requiring the support measures referred to in item III.C.(v) above should communicate its needs to the Office for the London Convention 1972, whereupon endeavours would be made to mobilize the assistance required.

Report on the outcome of the 2nd Meeting of the Commission on Sustainable Development (CSD) and associated developments

3.4 The Consultative Meeting noted that the Commission had welcomed the progress achieved in the area of hazardous wastes and had endorsed the decision of Contracting Parties to the London Convention in November 1993 to ban sea disposal of industrial waste. The Commission also expressed satisfaction at the Contracting Parties' decision to convert the voluntary moratorium on sea disposal of all radioactive wastes into a binding prohibition. All Contracting Parties to the London Convention 1972 were urged by the Commission to respect its now binding character.

3.5 The Consultative Meeting's attention was drawn by the Secretariat to current developments within the Inter-Agency Committee on Sustainable Development (IACSD) and the newly established Administrative Committee for Coordination's (ACC) Sub-Committee on Oceans and Coastal Areas. Note was taken of the efforts of the United Nations system to develop a common approach in the area of capacity building in order to better assist recipient countries in re-orienting their development policies and economic planning. In this connection, UNDP had been urged by the 3rd Meeting of IACSD to document UN system capacities in order to improve the tapping of expertise by developing countries.

3.6 The Consultative Meeting welcomed the Secretariat's intention to ensure that the prospectus which UNDP had been requested to prepare on the capacity building experiences of the UN system, should appropriately reflect the availability of expertise and knowledge on issues dealt with by the London Convention 1972.

3.7 The Consultative Meeting was reminded that paragraph 17.30.(b)(i) of chapter 17 of UNCED Agenda 21 had also called for the early conclusion of a future strategy for the London Convention 1972. It was recalled that preparation of a long-term strategy for the Convention had been accorded a lower priority due to current work on a comprehensive package of amendments.

3.8 However, bearing in mind that protection of the oceans is due to be considered at the 4th session of the Commission on Sustainable Development (CSD) in 1996, and that the London Convention's follow-up to UNCED should be reflected in submissions to the Commission, the Secretariat was requested to prepare a comprehensive paper reflecting the activities taken by the Consultative Meeting and by other related fora since the adoption of UNCED Agenda 21 for consideration at the next Consultative Meeting. Such a paper should especially refer to the amendment process the Convention is going through and outline possible directions of future work under the Convention. In noting that IMO has been assigned the responsibility of Sub-Task Manager on Sea-based pollution by the ACC Sub-Committee on Oceans and Coastal Areas, the Office for the London Convention 1972 was also asked to maintain close liaison with the Sub-Committee through IMO's focal point.

3.9 The Consultative Meeting noted the view of Greenpeace International that it would be better if future meetings of the Commission on Sustainable Development could be organized in a way that would enable its high level segment to take place at the beginning, rather than at the end, of a session. This would set the stage for subsequent deliberations of the Commission and would enhance the overall results.

3.10 Finally, in this connection, the Consultative Meeting noted information provided by the Secretariat on the consideration of the Inter-Agency Committee on Sustainable Development (IACSD) at its 4th session (14 to 16 June 1994) on additional financial requirements and related preparations. IACSD suggested that round table type mechanisms could serve to attract new and additional funding for joint programmes and activities, and agreed that Task Managers, in collaboration with the UN Department for Policy Co-ordination and Sustainable Development (DPCSD) and with the support of UNDP as necessary, should consider organizing round table consultations. Their aim would be to mobilize resources for specific joint programmes and activities formulated in consultation with representatives of international financial institutions and mechanisms, relevant national authorities and the private sector. The Consultative Meeting noted the potential that such an approach may have in its sphere of interest.

Progress in preparing the global programme of action for the protection of the marine environment from land-based activities

3.11 The delegation of Iceland informed the Meeting that its Government would host the next preparatory meeting on the Global Action Plan for the Protection of the Marine Environment from Land-based Activities, for the UNEP Intergovernmental Meeting to be convened in Washington DC (United States) in November 1995. That delegation had consulted a number of representatives from other States on how to

proceed further. Several items had been mentioned in informal gatherings, such as:

- .1 ideas on what should be included in an Action Plan;
- .2 whether specific attention should be drawn to the issue of persistent organic contaminants at the international level; and
- .3 ideas on financial mechanisms with regard to the Action Plan.

After intensive discussions with representatives from other States on the process and on what to include in the Action Plan, the delegation of Iceland pointed out that, in order to get results in Reykjavik and consequently in Washington, it would be necessary to prepare a draft text. He therefore urged all Contracting Parties to the London Convention 1972 to send proposals for such text to UNEP before the end of November 1994, and also urged that they draw the attention of their respective Governments to the importance of this meeting.

3.12 The observer from ACOPS informed the Consultative Meeting that ACOPS will hold an international conference in Rio de Janeiro from 18 to 20 June 1995 with a view to facilitating the UNEP Intergovernmental Meeting to be held in Washington in November 1995 as mentioned above. Papers delivered at the conference would include such topics as the policies of bi- and multilateral donors, institutional and funding arrangements for the eight UNEP regional seas programmes, as well as on the Baltic and Arctic. The ACOPS conference will mark the third anniversary of UNCED and the 50th anniversary of the United Nations. It is ACOPS' hope that its conference will assist the Washington Meeting in attaining the important goals entrusted to it by the 1993 session of UNEP's Governing Council.

4 SCIENTIFIC GROUP: CONSIDERATION OF REPORT OF THE SEVENTEENTH SESSION

4.1 The Chairman of the Scientific Group, Mr. John Campbell (United Kingdom), provided a comprehensive review of the seventeenth meeting of the Scientific Group (LC 17/4), highlighting major discussions and recommendations of that meeting as reflected below.

Review of the Guidelines for the Application of the Annexes to the Disposal of Dredged Material:

4.2 The Scientific Group had reviewed a range of submissions from Contracting Parties and Observers covering many aspects of the management of dredged material which, along with guidance previously developed within the framework of the London Convention 1972 and other regional agreements, was used to develop a 'Dredged Material Assessment Framework'.

4.3 This framework, modelled closely on the broader Waste Assessment Framework, was proposed as the basis for the current revision of the Dredged Material Guidelines. A correspondence group, led by Mr. R. Engler (United States), had prepared information for an initial review of the Guidelines.

4.4 The Consultative Meeting noted the progress that had been made on the revision of the Guidelines and approved the establishment of an *ad hoc* working group to prepare a co-ordinated set of draft Guidelines for the eighteenth meeting of the Scientific Group with a view to completing the revision by 1996. The IAPH had kindly offered to host this meeting in Los Angeles (United States) on 23-27 January 1995.

4.5 The Meeting took note of Guidelines for the Management of Dredged Material in Spanish Harbours (LC 17/INF.3) that are based on Guidelines adopted by the

Oslo Commission on the same topic. The Guidelines include a management approach based on the application of Action Levels for some substances contained in Annexes I and II to the London Convention 1972. These Action Levels are under continuous review both in terms of the range of substances and the specified concentrations. A number of delegations from Spanish speaking Contracting Parties expressed their appreciation for the submission of the Guidelines.

Waste Assessment Framework: Implementation of the Action List

4.6 The Chairman of the Scientific Group recalled the decision of the Fifteenth Consultative Meeting, recognizing the scientific and technical validity of the Waste Assessment Framework (WAF), to adopt the WAF on a provisional basis in conjunction with existing regulations, recommendations and resolutions of the London Convention 1972.

4.7 In the light of this direction, the Group was able to review a range of submissions in particular with reference to the application of the Action List. The Consultative Meeting noted that many Contracting Parties operated management systems for assessing sea disposal based upon numerical (concentration) criteria, especially in respect of dredged material.

4.8 The Meeting also noted the view of the Scientific Group that an Action Level approach, relying solely on chemical measurements, dealt with an extremely restricted range of substances in isolation and that, as such, these approaches took no account of the presence of a potentially far wider range of contaminants for which individual toxicity responses or combined toxic effects might exist.

4.9 The Consultative Meeting therefore endorsed the Scientific Group's conclusion that biological testing of wastes or other matter was important in characterizing wastes and assessing the potential impact of disposal at sea. The Meeting also recognized the practical difficulties in specifying testing procedures for broad (geographical) application and the problems in interpreting results derived from such procedures.

4.10 The Consultative Meeting noted the Scientific Group's view that it would be impractical to initiate a directory of substances and corresponding Action Levels for global application but nevertheless urged Contracting Parties to continue to provide information for review by the Scientific Group on criteria, measures and requirements adopted in accordance with the provisions concerning the issue of permits for disposal at sea as set out in Article VI(4) of the Convention.

Waste Assessment Framework: Update of the Prohibition List

4.11 The Meeting agreed that the text of the Waste Assessment Framework (section 5.1.1) be amended as a consequence of the 1993 amendments to Annexes I and II to the Convention, to read as follows:

- .1 "Industrial waste as from 1 January 1996 and as defined in Annex I. National authorities should ensure that the Framework is applied when considering waste streams that are exempted from the definition of industrial waste;"
- .2 "The initial stages in assessing alternatives to disposal at sea should, as appropriate, include a waste prevention audit."

Waste Assessment Framework: Definition of a Reverse List

4.12 The Chairman of the Scientific Group re-stated the view that the selection of a reverse list or a prohibition list approach would be on the basis of policy and not scientific considerations. Nevertheless, in order that a reverse list approach could operate as an integral part of a waste assessment framework, individual entries on the list needed to be expressed unambiguously. The Meeting noted the willingness of the Scientific Group to assist with the issue and, furthermore, noted that the adoption of the Waste Assessment Framework as an Annex to the Convention, containing either reverse list or prohibition list approaches, had important drafting implications for the text of the Convention.

Progress with the Global Waste Survey

(Discussion of this issue is reflected under section 6 of this report.)

Technical co-operation and assistance

(Discussion of this issue is reflected under section 7 of this report.)

Management and disposal of municipal sewage

4.13 The Meeting recalled that the Fourteenth Consultative Meeting in 1991 had supported the conduct of an evaluation of sewage management at an international level, and it noted that the Scientific Group had re-confirmed the validity and importance of the issues to be covered in such an evaluation.

4.14 The Meeting requested the Secretariat to continue to investigate possibilities of co-sponsoring a survey on sewage management, and to co-operate with other UN agencies in this regard, particularly with the World Health Organization and the United Nations Environment Programme. The Meeting further requested the Secretariat to prepare a compilation of summaries on sewage treatment and disposal contained in documents made available to the Scientific Group since 1978, and to request Contracting Parties to submit information on their national sewage management strategy to future meetings of the Scientific Group.

Waste management issues

4.15 The Chairman of the Scientific Group noted that, as a result of the prohibition of incineration of industrial waste and sewage sludge at sea, agreed at the Sixteenth Consultative Meeting, the regulations for the "Control of Incineration of Wastes or Other Matter at Sea", contained as Addendum to Annex I to the Convention, were now redundant.

4.16 However, as the prohibition was not universal in terms of other wastes or other matter which might be incinerated at sea, the Consultative Meeting requested the Secretariat to prepare a questionnaire for distribution as an IMO circular to all Member States to identify the scope and scale of such activities. The responses to this questionnaire would help to identify the need for specific guidance on incineration within the framework of the London Convention 1972. It was agreed that the information obtained from the questionnaire be made available to the eighteenth meeting of the Scientific Group in summer 1995.

Prior reporting procedure

4.17 The Scientific Group had considered a document submitted by South Africa on options for the disposal of obsolete ammunition following its notification of a permit to dump such materials at sea (LC/SG 17/7/1). Several delegations had

offered to provide assistance on land-based methods of treatment and disposal, but to date only one country had sent information. The Meeting urged other Contracting Parties to contribute appropriate information on management of such material as soon as possible.

4.18 In a related discussion, several delegations responded to a question from South Africa to the effect that obsolete firearms and ammunition were industrial waste and were therefore covered by the prohibition on dumping after 1 January 1996 as agreed by the Sixteenth Consultative Meeting. Some other delegations reserved their views on this interpretation.

4.19 The Scientific Group also took note of a report, submitted by Australia, on progress towards the phase-out of sea disposal of jarosite processing wastes (LC/SG 17/INF.4). In response to Australia's prior reporting procedure submitted to the sixteenth meeting of the Scientific Group, Contracting Parties had provided information on waste management options. This information, in addition to the considerable efforts made by the company concerned working with the regulatory agencies, had led to the identification of a strategy providing an alternative to sea disposal.

4.20 The Meeting noted that Japan is preparing a submission for the eighteenth meeting of the Scientific Group on wastes from the photographic processing industry, which are currently dumped at sea. The Scientific Group had already discussed the matter briefly and one country had provided information on treatment and disposal of similar wastes on land.

Monitoring and disposal activities at sea

4.21 The Meeting took note of the action taken by the Secretariat to complete and publish annual summaries of dumping statistics. In particular, the Meeting also noted that at 8 August 1994, the final report covering the dumping permits issued in 1985 and 1986 had been published (LC.2/Circ.339) and that, as a first priority, the Secretariat is finalizing the reports on the years 1987 to 1989 and would circulate these in due course.

4.22 The Secretariat illustrated (LC 17/WP.1) the extent to which Contracting Parties have fulfilled their notification and reporting requirements under Article VI concerning their sea disposal activities. The Meeting noted that in 1991 and 1992 approximately two-thirds of Contracting Parties had not lodged any reports (including nil returns) with the Secretariat. The Meeting therefore reiterated the importance of reporting this information to the Secretariat and urged all Contracting Parties to fulfil their obligations under Article VI of the Convention.

4.23 The Scientific Group had been able to review a number of reports on monitoring disposal at sea activities. These reports provided valuable information on the consequences of sea disposal and were therefore of value in the implementation of the Waste Assessment Framework.

4.24 The Chairman of the Scientific Group recalled the earlier decision that it was not appropriate under this Convention to prescribe detailed Convention-wide monitoring guidelines and reinforced the view that this activity was addressed most effectively at a regional level. Nevertheless the Consultative Meeting endorsed the view that it was appropriate for the Scientific Group to offer guidance on monitoring principles and strategies within the context of the Waste Assessment Framework. The Consultative Meeting, therefore, invited Contracting Parties to continue to submit relevant documentation on this matter to the Scientific Group and requested the Secretariat to write to the Secretariats of

Regional Conventions on the protection of the marine environment concerning current strategies for monitoring sea disposal sites.

Guidelines, manuals, bibliographies and information exchange

4.25 The Chairman of the Scientific Group reported that the Central Dredging Association (CEDA), in collaboration with the Western Dredging Association (WEDA), Eastern Dredging Association (EADA), International Association of Dredging Contractors (IADC), the International Association of Ports and Harbors (IAPH) and the Permanent International Association of Navigational Congresses (PIANC), in co-operation with IMO had developed a bibliographic literature service designed to incorporate all scientific and technical papers regarding dredging technology and the environmental effects of dredging. The resulting prototype database, "Dredging Environmental Bibliography" (DEBBY), had been demonstrated to the Scientific Group and CEDA had projected that a fully operational version of DEBBY would be demonstrated to the next meeting of the Scientific Group. The Meeting invited Contracting Parties to submit suitable literature entries to this bibliography following a format available from CEDA.

Future work programme

4.26 The Scientific Group had developed a three-year work programme identifying priority dates for completion of the various issues (LC/SG 17/14, annex 7). The Consultative Meeting reviewed this programme under item 11 of its agenda (see section 11 below).

Election of Chairman and Vice-Chairman

4.27 The Meeting noted that Mr. J. Campbell (United Kingdom) and Mr. J. Karau (Canada) had been unanimously re-elected as Chairman and Vice-Chairman for the intersessional period and for the eighteenth meeting of the Scientific Group.

5 AMENDMENT GROUP: CONSIDERATION OF REPORT OF SECOND SESSION

5.1 In discussing proposals to amend the London Convention 1972, the Meeting considered the following documents:

- .1 the report of the second meeting of the LC 72 Amendment Group (LC/AM 2/8), in conjunction with a compilation by the Secretariat listing the actions from that report for consideration by the Consultative Meeting (LC 17/5);
- .2 an Article-by-Article compilation of amendment proposals submitted by Contracting Parties and of results of the first and second meeting of the LC 72 Amendment Group (LC 17/5/1);
- .3 a document by Germany (LC 17/5/2) on the reverse listing approach for dumping and incineration of waste and other matter at sea;
- .4 proposals by France (LC 17/5/3) for the amendment of the Convention and its Annexes;
- .5 comments by Canada (LC 17/5/4) for consideration of a reverse list approach; and
- .6 a document by the Secretariat (LC 17/11) on the decision by the IMO Council in June 1994 on the request of the LC 72 Amendment Group for financial support for its activities in 1995.

5.2 The Meeting agreed to use documents LC 17/5 and LC 17/5/1 in conjunction with the report of the second meeting of the Amendment Group (LC/AM 2/8) as basic documents for consideration of proposed amendments, taking into account documents LC 17/5/2, LC 17/5/3, and LC 17/5/4 as needed.

Format of amendments

5.3 With regard to the question whether the amendment package should be drafted as a Protocol to the existing London Convention 1972, or as a new Convention, the Consultative Meeting endorsed the view of the Amendment Group that the format of a Protocol would still be the preferred working hypothesis (LC/AM 2/8, paragraph 2.3).

5.4 It was explained that this Protocol could be read and interpreted together with the existing Convention as one single instrument and that it could indeed absorb the London Convention 1972 and all amendments thereto. The co-existence of a so-called 'dual regime' of Parties to the London Convention 1972 and potentially different Parties to a Protocol to that Convention was in any case unavoidable, but would be progressively eliminated once the Parties to the London Convention 1972 became Parties to that Protocol.

5.5 The Meeting agreed that more clarity was needed as to the number and substance of the amendments before a final decision on the format could be made in 1995.

Meeting in 1996 for formal adoption

5.6 The Meeting briefly reconsidered the issue of adoption of the amendment package at a consultative or special meeting in accordance with the existing provisions for adoption or entry into force under Article XV of the present Convention, or at a diplomatic conference.

5.7 The Meeting agreed to take a final decision on this matter at the Eighteenth Consultative Meeting and instructed the Secretariat to prepare both options for consideration at the third meeting of the Amendment Group and for full and final consideration at the Consultative Meeting in 1995.

Amendment proposals including reverse listing

5.8 After initial observations on the amendment proposals and on the issue of the reverse listing approach, two Working Groups were established:

1. the Working Group on Reverse Listing met under the chairmanship of Mr. J. Karau (Canada) to assess the advantages and disadvantages of a "reverse list" compared to the existing black and grey lists *viz.* the prohibition and restriction lists, and to develop a draft "reverse list" for further discussion and consideration; and
2. the Amendment Working Group met under the chairmanship of Mr. A. Sielen (United States) to provide general guidance on, and to further negotiate, the amendment proposals.

Reverse listing approach

5.9 Several delegations expressed views for or against the inclusion of a "reverse listing" approach into the Articles and Annexes of the London Convention 1972. Some delegations expressed support for a "reverse listing" approach as part of a precautionary approach for the Convention. Other delegations believed the existing Annex structure was also consistent with a precautionary approach

and expressed concerns with the effects that a "reverse list" would have on the legal structure of the Convention.

5.10 The Chairman of the Scientific Group recalled the view of his Group that the adoption of either a "reverse list" or a prohibition list was a policy decision, and that the Waste Assessment Framework could be applied with either an amended prohibition list or a reverse list, irrespective of the content of such lists (LC/SG 17/14, paragraph 3.3.9).

5.11 In considering a draft "reverse list" as developed by the Working Group and as reflected in annex 3, the Meeting agreed that a decision whether to adopt a "reverse list" or to maintain the existing prohibition and restriction lists should be deferred to the next Consultative Meeting. To prepare for that decision, both options would have to be explicitly formulated for presentation to that Consultative Meeting. Contracting Parties were invited to submit comments to annex 3 by 31 December 1994 for further consideration at the third meeting of the LC 72 Amendment Group.

5.12 The delegation of Denmark announced that it would present to the third meeting of the Amendment Group a proposal and related background information to consider "unprocessed fish waste" in the context of a reverse listing approach.

5.13 The delegation of China noted its reservation, along with other delegations, that it was not in favour or inclined to adopt a reverse listing approach.

Amendments to the Convention

5.14 The Amendment Working Group considered the amendment proposals as reflected in document LC 17/WP.4. The Consultative Meeting decided to reflect the oral presentation of the discussions in the Amendment Working Group in the following paragraphs. The resulting amendment proposals are reflected in annex 4.

General provisions (Articles I and II)

5.15 There was extensive discussion on the proposals for the general provisions in Article I. Most of the discussion centred on two key concerns: first, whether reference to preventing pollution of the marine environment should be expanded to also include the "elimination" of such pollution; and second, whether Article I should make reference to pollution strictly from waste disposal at sea, or alternatively from some broader category of human activities affecting the marine environment. With respect to the "elimination" of pollution, some delegations felt that that was an impractical, if not impossible, standard and therefore inappropriate; others felt that the recent evolution of international law on marine protection had gone beyond prevention, reduction and control, as found in the UN Convention on the Law of the Sea, and that the London Convention 1972 should also include a provision concerning the "elimination" of marine pollution, wherever possible.

5.16 On the question of the scope of pollution activities to which Article I should refer, it was decided to return to the present reference in Article I to marine pollution from all sources. This was seen as a compromise between, on the one hand limiting the Article to pollution from disposal at sea, and on the other, referring to pollution from the adverse effects of "human activities" - which goes beyond the problem of marine pollution.

5.17 The delegation of Poland expressed the view that retaining the notion of "all sources of pollution" in this context would broaden the scope of the

Convention too far and would reduce its operability. Instead, inclusion of this language in the preamble would be more suitable.

5.18 A third element in the discussion on Article I was the reference to "effective measures" (rather than "all practicable steps") in preventing or eliminating pollution of the seas.

5.19 The delegation of Japan entered a reservation on the word 'eliminate', for now, since it required more time to examine potential implications.

5.20 Regarding the expansion of Article II to incorporate a "precautionary approach" and the "polluter-pays principle", four critical issues were discussed. First was the question of whether to include the precautionary approach in the body of the Convention itself, in an annex to the Convention; or in both. It was agreed, in principle, to incorporate the precautionary approach in its entirety into the body of the Convention. This is to include a detailed elaboration of what is meant by a "precautionary approach" based on resolution LDC.44(14) on "The Application of a Precautionary Approach in Environmental Protection within the framework of the London Dumping Convention".

5.21 Second was the question of the exact wording of the "chapeau" used in connection with a precautionary approach and the polluter-pays principle. Document LC 17/5/1 contained three options; these were narrowed to two: Contracting Parties "shall be guided by", or "shall apply" these two principles. There was considerable divergence of opinion on these two options, and in the interest of time, it was agreed to include both and to reach final resolution of this issue at a later date.

5.22 Third, most Parties felt that the definition found in resolution LDC.44(14) should be incorporated in its present state into the Convention, since it reflected very substantial previous negotiation and agreement¹. One delegation wished to re-open one aspect of the definition; as a result the words "throughout society" were put in brackets.

5.23 Finally, the question was examined whether it would be appropriate to include a reference to the polluter-pays principle in the Convention, since it had not received the same degree of prior scrutiny by Contracting Parties as the precautionary approach. All delegations understood that the principle was restricted to primary polluters. Some delegations were concerned that inclusion of the principle might be construed as a reference to State liability. Some delegations also noted that inclusion in the Convention should accurately reflect the definition of the polluter-pays principle in UNCED Agenda 21. No agreement could be reached. Some delegations took the position that until the broader question was settled of whether the scope of the Convention should be expanded, it would be fruitless to attempt at this stage a final agreement on this matter. Once several delegations directly linked the question of "polluter-pays" to broader, structural issues, other delegations noted that they could no longer agree in principle, at least at this stage, that "polluter pays" should be included in the Convention. In the end, the proposal developed at the second meeting of the Amendment Group was kept in brackets for future consideration.

5.24 In a final reflection on the general provisions, some delegations indicated that the organization of Article II should be reconsidered.

¹ The Meeting acknowledged that the second meeting of the Amendment Group had agreed to editorial changes to this definition as proposed by Denmark (LC/AM 2/8, annex 2, paragraph 2a).

Definitions (Article III)

5.25 It was agreed to remove the brackets from the words "or storage" in a proposal for a new indent in the definition of "dumping" under Article III, referring to the deliberate disposal of wastes in the seabed and the subsoil thereof (Article III(1)(a)(iii)). The addition of the words "or storage" under Article III(1)(c) addresses the storage of excess gas production in offshore wells and the need to avoid an inadvertent prohibition of this practice.

5.26 The Meeting also endorsed the view of the Amendment Group that re-injection of produced water and other matter associated with offshore oil and gas operations does not fall within the definition of "dumping" (LC/AM 2/8, paragraph 4.17).

5.27 The Consultative Meeting confirmed the view of the Amendment Group (LC/AM 2/8, paragraph 4.11) that disposal at sea of ships' cargo spoilt due to bad weather, failure of technical equipment, or delays in unloading ports was "dumping" under the provisions of the Convention. For disposal at sea of such materials, a permit would be required by the authority of the flag State or of the coastal State that might be affected, or by both. The Meeting also agreed that amendment of the definition of "dumping" in Article III(1)(b)(i) was unnecessary in this regard.

5.28 Regarding offshore oil and gas operations, there was substantial discussion of the broader question of whether Article III(1)(c) should be deleted to allow possible regulation of these activities under the London Convention 1972, as proposed by Finland, Germany and the Netherlands. In framing this issue, it was agreed that there were two critical issues: whether there was a need for global environmental regulation of such activities, and if so, what would be the best forum.

5.29 Divergent views were expressed on this topic. The Meeting agreed, however, that this issue should be kept open for further consideration within the framework and timeframe of the amendment process. The Meeting welcomed the Netherlands offer to prepare a discussion paper on this matter for consideration at the third meeting of the Amendment Group in 1995. It was agreed that both options - i.e. either keeping or deleting Article III(1)(c), would be retained, as reflected in annex [4].

5.30 With regard to the question of artificial reefs, the two options under the exemptions of the definition of "dumping" under Article III as developed by the Amendment Group (LC 17/5/1, annex) were not supported by the Meeting. One option maintains that the "placement" (of such reefs) shall be in accordance with the relevant provisions of the Convention; the other option provides that Contracting Parties engaged in such activities must adopt appropriate measures for marine protection. In place of these two options, it was decided to return to the original text under Article III(1)(b)(ii). The delegation of the United States noted that it would like to return to this issue in future.

5.31 The Meeting endorsed the proposal made by the Amendment Group for a new Article (III)(1)(b)(iii) making clear that "dumping" does not include "abandonment" in the seabed and subsoil thereof of matter, e.g. cables, pipelines and marine research devices, left for a purpose other than the mere disposal thereof.

Inclusion of internal marine waters in the definition of "sea"

5.32 The possible extension of the Convention area to include internal marine waters was examined in the context of the definition of "sea" in Article III(3).

This was another issue where divergence of opinions was evident among delegations. It was agreed that if this issue could not be settled at this Meeting, efforts should be made to narrow the various options presently found in document LC 17/5/1.

5.33 The Meeting agreed to retain two options, which basically either support applying the Convention to internal marine waters, or not applying it; while, in the second case, it should be required that each Contracting Party would have an obligation to adopt effective measure for internal waters, consistent with the purposes of the Convention. There was broad agreement on the definition of internal waters which could be used with either option. The delegation of Japan maintained its reservation on inclusion of internal waters in the definition of "sea".

5.34 Whereas all delegations with the exception of the United States, agreed that the definition of "sea" should include the seabed and subsoil thereof, that delegation believed that such an inclusion was redundant, as the seabed and subsoil were included in the revised definition of "dumping" as contained in Article III(1)(a)(iii).

Definition of "pollution"

5.35 There was considerable debate on the definition of "pollution" for the purposes of the Convention. The Working Group used option 1 of document LC 17/5/1, which was based on the definition contained in the UN Convention on the Law of the Sea, as the basis for its discussion and examined several - in some cases innovative - suggestions on ways of clarifying and strengthening the definition. A new agreed text is contained in annex 4.

5.36 Although discussions on this definition proved successful, one issue merits additional consideration in the future. Many delegations felt that the term "wastes and other matter", which is used throughout the Convention has become obsolete and preferred the term "substances or energy". Others preferred to retain the original language. As a compromise, the term "wastes or other matter or energy" was included in the definition. It was felt, however, that this was a question that should be examined further by Contracting Parties to ensure a consistent use of terminology throughout the text of the Convention.

Basic provisions (Article IV)

5.37 The last major amendment proposals examined by the Meeting were two options on the "export of waste". Some delegations raised questions on the trade and other implications of either option. However, the main issue was whether the prohibition on the export of waste should be included in the revised Article IV or in a separate Article. Other issues were whether the ban on export should cover all wastes or only those wastes the dumping of which was prohibited under the Convention and whether the provision should cover exports to non-Contracting Parties only, or to all countries. Other questions raised in this context were whether new provisions should include shipments to areas outside national jurisdiction and to territories that are not States.

5.38 In discussing this impasse, it was concluded that this issue was linked to the outcome of discussions on Article IV regarding the possible use of a reverse list in terms of both substance (i.e. what is permitted or prohibited) and placement (i.e. whether it should be addressed in Article IV or a separate article).

5.39 However, it was generally agreed that:

- .1 there should be an export provision;
- .2 such a provision should restrict exports generally, not to particular countries; and
- .3 such a provision should follow the overall scheme of the Convention either using the prohibition list or a reverse list approach.

5.40 The Consultative Meeting agreed to further consider the amendment proposals reflected in annex 4, and invited Contracting Parties to submit comments before 31 December 1994 on these proposals and on the other proposals set out in document LC 17/5/1, which were not considered by this Meeting.

5.41 In reviewing the progress so far, the Meeting recognized that much more consideration was necessary to meet the goal in 1996 of a revised London Convention 1972. This was especially critical in view of the magnitude and complexity of issues still unresolved and of the fact that only two preparatory meetings (that is the third meeting of the Amendment Group and the Eighteenth Consultative Meeting) were planned before the final adoption of the amendment package.

5.42 The Consultative Meeting concluded that great efforts and a general readiness to seek compromise and consensus would be needed from Contracting Parties with a view to completing the review of the London Convention 1972 in 1996.

5.43 Therefore, the Meeting agreed to arrange for more actual time for negotiations during the third meeting of the LC 72 Amendment Group, by cutting the time needed for reporting by sub-groups to plenary during that meeting, and by inviting instead intersessional comments on amendment proposals.

5.44 The Consultative Meeting agreed that the third meeting of the Amendment Group should decide on the possible establishment of a "drafting group" in English only, to be held between that meeting and the Eighteenth Consultative Meeting. (See also paragraph 11.4 below.)

6 GLOBAL WASTE SURVEY

6.1 The Secretariat provided an oral report on the status of the Global Waste Survey, referring the Meeting to background documents which were available for further reference (LC/SG 17/INF.16; LC/SG 17/INF.18; and LC/SG 17/INF.19).

Project status

6.2 Phase 2 of the project, Development of National Waste Management Profiles, has been completed. Eighteen countries have submitted profiles, including Bahrain, Canada, Chile, China, Egypt, Fiji, Germany, Hungary, Ireland, Japan, Mexico, the Netherlands, Nigeria, Philippines, Poland, Romania, Thailand, and Trinidad and Tobago. All profiles have been edited and returned to the countries of origin for final approval prior to publication. The Meeting noted that four countries still had not provided final approval for publication, namely: Germany, Japan, Mexico and the Netherlands. A draft final report has been completed on the Phase 2 activity, but awaits the final edit pending submissions by the four countries.

6.3 Phase 3 of the project, the Case Study Phase, was initiated in early 1994. The case studies are focussing on priority issues in technical co-operation, as

identified during the Global Waste Survey Workshop in May 1993, (LC.2/Circ. 319; LC.2/Circ.319/Corr.1). Five case studies had been planned as part of this phase, four of these have been implemented. The five case studies are as follows:

- .1 Development of Land-Based Waste Management Options to Phase-Out Ocean Dumping of Industrial Waste - executed in the Philippines, in conjunction with the Environmental Management Bureau and the Philippine Coast Guard.
- .2 Development of Interim and Long-Term Approaches to Industrial and Hazardous Waste Management through Government/Private Sector Partnerships - executed in Chile, in conjunction with the National Environmental Commission (CONAMA), the Environmental Health Service (SESMA); Ministry of Health; and the Special Commission for Decontamination of the Metropolitan Region (CEDRM).
- .3 Development of Appropriate Waste Management Strategies in a Small Country - executed in Fiji, in conjunction with the South Pacific Environment Programme (SPREP), the Ministry of Health and Department of Environment.
- .4 Development and Implementation of Waste Minimisation Strategies - executed by UNEP IE/PAC and centred on a programme in Poland.
- .5 Development of Effective Enforcement and Compliance Strategies and Monitoring Capabilities - not initiated at this time, but to be implemented in 1994 in Nigeria in conjunction with the Federal Environmental Protection Agency (FEPA).

6.4 The Meeting was informed that delegations from the Philippines and Chile at the seventeenth meeting of the Scientific Group reported on the activities and outcome of their case studies. The Secretariat also pointed out that a four-day national workshop had been completed in Fiji on 12 to 15 September 1994, and confirmed that the results of that case study, and the case studies in Poland and Nigeria, will be presented to the Scientific Group.

Interim conclusions

6.5 The Secretariat indicated that certain issues were prevalent with respect to technical co-operation needs in developing countries, including:

- .1 national capacities to implement regulations and/or obligations under international conventions; and
- .2 early steps in the development of national waste management programmes.

6.6 With respect to sub-paragraph 6.5.1 above, one of the case studies manifested the situation where only one company was practising sea disposal of industrial waste (i.e., permits for sea disposal had been issued). The company concerned was, in fact, being exemplary in its actions in that it was complying with national legislation. The vast majority of industry in the country had not yet achieved that level of waste management control, nor is it being required to do so. A technical co-operation priority for the country is to improve the national capacity for enforcement and compliance of existing regulations and controls, including international obligations.

6.7 Sub-paragraph 6.5.2 above concerns situations where the problems associated with hazardous and non-hazardous waste mis-management are only just being

realized. National legislation and regulations are fragmented, and the country has limited or no land-based facilities. In this instance, technical co-operation and assistance is required for:

- .1 strengthening national legislation and regulations;
- .2 developing institutional capacity and technical and scientific support services;
- .3 identifying and integrating interim short-term control measures with long-term programmes and practices for environmentally sound land-based waste management, eliminating the option of sea disposal as an interim control measure;
- .4 implementing non-regulatory initiatives to encourage "voluntary" movement by industry toward environmental objectives;
- .5 promoting programmes and initiatives to facilitate public sector/private investor partnerships in waste management; and
- .6 providing material for use in public awareness/education campaigns.

Future activities

6.8 The Meeting noted a number of activities which were being implemented by the Secretariat to extend the results and outputs of the Global Waste Survey, namely:

- .1 the UNEP/WHO/IMO Steering Committee for the Global Waste Survey had embarked on joint effort to extend the use of the National Waste Management Profiles as a UN interagency approach and format for collecting information on waste management practices and needs in countries world-wide. The proposed format of the interagency Profile will be reassessed at the next meeting of the Steering Committee (December 1994).
- .2 The Second Meeting of the Conference of Parties to the Basel Convention (21-25 March 1994) requested its Secretariat to review the relevance of Global Waste Inventory and Database to the work of the Basel Convention and to report its findings to the Bureau. Based upon the outcome of the report, the Secretariat to the Basel Convention will inform Contracting Parties to the London Convention 1972 on the readiness to keep, review, maintain and update the database, commencing in 1995. A budget of US \$100,000 has been identified in the Basel Convention Technical Co-operation Trust Fund to facilitate the transfer of the database.
- .3 One output from the Global Waste Survey case study in the Philippines, namely a strategy and action plan for phasing-out ocean dumping of industrial waste, is being implemented as part of a UNDP Global Environment Facility project entitled "Prevention and Management of Marine Pollution in the East Asian Seas". The site of the project is Batangas, Philippines; IMO is executing agency for that undertaking.

6.9 The representative from UNEP/SBC confirmed that a decision by the Contracting Parties to the Basel Convention requested a review of the relevance of the Global Waste Inventory and Database to the needs of the Basel Convention. She informed the Meeting that the prospects of transferring the database from the

Office of the London Convention to the Basel Convention Secretariat were good and that a final decision would be made in December 1994. She further reiterated the need for continuing co-operation between the Secretariats of the two Conventions, to avoid duplication of effort and to facilitate the transfer of pertinent information.

6.10 The Chairman thanked the UNEP representative for her remarks and indicated that it was the desire of the Contracting Parties of the London Convention 1972 that the Secretariats work in a co-operative and collaborative fashion, to avoid overlap and wasting of resources.

6.11 The Chairman emphasized that the information gathered in the framework of the Global Waste Survey was important with respect to the development of the London Convention Technical Co-operation Programme. The Meeting requested the Secretariat to prepare a final report on the Global Waste Survey before the end of 1994 and that the report include concrete results of the survey, including a nucleus of information on national and regional technical co-operation needs.

6.12 The Chairman urged those countries that had not yet completed the final review of their National Waste Management Profiles, as mentioned in paragraph 6.2 above, to do so as soon as possible and to advise the Secretariat of the outcome.

7 TECHNICAL CO-OPERATION

7.1 The Chairman of the Scientific Group reviewed discussions and results of the seventeenth meeting of the Scientific Group concerning development of a technical co-operation and assistance programme under the London Convention 1972. The Scientific Group, upon request by the second meeting of the LC 72 Amendment Group, identified the primary objectives of such a programme and derived a management scheme for its prosecution. The Meeting was reminded that the results of the Global Waste Survey were a key consideration in the design and implementation of a technical co-operation programme, and also that technical co-operation activities within the framework of the London Convention 1972 should be integrated into initiatives with the technical co-operation programme of the International Maritime Organization.

The IMO Technical Co-operation Programme

7.2 Mr. J. Espinoza, representing IMO's Technical Co-operation Division, gave a presentation on the IMO's Integrated Technical Co-operation Programme (ITCP) citing the legislative authority for its development and execution which is derived both from the IMO Convention and the policy directives of the wider UN development system.

7.3 The ITCP is approved by the IMO's Technical Co-operation Committee and is composed of four sub-programmes dealing with maritime safety, marine environment protection, maritime legislation and facilitation of international maritime traffic, all of which were adopted by IMO's corresponding technical Committees. The sole objective of the ITCP is to assist developing countries to build up capacities for uniform and effective implementation of IMO standards. Accordingly, the implementation of the London Convention 1972 falls within the specific objectives of the ITCP's sub-programme for the protection of the marine environment.

7.4 In developing and implementing the ITCP, the IMO Secretariat can provide: liaison with developing countries; sectoral advisory services; needs assessment; development of technical co-operation policies and their correlation to national/regional development plans; preparation of technical assistance programmes and projects; fund-raising, resource mobilization and co-ordination

with donors and recipients; programme execution, administration, reporting and evaluation; and follow-up or consolidation of the assistance provided.

7.5 IMO cannot provide financing for the actual delivery of technical assistance to developing countries. Necessary resources, be they financial or "in-kind", are obtained from donor countries, institutions and individuals, and while the IMO Secretariat can address the donor community at large for resources with regard to the London Convention 1972, it is likely that funds would also have to be raised from Contracting Parties and relevant co-operating agencies, particularly with respect to those matters which may fall outside IMO's original field of competence.

7.6 It was also pointed out that international non-governmental organizations were actively involved in the implementation of the Integrated Technical Co-operation Programme (ITCP).

7.7 The Director of the Marine Environment Division (MED), Mr. O. Khalimonov, emphasized that it was MED's role and responsibility to manage and deliver the marine environment protection component of the IMO's ITCP, including technical co-operation projects and initiatives developed under the London Convention 1972.

The need for a technical co-operation programme for the effective implementation of the London Convention 1972

7.8 The Meeting acknowledged the need for a London Convention 1972 technical co-operation programme. The Spanish delegation pointed out that there was an imbalance between regulations and requirements being developed under the Convention, and the inability of developing countries to deal with the implementation of such requirements. Other key points to be considered in the development and implementation of a technical co-operation and assistance programme were proposed by several delegations and included:

- .1 improved linkage with IMO's ITCP and programme mechanisms (e.g., Technical Co-operation Committee; programme planning and priority setting; donor access);
- .2 implementation of the UN Convention on the Law of the Sea (UNCLOS), actions identified under UNCED Agenda 21, as well as the special needs of Small Island Developing States (SIDS);
- .3 co-operation with other competent UN bodies, agencies and units;
- .4 the distinction between strategic activities (e.g., advisory service; information dissemination) and targeted activities (e.g., special projects; training);
- .5 opportunities for technical co-operation in the short-term, utilizing the approaches developed during the Global Waste Survey as a model for future technical co-operation activities;
- .6 recognition of experience and knowledge of local government authorities, private sector and NGOs as contributors to needs assessment, and identification of environmental problems and related social aspects;
- .7 focus on legal, scientific and technical co-operation activities which are within the competence of the London Convention 1972 and of IMO;

- .8 utilization of expertise available in other competent agencies whenever possible;
- .9 targeting technical co-operation in selected countries in each region, to build capacities which could then be transferred to neighbouring countries (i.e., technical co-operation among developing countries);
- .10 opportunities (and need) for "developed" Contracting Parties to participate in and/or provide support for technical co-operation and capacity building activities in developing countries; and
- .11 linkage between the proposed inclusion under the Convention of a "period of grace" for new Contracting Parties, and technical co-operation and assistance which would be available to those Parties.

7.9 The delegation of the Netherlands expressed the view that, for the implementation of a technical co-operation programme in the framework of the London Convention 1972, a flexible organization was needed, and a long-term programme. The role of the Secretariat in such a programme should focus on:

- the identification of problems, making use of regional mechanisms;
- the formulation of a programme to solve the problems identified;
- the identification and selection of the experts; and
- the recognition of the necessary funds.

The Secretariat could also act as project manager, should other institutions not be able to take up such a task.

7.10 The Canadian delegation also drew attention to the important role that the technical co-operation programme and the Secretariat should play in relation to the implementation of the London Convention 1972 and, in particular, the application of the Waste Assessment Framework.

Objectives of a technical co-operation and assistance programme

7.11 The Consultative Meeting agreed to adopt, in principle, primary objectives for a technical co-operation and assistance programme under the London Convention 1972, which had been proposed by the Scientific Group. It was recognized that a final decision on the technical co-operation programme would be made at a subsequent Consultative Meeting, taking into account the conclusions of the Global Waste Survey. The adopted objectives include:

- .1 prevention of marine pollution from disposal at sea through the implementation of the London Convention 1972 and, in particular, through the application of the Waste Assessment Framework which promotes the minimization and control of waste disposal at sea, and the use of environmentally sound land-based alternatives;
- .2 gathering of baseline information, identification and assessment of marine pollution problems and establishment and maintenance of an information network in order to help facilitate implementation of the Convention;
- .3 promotion of an expanded membership to the London Convention 1972 with particular attention to the States Parties to the UN Convention

on the Law of the Sea which are not Contracting Parties to the London Convention 1972 (41 in number); and

- .4 co-operation with other organizations and agencies to ensure a co-ordinated approach to technical co-operation and assistance with a view to avoiding wasteful duplication of effort.

Management scheme for technical co-operation and assistance

7.12 The Meeting further agreed to adopt the management scheme for technical co-operation and assistance under the London Convention 1972, which had been proposed by the Scientific Group (LC/SG 17/14, annex 4), subject to the following provisions:

- .1 that a distinction be made between strategic initiatives and targeted initiatives in the description of the programme;
- .2 that lists of donor agencies and their areas of interest be provided as part of the clearing house initiative, preferably linked to an existing initiative within the Technical Co-operation Division of IMO;
- .3 that the London Convention 1972 roster of experts be linked with rosters of experts available within IMO and other UN bodies;
- .4 that linkages be made with other "clearing house" systems to assist Contracting Parties in accessing pertinent information; and
- .5 that relevant work of other organizations be identified as part of the clearing house initiative.

7.13 The amended "Management Scheme for the London Convention 1972 Technical Co-operation and Assistance Programme" is set out in annex 5.

Agenda 21, chapter 34, on transfer of environmentally sound technology

7.14 The Consultative Meeting noted that an important aspect of the UN system's response to chapter 34 of Agenda 21 on technology transfer concerned the development of technical information systems focussing on environmentally sound technology. UNIDO's Industrial and Technological Information Data Bank (INTIB) was one such example, but other databases were available, for example as part of UNEP's cleaner production and environmentally sound waste management initiatives. A summary of these activities would be reported to the Commission on Sustainable Development (CSD) in May 1995 by the Task Manager on Technology Transfer (UN-DPCSD).

7.15 The Consultative Meeting concurred with the Secretariat's suggestion that endeavours be made to complement the current bibliographies drawn up in connection with the London Convention 1972, with abstracts of key technical publications relating to sea disposal of wastes. The Secretariat was requested to communicate this decision to DPCSD for inclusion in the Secretary-General's 1995 report to CSD on Technology Transfer.

7.16 The Secretariat was requested to prepare a document on a technical co-operation and assistance programme under the London Convention 1972, containing programme elements as suggested by the Consultative Meeting and reflecting the results of the Global Waste Survey. Taking into account the management scheme as agreed in paragraph 7.12 above, including the financial implications, the Meeting recommended that the document be distributed prior to the third meeting of the

Amendment Group and that an informal review of the document be undertaken at that time.

7.17 The Meeting requested the Scientific Group to review at its eighteenth meeting the document on technical co-operation prepared by the Secretariat and to advise the Eighteenth Consultative Meeting on the breadth, content and method of implementation of a technical co-operation and assistance programme under the London Convention 1972.

Co-operation with other relevant organizations

7.18 The representative of UNEP/SBC, emphasized the need for close co-operation between the London Convention 1972 and the Basel Convention in the field of technical co-operation and training concerning environmentally sound management of hazardous wastes. It was emphasized that such co-operation included not only technical and scientific questions, but legal issues as well. The Meeting was advised that the Secretariat for the Basel Convention recognized the importance of close co-operation in implementing the action plan which would be developed as a result of the Global Waste Survey, and the need to avoid duplication of effort.

7.19 The Meeting noted the work within the Basel Convention with respect to technical assistance, data collection, exchange of information, feasibility studies for the establishment of regional training and technology transfer centres, and the development of technical guidelines on waste streams and waste disposal options. The UNEP representative further informed the Meeting that the Basel Secretariat was also compiling a roster of experts in the field of environmentally sound management of hazardous wastes which could be shared with the network developed under the London Convention 1972.

7.20 The Meeting welcomed the comments expressed by the representative of UNEP/SBC regarding future co-operation and collaboration between the London Convention 1972 and the Basel Convention. The Meeting further invited Parties to the Basel Convention, that are not Parties to the London Convention 1972, to become Parties to that Convention in order to facilitate the co-ordination and harmonization of the two Conventions.

8 MATTERS RELATED TO THE DISPOSAL OF RADIOACTIVE WASTES

Report of the Executive Group for Research on Sea Disposal of Radioactive Waste (CRESP)

8.1 The Consultative Meeting received a summary record (LC 17/8) of the twelfth meeting of the Executive Group for Research on Sea Disposal of Radioactive Waste (CRESP) which was held in April 1994 and noted that the Executive Group of CRESP had agreed that all scientific information collected over the past 15 years of CRESP's existence indicated that the radiological risk due to disposal operations at sea carried out within the OECD/NEA framework and following its established procedures was negligible. Further surveillance would therefore probably not be justified on radiological grounds. Nevertheless, any new assessments or monitoring requirements should take account of the latest scientific information available.

8.2 Advice had been requested regarding whether continued surveillance and a monitoring programme should be carried out within the CRESP mechanism in relation to the effects of previous radioactive waste disposals carried out at deep sea under the provisions of the London Convention 1972. The Consultative Meeting, noting that the final report of CRESP would be prepared by the end of 1995, agreed to await publication of that report before expressing any views on the desirability or necessity of future surveillance.

Status report on the treatment and disposal of low-level radioactive wastes derived from maritime activities of the Russian Federation

8.3 The Sixteenth Consultative Meeting requested interested Parties to the London Convention 1972, in particular Canada, Japan, Norway, the Republic of Korea, the United Kingdom and the United States, as well as the International Atomic Energy Agency (IAEA):

- .1 to form a technical advisory assistance team consisting of experts in radioactive waste management;
- .2 to explore the possibilities of international co-operation and assistance to the Russian Federation regarding the implementation of alternative land-based methods of radioactive waste treatment and disposal for the purpose of avoiding sea disposal of radioactive wastes;
- .3 to report, in co-operation with the Russian Federation, to the Seventeenth Consultative Meeting of Contracting Parties to the London Convention 1972 on the results of international co-operation (LC 16/14, paragraph 5.37).

8.4 In order to facilitate consideration of this item by the Consultative Meeting, meetings were held at IMO Headquarters on 30 September and 5 October 1994 with participants from Canada, France, Germany, Japan, the Netherlands, Norway, the Republic of Korea, the Russian Federation, the United Kingdom, the United States and the IAEA.

8.5 The Consultative Meeting received the report of the Technical Advisory Assistance Team, reflecting the outcome of the meetings referred to in paragraph 8.4 above (LC 17/WP.2 and LC 17/WP.2/Corr.1), which is set out at annex 6. The comments to the report are summarized in the following paragraphs.

8.6 The delegation of the Russian Federation referred to the statement made by the Minister for the Environment at the last Consultative Meeting that the complete curtailment of dumping of low level liquid radioactive waste would depend on financial and other resources available. The report on the meeting of the interested Parties reflects the need of the Russian Federation. That delegation expressed appreciation for the understanding and businesslike co-operation shown by a number of States to the Russian Federation. The Russian Federation had refrained from the dumping at sea of radioactive wastes and would endeavour to do so in the future. However, the situation concerning the handling of low-level radioactive liquid waste is worsening and there was an urgent need for further technical and financial co-operation.

8.7 The delegations of Canada and Germany, while expressing their appreciation to the Russian Federation for the information submitted, noted that it deals predominantly with the quantities of low-level radioactive liquid waste in storage and associated production rates. In order for the Terms of Reference of the Technical Advisory Assistance Team to be fulfilled, additional information particularly respecting the origins and composition (chemical and radioactive) of the wastes would be required, as had been requested by the Sixteenth Consultative Meeting (LC 16/14, paragraph 5.38).

8.8 The delegation of the Russian Federation was asked about the availability of such information. It responded that such information was indeed available but time would be required to obtain and collate the information for submission to Contracting Parties to the Convention. The Russian Federation undertook to deliver this information to the Secretariat as soon as possible.

8.9 The IAEA representative introduced the summary of the status of the International Arctic Seas Assessment Project (IASAP) (Progress Report No.2). The objectives of IASAP and the working procedures, including the activities of the Source Term, Modelling and Assessment Working Groups, were described. The IAEA undertook to present the final report on IASAP to Contracting Parties in 1996. Finally, the IAEA representative emphasized the inter-relationship between IASAP and the Arctic Monitoring and Assessment Programme (AMAP), which will also be preparing an assessment in 1996.

8.10 In response to the request for information by Greenpeace International on the status of the IAEA revision of the inventory of wastes disposed at sea, the representative of IAEA informed the Consultative Meeting that the database for the disposal of radioactive wastes, which relies on the notification of IAEA Member States, had been updated but not yet printed. With regard to that for the accidental disposal or loss, the information had been based on various sources and was in the process of verification.

8.11 In response to questions raised by Greenpeace International, the IAEA representative stated that potential future doses resulting from future releases from dumped wastes are specially considered in the IASAP report, and will be taken into account in assessing the need for remedial action. The IASAP working reports would not be submitted to the Secretariat for review by Contracting Parties to the London Convention 1972 and its observers. Rather, such reviews would be undertaken within existing IAEA mechanisms among IAEA Member States of which many were already participating in IASAP.

8.12 The Consultative Meeting noted the statement of Japan that an implementing agreement was signed between Japan and the Russian Federation concerning the construction of a processing facility in the Eastern region of the Russian Federation and that the actual construction was expected to commence before the end of 1994. The Consultative Meeting further noted that there were ongoing discussions among the United States, Norway and the Russian Federation on assistance for the expansion and upgrading of a processing plant in Murmansk and that other Contracting Parties had shown interest in this topic.

8.13 The delegation of Finland provided information on activities of the Barents Euro-Arctic Council, which is composed of Foreign Ministers of the Nordic countries, the Russian Federation and a representative of the European Commission. Canada, Japan, the United States and other countries send observers to its meetings. The Council met in September 1994 and its attention was drawn to the problems with nuclear wastes in the Kola peninsula. It is the intention of the Council to form a Task Force on Environmental Matters, including nuclear and radiological safety. That delegation also mentioned that, although it may be on a commercial basis, expertise in treatment of low-level liquid radioactive wastes is available in Finland.

8.14 The Consultative Meeting expressed its appreciation for the work done by many States in this regard and the spirit of co-operation shown by these States and the Russian Federation. It was hoped that the co-operation would continue to address the problem of treatment and disposal of low-level radioactive wastes in the Russian Federation.

8.15 The Consultative Meeting noted the readiness of IMO to continue to provide a mechanism for co-ordinating the efforts of Contracting Parties to the London Convention 1972 to assist the Russian Federation with a view to avoiding the dumping at sea of radioactive wastes. Every effort will be made by the Office for the London Convention 1972 to act as a clearing house and to provide facilities for convening informal as well as formal meetings, as appropriate. Contracting Parties can benefit from this assistance and also take account of the

ongoing IMO technical co-operation activities, in particular of the appropriate projects of its subprogramme on the protection of the marine environment.

8.16 The IAEA representative stated that her Agency is the specialized Agency in the field of radioactive waste management and would not only continue to provide technical and scientific advice in the field of the protection of the marine environment from dumped radioactive wastes, but also co-operate in the field of treatment and storage of radioactive wastes.

8.17 The Consultative Meeting recommended that the Parties involved in bilateral and multilateral negotiations keep the Secretariat informed, so that a status report can be prepared for submission to the Eighteenth Consultative Meeting.

Joint Russian-Norwegian Expert Group for Investigation of Radioactive Contamination of the Northern Areas

8.18 The "International Arctic Seas Assessment Project" (IASAP) had been established during a meeting in Oslo, 1-5 February 1993. The project is being implemented in close co-operation with the Russian Federation and Norway. The activity of the Russian-Norwegian expert group constitutes a core activity of the IASAP-project. A special co-ordinating group has been formed by Russia, Norway and IAEA.

8.19 So far three different joint Russian-Norwegian research cruises in 1992, 1993 and 1994, have been monitoring the possible environmental impact from the radioactive waste that was dumped in the Barents and Kara Seas by the former Soviet Union.

8.20 As mentioned in the report on this topic to the Sixteenth Consultative Meeting (LC 16/INF.20), the Russian-Norwegian co-operation has now resulted in an agreement on a two year environmental assessment programme regarding the "Mayak" Production Association in Osjorsk. The title of the programme is: "Joint Norwegian-Russian investigation of possible impact of the activity at "Mayak" Production Association on radioactive contamination of the Barents and Kara Seas".

8.21 In the summer of 1994, Norwegian scientists together with their Russian colleagues started a field programme in the surroundings of the "Mayak" production site, and collected samples for analysis. The results from these investigations will be published in late 1995.

8.22 The analysis of the samples collected during the 1993 expedition to the Kara Sea has been completed and copies of the report "Radioactive contamination at dumping sites for nuclear waste in the Kara Sea - Extended Summary" were made available (LC 17/INF.4). The full scientific report would be forwarded to the Secretariat of the London Convention 1972 before the end of 1994.

8.23 The results of the analysis show that radioactivity probably originating from the dumped radioactive waste can be detected in samples from the Tsvolky Bay and from two sites in the Stepovogo Bay. The observed contamination is low, and restricted to small areas. The radioactive contamination outside these areas is similar to the activity levels in the open Kara Sea.

8.24 The 1994 expedition to the Abrosimov Fjord and Stepovogo Bay returned only three weeks prior to this Meeting. The cruise was carried out according to the plans. Objects were identified on the seabed and samples were taken for further analysis. This year's expedition was also granted access to the land surrounding

the Abrosimov Fjord and the Stepovogo Bay and samples were gathered close to the shore.

8.25 The final results from the three research cruises will be evaluated within the framework of the above IASAP project.

8.26 As mentioned above, the cruise this year was completed only very recently. Copies of the "Report from the expedition on board R/V Viktor Buinitskiy, with some preliminary results" were made available. The Consultative Meeting expressed appreciation to the leaders of the expedition, Drs. Lars Feyn and Alexander Nikitin for the extensive and well written report. The delegations of Norway and the Russian Federation were requested to convey to the leaders and the members of the expedition the appreciation of the Consultative Meeting.

8.27 In response to a question by Greenpeace International, the delegation of the Russian Federation indicated that it would endeavour to provide the Consultative Meeting with information on the remedial measures undertaken at the site of the sunken nuclear submarine "Komsomolets" in the Barents Sea.

Regional conventions on the protection of the marine environment

8.28 The observer of Greenpeace International asked the French delegation whether France intended to lift its reservation to the provision in the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region (Noumea Convention 1986) which bans sea disposal of radioactive wastes. Greenpeace International also asked the delegations of France and the United Kingdom whether these countries intended to renounce the so-called "opt out - clause" on sea disposal of radioactive wastes as contained in Annex II, Article 3(3), of the Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention 1992). In the view of Greenpeace International the positions of France and the United Kingdom taken within these regional fora had become obsolete, given these countries' acceptance of resolution LC.51(16) in 1993.

8.29 The delegation of France stated that these questions were outside the scope of the London Convention 1972, and that such questions should be put forward in due time to the mentioned regional fora.

8.30 In response, the delegation of the United Kingdom indicated that the United Kingdom would abide by both the London Convention 1972 and the OSPAR Convention 1992 and that, where these Conventions have jurisdiction, the United Kingdom would be bound to whichever Convention imposed stricter provisions with regard to sea disposal of radioactive wastes.

9 INFORMATION EXCHANGE ON WASTE PREVENTION AND CLEAN PRODUCTION METHODS, WASTE PRODUCTION AND DISPOSAL

9.1 No papers had been submitted for consideration or information under this agenda item.

9.2 It was noted that reviews of waste management issues by the Scientific Group related to effective implementation of the Waste Assessment Framework required that the Group be particularly informed on developments in clean production methods, waste reduction/recycling initiatives and national strategies for waste prevention audits.

9.3 Contracting Parties were therefore urged to provide information to the eighteenth session of the Scientific Group under this agenda item on:

- .1 waste management aimed at implementation of the Waste Assessment Framework; and
- .2 national strategies for waste prevention audits.

10 RELATIONS WITH OTHER ORGANIZATIONS

Zone of Peace and Co-operation of the South Atlantic

10.1 The delegation of Brazil informed the Consultative Meeting of the Third Meeting of Member States of the Zone of Peace and Co-operation of the South Atlantic convened in Brazil from 21 to 22 September 1994. A Declaration on the Marine Environment (LC 17/INF.5) was adopted, by which the Member States, which to a large extent are not yet Contracting Parties to the London Convention 1972, undertook *inter alia*, to co-operate to prevent the introduction of wastes and other matter, such as toxic, harmful or noxious substances, industrial waste or sewage sludge, in particular for their disposal at sea and adopt preventive forms of activity that include contingency procedures in case of accidents and liability for the discharge of toxic products at sea.

The International Atomic Energy Agency (IAEA)

10.2 The representative from IAEA informed the Meeting of ongoing work of her Agency being carried out with a view to defining quantitatively the exempt levels of radionuclides for the purposes of the London Convention 1972 (the "de minimis" level of radioactivity) as requested by the Consultative Meeting (Resolution LDC.21(9)). A Technical Committee Meeting will be held in December 1994 to finalize this task. The report to be reviewed includes an explanation of the system of radiological protection and the principles and criteria for exemption from regulatory radiological control of practices, sources and materials. Further, it defines, describes and quantifies the scales of the specific sea disposal practices, for which the derived exemption values and units of activity concentrations are calculated and the methods and data used for the calculations. Finally, it summarizes the derived exemption values and outlines any other factors to be taken into account in practical application of exemption principles for sea disposal. Depending on the decisions of the Technical Committee Meeting, the document is intended to be delivered for the consideration of Contracting Parties at their Eighteenth Consultative Meeting. However, if substantial changes and additional calculations were to be requested, the submission would be made to the Nineteenth Consultative Meeting.

UNEP/Secretariat of the Basel Convention

10.3 The Secretariat of the Basel Convention informed the Meeting of decisions adopted in 1994 at the Conference of Contracting Parties to the Basel Convention which are of relevance to future work to be carried out within the framework of the London Convention 1972 (LC 17/10). The Basel Convention has at this date 74 Contracting Parties, many of which are also Contracting Parties to the London Convention 1972. There was still room for harmonizing requirements of both Conventions and, in order to achieve such a goal, the Secretariat of the Basel Convention has been requested to continue its co-operation with the London Convention 1972, in particular concerning the ongoing preparatory process for the amendment of that Convention (Decision II/7).

10.4 The Conference of Contracting Parties also confirmed the need of the Secretariat to co-operate closely, not only with the Secretariat of the London

Convention 1972, but also with all United Nations bodies, specialized agencies and regional systems, organizations, and other organizations, including IMO, with regard to transport of hazardous wastes at sea. (Decisions II/23 and II/24.)

10.5 Furthermore, the Conference of Contracting Parties adopted three Technical Guidelines prepared by its Ad Hoc Committee on Technical Guidelines for the Environmentally Sound Management of Wastes subject to the Basel Convention. A number of other Technical Guidelines are being prepared. The above material will be made available to the Secretariat of the London Convention 1972 (Decision II/13).

10.6 Another Decision (II/22) was related to the Global Waste Survey. The Basel Convention Secretariat was requested to review the relevance of the Global Waste Survey to the work of the Basel Convention and to report its findings to the Bureau of that Convention. The Basel Convention Secretariat was also requested to continue close co-operation with IMO, the concerned UNEP offices, namely IE/PAC and IRPTC/PAC, and with other interested intergovernmental organizations, in particular WHO, in the conduct of the Global Waste Survey.

Advisory Committee on Protection of the Sea (ACOPS)

10.7 The observer from ACOPS reported on three regional activities of his organization which are being carried out in the Arctic, South East Asia and the Red Sea and Gulf of Aden. With regard to the Arctic area, a Conference had been convened in Moscow (Russian Federation) from 19 to 22 September 1994. The Recommendations of that Conference had been submitted to the Governments of eight circumpolar States and would be distributed to Contracting Parties to the London Convention 1972 in the near future.

10.8 In South East Asia, ACOPS' capacity-building programme relating to protection of coastal and marine environments was launched at a training seminar held in Thailand from 8 to 10 August 1994. It was organized by ACOPS in conjunction with the Urban Development programme of UNDP, HABITAT and the World Bank, as well as the Regional Co-ordinating Unit for East Asian Seas of UNEP, the Intergovernmental Oceanographic Commission (IOC) of UNESCO, the Asian and South Pacific Branch of the International Union of Local Authorities, and the Government of Sweden. The recommendations of that event would also be submitted to the Secretariat of the London Convention 1972 for distribution.

10.9 To assist the process of interregional co-operation, ACOPS is currently preparing a programme involving the countries of the ROPME region² and those bordering the Red Sea and the Gulf of Aden, to assist implementation of the Kuwait and Jeddah Conventions³.

11 FUTURE WORK PROGRAMME AND DATE OF NEXT SESSION

Future work programme of the Scientific Group and the Consultative Meeting

11.1 The Meeting approved the three-year programme for the eighteenth, nineteenth and twentieth meetings of the Scientific Group, taking into account issues arising from the amendment process identified under section 5. The work

² Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates

³ Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution (1978) and the Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment (1982)

programme is shown in annex 7, including the priorities assigned to the various items.

11.2 The Meeting agreed on the substantive items to be included in the provisional agenda of the Eighteenth Consultative Meeting as shown in annex 8.

Dates of the Eighteenth Consultative Meeting and its subsidiary bodies during the intersessional period

11.3 The Consultative Meeting agreed that:

- .1 the Eighteenth Consultative Meeting should be held from 4 to 8 December 1995;
- .2 the third meeting of the LC 72 Amendment Group should be held from 24 to 28 April 1995; and
- .3 the eighteenth meeting of the Scientific Group should be held from 10 to 14 July 1995.

11.4 The Meeting also noted that the Amendment Group at its second meeting had proposed to convene a drafting group in 1995 (in English only), and agreed that if the third meeting of the Amendment Group finds it necessary, such a meeting should be convened, tentatively in the first week of September 1995.

11.5 The Consultative Meeting also noted that a meeting of the *ad hoc* expert group on dredged material will be hosted by the International Association of Ports and Harbors in Los Angeles, United States, from 23 to 27 January 1995.

(Tentative) date for the Special Meeting or Conference to adopt the amendment package to the London Convention 1972

11.6 The Consultative Meeting agreed, in principle, that the Special Meeting or Conference to adopt the amendment package would (tentatively) be held in the first half of November 1996.

Budgetary provisions for the amendment process in 1995

11.7 The Consultative Meeting was informed that the IMO Council at its seventy-second session (13-17 June 1994), had concluded that it should make an appeal to Contracting Parties to the London Convention 1972 to fund, by donations, the third session of the Amendment Group (LC 17/11). If necessary, the possibility of a contribution from the IMO regular budget to the cost of this meeting should be considered at the Council's seventy-third session, which will be held from 14 to 18 November 1994.

11.8 The Secretariat informed the Meeting that Canada, Denmark, Norway and the Solomon Islands had announced that they would make financial contributions in support of the amendment process. The balance at this date was US\$46,926.

11.9 The delegations from Chile, the Netherlands and Spain announced the readiness of their countries to make financial contributions. The Meeting very much appreciated these contributions, noting that the costs for convening the third meeting of the LC 72 Amendment Group were now fully covered by donations from Contracting Parties to the London Convention 1972.

Budgetary provisions for the 1996/1997 biennium

11.10 The Meeting requested IMO to include in the draft budget for the 1996-1997 biennium funds for convening:

- .1 a meeting of 5 days (with interpretation) of jurists/linguists in early 1996, which would review the draft final texts of amendments to the Convention to ensure consistency in all official languages;
- .2 a Special Meeting or Conference in early November 1996 of 10 days duration in lieu of an ordinary Consultative Meeting for that year. This should formally approve the amendment package; and
- .3 a one-week Consultative Meeting in 1997.

11.11 The Meeting expressed its appreciation to the Secretary-General of IMO for having provided secretariat support in relation to the London Convention 1972. The Meeting also emphasized that provisions were necessary for advisory services associated with work to be carried out within the framework of the London Convention 1972. This would include support for GESAMP and for the IOC/UNEP/IMO Global Investigation of Pollution in the Marine Environment (GIPME) Programme.

12 ANY OTHER BUSINESS

Liability and compensation for damage as a result of sea disposal

12.1 The Secretariat drew the attention of the Meeting to the discussion in the IMO Legal Committee with regard to the question of inclusion of acts of dumping in the draft International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS) (LC 17/12).

12.2 The Meeting noted that the IMO Legal Committee, at its seventieth session in March 1994, has:

- .1 acknowledged that the London Convention 1972 was the preferred instrument to address both authorized and unauthorized disposal of wastes at sea in any regime that might be developed under Article X of the London Convention; and
- .2 decided that liability and compensation in connection with accidental discharge of wastes in transit to a dumping site should be included within the scope of the HNS Convention (LEG 70/10, paragraph 52).

13 ELECTION OF THE CHAIRMAN AND VICE-CHAIRMEN

13.1 The Meeting recalled the decision of the Sixteenth Consultative Meeting that the current situation with regard to the importance of decisions affecting the review of the London Convention 1972 was a special and unique situation that warranted continuity in the direction provided to the Consultative Meeting (LC 16/14, paragraph 13.1).

13.2 The Seventeenth Consultative Meeting confirmed that this situation had not changed since the Sixteenth Consultative Meeting. It therefore unanimously agreed again to suspend Rule of Procedure No.19 and requested the Chairman, Mr. D. Tromp (Netherlands), and the first and second Vice-Chairmen, Mr. A. Sielen (United States) and Mr. G. do Nascimento e Silva (Brazil) respectively, to continue in their present positions until the review process has been completed in 1996.

13.3 The subsequent agreement of the officers concerned was unanimously accepted by the Consultative Meeting.

14 CONSIDERATION AND ADOPTION OF THE REPORT

The report of the Seventeenth Consultative Meeting of Contracting Parties to the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter London Convention 1972) including annexes to the report, was adopted on the final day of the Meeting (7 October 1994).

ANNEX 1

AGENDA FOR THE SEVENTEENTH CONSULTATIVE MEETING

- 1 Adoption of the Agenda
 - LC 17/1 - Secretariat
 - LC 17/1/1 - Secretariat
 - LC 17/1/2 - Secretariat
- 2 Status of the London Convention 1972
 - LC 17/2 - Secretariat
 - LC 17/2/1 - Secretariat
 - LC 17/WP.1 - Secretariat
- 3 Follow-up actions to UNCED Agenda 21
 - LC 17/INF.2 - Secretariat
- 4 Scientific Group: Consideration of report of seventeenth session
 - LC 17/4 - Secretariat
 - LC 17/INF.3 - Spain
- 5 Amendment Group: Consideration of report of second session
 - LC 17/5 - Secretariat
 - LC 17/5/1 - Secretariat
 - LC 17/5/2 - Germany
 - LC 17/5/3 - France
 - LC 17/5/4 - Canada
 - LC 17/WP.3 - Report of the Working Group
 - LC 17/WP.4 - Report of the Working Group
- 6 Global Waste Survey:
 - .1 Status and results)
 - .2 Strategy and Action Plan) No documents
 - .3 Future programme)
- 7 Technical assistance, co-operation and development

No documents
- 8 Matters related to the disposal of radioactive wastes
 - LC 17/8 - Secretariat
 - LC 17/WP.2 - Report of the technical advisory assistance team
- 9 Information exchange on waste prevention and clean production methods, waste production and disposal

No documents

- 10 Relations with other organizations
LC 17/10 - Secretariat
- 11 Future work programme and date of next session
LC 17/11 - Secretariat
LC 17/WP.5 - Secretariat
- 12 Any other business
LC 17/12 - Secretariat
- 13 Election of Chairman and Vice-Chairmen
- 14 Consideration and adoption of the report
LC 17/14 - Report
LC 17/WP.6 - Secretariat
LC 17/WP.6/Add.1 - Secretariat
LC 17/INF.1 - List of Participants

ANNEX 2**REQUIREMENTS OF THE UN CONVENTION ON THE LAW OF THE SEA (UNCLOS)
WITH PARTICULAR REFERENCE TO WASTE DISPOSAL AT SEA****Article 210
*Pollution by dumping***

1. States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment by dumping.
2. States shall take other measures as may be necessary to prevent, reduce and control such pollution.
3. Such laws, regulations and measures shall ensure that dumping is not carried out without the permission of the competent authorities of States.
4. States, acting especially through competent international organizations or diplomatic conference, shall endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control such pollution. Such rules, standards and recommended practices and procedures shall be re-examined from time to time as necessary.
5. Dumping within the territorial sea and the exclusive economic zone or onto the continental shelf shall not be carried out without the express prior approval of the coastal State, which has the right to permit, regulate and control such dumping after due consideration of the matter with other States which by reason of their geographical situation may be adversely affected thereby.
6. National laws, regulations and measures shall be no less effective in preventing, reducing and controlling such pollution than the global rules and standards.

**Article 237
*Obligations under other conventions on the protection and preservation of the marine environment***

1. The provisions of this Part are without prejudice to the specific obligations assumed by States under special conventions and agreements concluded previously which relate to the protection and preservation of the marine environment and to agreements which may be concluded in furtherance of the general principles set forth in this Convention.
2. Specific obligations assumed by States under special conventions, with respect to the protection and preservation of the marine environment, should be carried out in a manner consistent with the general principles and objectives of this Convention.

**Annex VI
Article 22*****Reference of disputes subject to other agreements***

If all the parties to a treaty or convention already in force and concerning the subject-matter covered by this Convention so agree, any disputes concerning the interpretation or application of such treaty or convention may, in accordance with such agreement, be submitted to the Tribunal.

Article 319
Depositary

2. In addition to his functions as depositary, the Secretary-General shall:

- (a) report to all States Parties, the Authority and competent international organizations on issues of a general nature that have arisen with respect to this Convention;

Annex III
Article 17

Rules, regulations and procedures of the Authority

2. Rules, regulations and procedures on the following items shall fully reflect the objective criteria set out below:

- (f) Protection of the marine environment:

Rules, regulations and procedures shall be drawn up in order to secure effective protection of the marine environment from harmful effects directly resulting from activities in the Area or from shipboard processing immediately above a mine site of minerals derived from that mine site, taking into account the extent to which such harmful effects may directly result from drilling, dredging, coring and excavation and from disposal, dumping and discharge into the marine environment of sediment, wastes or other effluents.

Article 208
Pollution from sea-bed activities subject to national jurisdiction

1. Coastal States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment arising from or in connection with sea-bed activities subject to their jurisdiction and from artificial islands, installations and structures under their jurisdiction, pursuant to articles 60 and 80.
2. States shall take other measures as may be necessary to prevent, reduce and control such pollution.
3. Such laws, regulations and measures shall be no less effective than international rules, standards and recommended practices and procedures.
4. States shall endeavour to harmonize their policies in this connection at the appropriate regional level.
5. States, acting especially through competent international organizations or diplomatic conference, shall establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control pollution of the marine environment referred to in paragraph 1. Such rules, standards and recommended practices and procedures shall be re-examined from time to time as necessary.

REPORT OF WORKING GROUP ON REVERSE LISTING

1 In considering the advantages and disadvantages of a reverse listing approach compared with the existing prohibition listing approach, the Working Group discussed various criteria and arguments. The comparative review resulted in the following analysis:

Burden of proof: it was agreed that there is no particular scientific or technical advantage for either of the two approaches and that the Waste Assessment Framework (WAF) should be used in conjunction with either approach.

Flexibility: it was agreed that the same amendment procedure would apply to either approach, but that a reverse list based solely on the exceptions to the definition of "industrial waste" could constrain Contracting Parties' discretion to make case by case decisions using the WAF.

Legislative: it was acknowledged that the reverse listing approach could complicate the amendment process due to the legal precedent of the existing Annex structure; however, it was not considered an insurmountable barrier to addressing a reverse listing approach.

Membership: it was agreed that neither approach would present a distinct advantage for increased membership and implementation of the Convention.

Perception: it was agreed that the various philosophical views expressed on what is acceptable (i.e. reverse list) versus what is not acceptable (i.e. prohibition list) provided no clear basis for selecting a favoured approach. It was acknowledged, however, that a precautionary approach was considered important to ensure public confidence.

2 Based on the above analysis the Working Group agreed to consider examining a reverse list which could achieve consensus support. Agreement on such a list could then serve as a basis for reviewing various drafting options. The Working Group began by considering sea disposal activities exempted from the definition of "industrial waste" and other material and wastes which could be considered suitable for sea disposal under the London Convention 1972 and for evaluation through the Waste Assessment Framework (WAF). From this discussion, the following draft reverse list has been prepared for further discussion and consideration.

Materials and wastes suitable for consideration for sea disposal under the London Convention 1972 and for evaluation through the Waste Assessment Framework (WAF) are:

- (a) dredged material;
- (b) sewage sludge;
- (c) fish waste, or organic material resulting from industrial fish processing operations;
- (d) vessels and platforms or other man-made structures at sea, provided that material capable of creating floating debris [and/or] otherwise contributing to pollution of the marine environment has been removed to the maximum extent;

- (e) [uncontaminated] natural geological material [the chemical constituents of which are unlikely to be released into the marine environment];
- (f) [uncontaminated] organic material of agricultural or natural origin;
- (g) containers, scrap metal, [ceramics] and other [dense] bulky wastes [unlikely to float] [which may not present a serious obstacle to fishing or navigation]; and
- (h) in exceptional circumstances, materials whose effects are limited to physical impacts and oxygen demand;

[all materials mentioned in paragraphs (a-h) above subject to containing levels of radioactivity equal to, or less than, *de minimis* (exemption) concentrations as defined by IAEA and adopted by the Contracting Parties]

3 With the exception of the text related to *de minimis* (exempt) levels of radioactivity, the bracketed text in the draft reverse list reflects existing language in Annexes I and II to the Convention which could be deleted on the basis that the Waste Assessment Framework covers these considerations.

4 In considering the above draft reverse list, it was agreed that human remains are covered under paragraph (f). The issue of sea disposal of human remains can also be addressed in a similar fashion as within the OSPAR Convention where these are excluded from the definition of waste and other matter. In addition, the Working Group agreed that concrete is covered under paragraph (g).

5 Based on the above draft reverse listing, the working group agreed that considerable progress had been made towards developing a possible reverse list of materials and wastes suitable for consideration for sea disposal under the London Convention 1972 and for evaluation through the Waste Assessment Framework (WAF). It was also agreed that additional time was required to address various drafting options for a reverse list and its possible inclusion in the Convention. In this connection, it is recommended that such drafting proposals be addressed at the third meeting of the LC 72 Amendment Group.

6 The basic options which would remain for consideration by the Amendment Group include either an agreed Reverse List or maintaining the existing prohibition and restriction lists. In either case, the Working Group favoured the inclusion of the WAF under the Convention.

7 A few delegations expressed continued reservations with respect to the adoption of a reverse listing approach; however, they conveyed a willingness to keep this option under active review.

ANNEX 4

AMENDMENTS AND AMENDMENT PROPOSALS

PREAMBLE

(to be considered after agreement on Articles and Annexes)

GENERAL PROVISIONS

ARTICLE I

- 1 Contracting Parties shall, individually and collectively, protect and preserve the marine environment from all sources of pollution and take effective measures, according to their scientific, technical and economic capabilities, to prevent or eliminate pollution of the sea by dumping and incineration of wastes or other matter at sea. They shall harmonize their policies in this regard.

ARTICLE II

- 1 In implementing this Convention, the Contracting Parties shall [be guided by][apply]:
 - (i) a precautionary approach to environmental protection from disposal and incineration of wastes and other matter at sea whereby appropriate preventive measures are taken when there is reason to believe that substances or energy introduced in the marine environment [are likely to][may] cause harm even when there is no conclusive evidence to prove a causal relation between inputs and their effects;

Contracting Parties shall take all necessary steps to ensure the effective implementation of a precautionary approach to environmental protection from dumping and incineration of wastes and other matter at sea and to this end they shall:

- (a) encourage prevention of pollution at the source by:
 - (i) the application and promotion of clean production methods, including raw material saving and selection;
 - (ii) substitution of products, chemical substances and materials; and
 - (iii) clean production technologies and processes and waste minimization [throughout society];
- (b) evaluate the environmental and economic consequences of alternative methods of waste management, including long-term consequences;
- (c) encourage and use as fully as possible scientific and socio-economic research in order to achieve an improved understanding on which to base long-range policy options;
- (d) endeavour to reduce risk and scientific uncertainty relating to proposed disposal operations; and
- (e) continue to take measures to ensure that potential adverse impacts of any dumping are minimized, and that adequate monitoring is provided for early detection and mitigation of these impacts.

[(ii) the polluter pays principle,

by virtue of which the costs of pollution prevention, control, reduction [and elimination] measures are to be borne by the polluter.]

- 2 No provision of this Convention shall be interpreted as preventing the Contracting Parties from taking, individually or jointly, more stringent measures in accordance with international law with respect to the prevention or elimination of pollution of the sea.
- 3 In implementing the provisions of this Convention, Contracting Parties shall act so as not to transfer, directly or indirectly, damage or hazards from one part of the environment to another or transform one type of pollution into another.

DEFINITIONS

ARTICLE III

For the purpose of this Convention:

1(a) "Dumping" means:

- (i) (no changes);
- (ii) (no changes);
- (iii) any deliberate disposal or storage of wastes or other matter in the sea-bed and the subsoil thereof from vessels, aircraft, platforms, or other man-made structures at sea.

1(b) "Dumping" does not include:

- (i) (no changes);
- (ii) (no changes);
- (iii) abandonment in the sea-bed and subsoil thereof of matter (e.g. cables, pipelines, and marine research devices) placed for a purpose other than the mere disposal thereof.

1(c) Option 1 (proposed by Netherlands/Germany/Finland):

[delete existing text].

Option 2 (several countries propose to amend this paragraph to read):

[The disposal or storage [on site] of wastes or other matter directly arising from, or related to the exploration, exploitation and associated off-shore processing of sea-bed mineral resources will not be covered by the provisions of this Convention.]

Article III(3) (Internal waters)

Option 1:

["Sea" means all marine waters other than internal waters as well as their bed and the subsoil thereof; it does not include sub-seabed repositories accessed only from land.]

(In combination with a new Article III(*)):

"Internal waters" means waters on the landward side of the baseline of the territorial sea up to the landward limit designated by the coastal State.

(And in combination with a new subparagraph under Article IV, which would read:)

[Each Contracting Party shall adopt effective measures consistent with the purposes of this Convention in order to control the deliberate disposal of wastes or other matter in its internal waters where such disposal would be "dumping" within the meaning of Article III(1), if conducted at sea. Each Party shall provide the Organization with information [regarding implementation, compliance and enforcement] in accordance with Article [VI(4)] and shall inform the Organization of the landward limit it has designated in accordance with Article III(*)]

Option 2

["Sea" means all marine waters including internal waters as well as their bed and the subsoil thereof; it does not include sub-seabed repositories accessed only from land.]

(In combination with a new Article III(*)):

"Internal waters" means waters on the landward side of the baseline of the territorial sea up to the landward limit designated by the coastal State

Article III() (Definition of "pollution")**

"Pollution" means the introduction, directly or indirectly, by human activity, of wastes or other matter or energy into the sea which results or is likely to result in such deleterious effects as harm to living resources and marine ecosystems, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities;

Article III(*)**

- .1 "Incineration at sea" means the deliberate combustion of wastes or other matter on marine incineration facilities for the purpose of their thermal destruction. Activities incidental to the normal operation of vessels, platforms or other man-made structures carried out in accordance with applicable international law are excluded from the scope of this definition.
- .2 "Marine incineration facility" means a vessel, platform, or other man-made structure operating for the purpose of incineration at sea.

Article III(7)

"The Organization" means the International Maritime Organization.

BASIC PROVISIONS

ARTICLE IV

Export of wastes

Option 1: (separate paragraph under Article (IV))

[A Contracting Party shall not permit the export of wastes or other matter to [other countries][countries that are not Contracting Parties to this Convention] for dumping or incineration at sea.]

Option 2:

[Adapt where appropriate Article IV "prohibit the dumping/incineration including the export for the purpose of dumping/incineration",.....]

(the remainder of the proposals contained in document LC 17/5/1 was not discussed by the Meeting.)

MANAGEMENT SCHEME FOR THE LONDON CONVENTION 1972 TECHNICAL CO-OPERATION AND ASSISTANCE PROGRAMME

ANNEX 5

Initiatives	Mechanisms	Roles	Funding
Clearinghouse	Information Network	Secretariat	IMO/LC 1972
Advice on Implementation* (Scientific, Technical, Legal)	Information Network Scientific Group Expert Missions	Secretariat Contracting Parties	IMO/LC 1972 Contracting Parties
Seminars on Implementation*	LC 1972 Seminars Multi-Purpose Seminars	Secretariat Contracting Parties UN Agencies	IMO Global Programme Contracting Parties UN Agencies
Training on Implementation**	National Training UN Agency Training	Secretariat Contracting Parties UN Agencies	Contracting Parties Bilateral Agreements UN Agencies
Projects**: - case studies - national waste management profiles - environmental assessments - applied research	Partnerships for Funding and Management	Secretariat Contracting Parties	Donor Agencies Donor Countries

* refers to initiatives on a more strategic level

** refers to initiatives on a more targeted level

LC 17/14

ANNEX 6**STATUS REPORT ON THE TREATMENT AND DISPOSAL OF LOW-LEVEL
RADIOACTIVE WASTES DERIVED FROM MARITIME
ACTIVITIES OF THE RUSSIAN FEDERATION****Report of the Technical Advisory Assistance Team**Introduction

1 The Sixteenth Consultative Meeting requested interested Parties to the London Convention 1972, in particular Canada, Japan, Norway, the Republic of Korea, the United Kingdom and the United States, as well as the International Atomic Energy Agency (IAEA):

- .1 to form a technical advisory assistance team consisting of experts in radioactive waste management;
- .2 to explore the possibilities of international co-operation and assistance to the Russian Federation regarding the implementation of alternative land-based methods of radioactive waste disposal for the purpose of avoiding sea disposal of radioactive wastes;
- .3 to report, in co-operation with the Russian Federation, to the Seventeenth Consultative Meeting of Contracting Parties to the London Convention 1972 on the results of international co-operation (LC 16/14, paragraph 5.37).

2 In order to facilitate the arrangements and work outlined above, a meeting was held at IMO Headquarters on 30 September and 5 October 1994 with participants from Canada, France, Germany, Japan, the Netherlands, Norway, the Republic of Korea, the Russian Federation, the United Kingdom, the United States and the IAEA.

3 Mr. O. Khalimonov, Director of the IMO Marine Environment Division, welcomed the delegations, drawing attention to the problems concerning the treatment and disposal of low-level radioactive wastes derived from maritime activities as stated by the Russian Federation at the Sixteenth Consultative Meeting, and to the request of the Consultative Meeting that possibilities of international co-operation and assistance should be explored by Contracting Parties to the London Convention 1972.

4 The Team adopted the agenda for the meeting as shown in annex 1 hereto.

Review of activities agreed by the Sixteenth Consultative Meeting

5 The Secretary to the London Convention 1972 reminded the Team that in order to carry out the tasks mentioned under sub-paragraphs 1.1 to 1.3 above, it was appropriate to review the material that the Consultative Meeting requested the Russian Federation to distribute through the Secretariat to all Contracting Parties, as follows (LC 16/14, paragraph 5.38):

- .1 an inventory of the low-level liquid radioactive wastes, including amounts (volume, mass and activity), radio isotopic content, origin, location and nature of containment, for which present storage and treatment facilities are regarded as insufficient to relinquish the option of sea disposal;
- .2 an inventory of storage and treatment capabilities, including location and remaining free capacities;

- .3 an inventory of the additional low-level liquid radioactive wastes and other radioactive material which are expected to be generated prior to 1 January 1996; and
- .4 a statement of its plans for dealing with its storage and treatment needs both before and after 1 January 1996.

6 The Secretary informed the Team that a report had been submitted by the Russian Federation in March 1994 and the English version had been distributed to all Contracting Parties under LC.2/Circ.334 on 4 May 1994. This material had been updated by an additional report submitted by the Russian Federation to this meeting.

Report from the Russian Federation

7 The Russian delegation informed the Team of the amounts of low-level liquid radioactive wastes produced each year on Navy vessels and in ship repair yards. Whilst every effort was being made to reduce the amounts as much as possible, the extensive decommissioning of nuclear submarines would result in increasing volumes of such wastes. The situation was particularly crucial in relation to the Pacific Fleet. The existing treatment plants for low-level radioactive wastes at the "Atomflot" maintenance and repair centre in Murmansk can process small quantities of low-level radioactive waste arising from the Northern Fleet but additional capacity is required. An urgent need exists for the construction of a treatment plant for handling wastes from the Pacific Fleet.

8 The Russian Federation had taken a number of steps to resolve these problems. The Ministry of Finance had been requested to allocate 10 billion roubles to build floating treatment plants. A federal special programme "Handling radioactive wastes and spent nuclear materials, and their disposal" was being developed. A number of different Ministries and Agencies were involved in its implementation; the Ministry for Environment Protection and Natural Resources acted as a clearing house carrying out administrative functions. Russia's present economic situation made it difficult to provide sufficient funds for the early completion of the various projects covered under the above programme.

9 The Russian Federation expressed its appreciation to the many Contracting Parties to the London Convention 1972 which have indicated their willingness to assist in solving radioactive waste treatment problems. So far, discussions with Japan, Norway and the United States have been particularly successful.

10 Some additional information presented to the Team is shown in annex 2 hereto. The Team noted the proposals for co-operation introduced by the Russian Federation at this meeting. These were of a very indicative and preliminary nature.

11 Questions raised in regard to the above presentation were:

- .1 the percentage of low-level radioactive wastes derived from activities in the Northern regions of the Russian Federation versus that from the Far East; and
- .2 the radioactivity of the low-level liquid radioactive wastes, and the radio-isotopic content of these wastes.

12 The Russian experts responded that 60% of the 18,000 - 20,000 m³/year of liquid low-level radioactive wastes derive from activities in the northern regions of their country. The remaining 40% stem from dismantling decommissioned nuclear submarines of the Pacific Fleet. With regard to the composition and activity of these wastes, the delegation of the Russian

Federation was not in a position to present that highly technical information in this forum. However, this information could be provided upon specific request. The wastes were very similar to those processed by the facilities at Hanford (United States) (see paragraph 19 below).

Bilateral negotiations with the Russian Federation

Japan

13 The delegation from Japan informed the Team that a first meeting of experts from Japan and the Russian Federation was held in late October 1993. Since that time many meetings have been organized to proceed in bilateral co-operation with the Russian Federation, and in tripartite co-operation with the Republic of Korea as well.

14 On 12 November 1993, at a meeting of the Committee on Cooperation for the Elimination of Nuclear Weapons produced in the Russian Federation, an agreement was reached between experts from both countries to consider the possibility of bilateral co-operation in the field of radioactive waste treatment. Since that time frequent meetings of experts have been held with a view to formalizing details of an assistance scheme. On 16 August 1994 an implementing agreement was signed between Japan and the Russian Federation concerning the construction of a processing facility. The processing facility will be equipped with storage tanks and will have sufficient capacity to treat low-level radioactive waste, and will be set upon a floating barge near Vladivostok. It is expected that actual construction will commence before the end of 1994.

15 The Japanese experts further reported on the Japan-Republic of Korea-Russian Federation survey carried out with the participation of IAEA experts from 18 March to 11 April 1994 to the sites where the Russian Federation had carried out dumping operations in recent years, to collect water, sediment and biota samples. A second Joint Research Cruise initially planned for late 1994 had to be postponed, but will be carried out in the first half of 1995.

Republic of Korea

16 The delegation from the Republic of Korea provided additional information on the research programme related to the joint cruise mentioned above. Initial analyses of the water and sediment samples do not show an increase in radioactivity, compared with the fallout background levels in the North West Pacific. Further results will be made available after completion of detailed analyses of the samples.

17 The delegation of the Republic of Korea further stated that a co-operative mechanism has not yet been established with the Russian Federation concerning the handling of radioactive wastes. However, both States have agreed to set up a joint environmental commission.

United States

18 The United States delegation noted that there are ongoing discussions with Norway and the Russian Federation on assistance for the expansion and upgrading of a plant for processing liquid low-level radioactive wastes in Murmansk. This project reflects a broader interest in controlling and managing the pollution of the Arctic Seas from all sources of radioactivity. In addition to Norway and the United States, this topic has attracted the interest of other Contracting Parties to the London Convention 1972.

19 There have been a number of bilateral discussions, as well as tripartite discussions between the United States, Norway and the Russian

Federation. Very recently, the processing plant in Hanford (United States), was visited by Russian experts as a means of demonstrating the waste treatment techniques.

20 The United States further drew attention to a joint statement by the President of the United States and the President of the Russian Federation concerning the environmental protection of the Arctic and the sea disposal of radioactive wastes. This statement is shown in annex 3 hereto.

21 The United States confirmed its readiness to continue discussions with other Contracting Parties to the London Convention 1972 on co-operation and assistance that can be provided to the Russian Federation. It was important to facilitate a commitment by the Russian Federation to implement on a voluntary basis the amendments adopted by the Sixteenth Consultative Meeting concerning the prohibition of dumping radioactive wastes at sea (resolution LC.51(16)) with a view to formal acceptance of these amendments.

Status of the International Arctic Seas Assessment Project (IASAP) of the IAEA

22 The representative from the International Atomic Energy Agency (IAEA) informed the Team of the progress made within the above project that had been established in 1993 to:

- .1 assess the risks to human health and to the environment associated with the radioactive wastes dumped in the Kara and Barents Seas; and
- .2 examine possible remedial actions related to the dumped wastes and to advise on whether they are necessary and justified.

23 The five working areas organized under the project were briefly introduced:

- .1 Source terms;
- .2 Existing environmental concentrations;
- .3 Transfer mechanisms and models;
- .4 Impact assessments; and
- .5 Remedial measures.

24 With regard to source terms, it was noted that the total activity of the reactors dumped at sea (with and without fuel) is now estimated to be 36×10^{15} Bq, rather than 89×10^{15} Bq as originally estimated in LC 16/INF.2. With regard to transfer mechanisms and models, there are at present laboratories in Denmark, Japan, the Russian Federation, Switzerland, the United Kingdom and the Marine Environmental Laboratory of the IAEA participating in the Coordinated Research Programme on "modelling of the radiological impact of radioactive waste dumping in the Arctic Seas".

25 With regard to "remedial measures", a meeting of technical experts will be held in January 1995 on the engineering aspects of sunken vessel movement, recovery and transport to land and other possible remedial measures.

26 A second cruise of a Norwegian-Russian expert group, with the participation of IAEA scientists, took place in late 1993. The group was able to take samples, make measurements and use a side-scan sonar and a video camera at three of the four sites where reactors with spent fuel had been dumped. The results show that the radioactive contamination at the investigated sites was low. The third cruise of the expert group was

completed some weeks ago. It concentrated on studying the Abrosimov and Stepovogo Bays.

27 A final report on the IASAP project and recommendations resulting therefrom will be submitted to the Consultative Meeting in late 1996.

Future co-operative arrangements

28 The Team noted the readiness of IMO to continue to provide a mechanism for co-ordinating the efforts of Contracting Parties to the London Convention 1972 to assist the Russian Federation with a view to avoiding dumping at sea of radioactive wastes. Every effort will be made by the Office for the London Convention 1972 to act as a clearing house and to provide facilities for convening informal as well as formal meetings, as appropriate. Contracting Parties can benefit from this assistance and also take account of the ongoing IMO technical co-operation activities, in particular of the appropriate projects of its subprogramme on the protection of the marine environment.

29 The IAEA representative informed the Team that her Agency would not only continue to provide technical and scientific advice in the field of the protection of the marine environment from dumped radioactive wastes, but also co-operate in the field of treatment and storage of radioactive waste, if so requested. However, any such request should reach the Agency in sufficient time to evaluate related financial implications.

30 The Team agreed to inform the Consultative Meeting of the offers made by IMO and the IAEA as mentioned above.

31 The Team also recommended that the countries involved in bilateral and multilateral negotiations keep the Secretariat informed so that a status report can be prepared for submission to the Eighteenth Consultative Meeting.

Report to the Seventeenth Consultative Meeting

32 The Team briefly discussed the content and form of a report reflecting its discussions. The Secretariat was instructed to prepare a working paper for consideration by the Consultative Meeting under item 8 of its agenda.

ANNEX 1

AGENDA FOR THE MEETING OF THE
LC 1972 TECHNICAL ADVISORY ASSISTANCE TEAM CONCERNING
DISPOSAL AT SEA OF LOW-LEVEL RADIOACTIVE WASTES
BY THE RUSSIAN FEDERATION
(London, 30 September 1994)

Address of welcome

- 1 Review of activities agreed by the Sixteenth Consultative Meeting
- 2 Report from the Russian Federation
- 3 Bilateral negotiations with the Russian Federation concerning co-operation and assistance
- 4 Status of the International Arctic Seas Assessment Programme (IASAP) of the IAEA
- 5 Future co-operative arrangements and activities of the Technical Advisory Assistance Team
- 6 Report to the Seventeenth Consultative Meeting

Closure

ANNEX 2

REPORT

of the Interagency Working Group, established to tackle as a matter of urgency the problem of handling liquid radioactive waste from ship nuclear power plants, and to devise a system of radioecological monitoring of the water areas of the Russian Federation

(20 September 1994, Moscow)

The problem of dealing with liquid radioactive waste (LRW) in Navy vessels and in ships belonging to the Murmansk Shipping Company is fully detailed in a report of a Government Commission (the White Paper: "Facts and problems associated with the disposal of radioactive wastes in the seas adjacent to the territory of the Russian Federation", April 1993).

The position regarding LRW in Navy vessels has now become even more acute, and calls for immediate adoption of appropriate measures, to prevent a possible radioecological disaster.

The scale of the problem

At present, all LRW produced by the Murmansk Shipping Company is treated, and is not allowed to accumulate.

The total volume of LRW produced each year on Navy vessels and at ship repair yards remained virtually unchanged for a long time, at around 18 to 20,000 cubic metres a year. The reduction in the amount of repair work undertaken, and advances in repair techniques, resulted in a slight drop in the quantity of radioactive waste produced in 1994. However, as the pace of decommissioning work on nuclear submarines speeds up in future years, it is bound to increase. By the year 2000, the annual rise in the quantity of LRW may bring it to 120 to 130% of its present level.

LRW is stored in coastal containers and on specially equipped tankers (TNT). Most of these containers, both on land and in the water, are now full, and they are out of date as regards both fabric and design. Because of this, the Navy is raising the question of resuming the practice of controlled dumping of LRW at sea, which until recently was the chief means of disposing of LRW produced by the Navy. No new repositories are being built, owing to the lack of funds.

By July 1994, approximately 6,600 cubic metres of LRW had accumulated in the Northern Fleet, and 8,000 cubic metres in the Pacific Fleet.

The most effective method of reducing the quantity of accumulated LRW to an acceptable level, in line with current ecological and economic requirements, is purification treatment. Treatment techniques depend on the type of LRW, and are determined by its composition. The first priority is to treat the low-level LRW, which comprises up to 17% of the total volume and requires the largest amount of storage capacity. The amount of solid radioactive waste obtained during the treatment process is relatively small, and the problem of storing it safely can be gradually resolved through one section of the State programme now being implemented, on the handling of radioactive waste and nuclear materials.

The existing treatment plans for LRW

At the "Atomflot" maintenance and repair centre in Murmansk there is a sorption plant for the treatment of LRW from the nuclear icebreaker fleet, with a capacity of about 2.5 cubic metres an hour. This is the only plant in the country able to treat LRW of all kinds produced during the operation of ship nuclear power plants, to achieve levels of radionuclides complying with the requirements of the existing "Radiation Safety Standards (NRB-76/87)".

So far, approximately 8,000 cubic metres of LRW of different kinds have been treated at the "Atomflot" special water treatment installation. The capacity of this plant allows for the processing of most of the low-level LRW produced during the operation and repair of the ships of the Northern Fleet and the nuclear ships of the Murmansk Shipping Company. To achieve the target of treating all types and volumes of LRW produced in the Northern Fleet, the special water treatment plant will have to be re-equipped.

The Northern and Pacific Fleets each have a special "Amur" tanker fitted with a treatment plant for LRW of 10(-5) Ci/L activity. This level of treatment is a thousand times worse than it need be. Moreover, in these plants the problem of compacting and solidifying the radioactive pulp which forms has not been resolved. A plan has been drawn up for the modernization of the plants, but has not been carried out owing to the lack of funds.

The radioecological monitoring system in water areas

To date, radioecological monitoring has been carried out mainly by units within Rossgidromet and the Navy. The framework and scope of the investigations carried out by these organizations do not provide for a composite solution of the ecological problems involved, their approach being narrowly functional. However, environmental protection services are being set up in the Arkhangelsk and Murmansk districts and in Primorski Krai, to perform radioecological monitoring of the marine environment on behalf of the State.

The need to obtain objective and independent information about levels of radioactive contamination of the natural environment will mean improving the system of radioecological monitoring in areas where Navy installations are sited, either on land or in the water. For this purpose, it will be necessary to provide the environmental protection committees with modern equipment to enable them to carry out investigations and measurements involving sampling, radiometry, spectrometry and radiochemistry.

Measures being taken

The Government of the Russian Federation has taken a number of steps to tackle the emergency in respect of LRW from Navy ships.

Resolution No. 805 "Priority tasks for 1994 in dealing with radioactive waste and materials" was issued on 6 July. The Russian Ministry of Finance has been told to allot funds from the Government reserves of the Russian Federation, to a total of 10 billion roubles, to build a floating treatment plant in the Far Eastern region.

Work is being completed on a project under the Federal special programme "Handling radioactive wastes and spent nuclear materials, decommissioning and disposal". When implemented, this plan will provide solutions to the whole range of problems connected with the safe handling of liquid and solid radioactive wastes on the territory of the Russian Federation.

However, Russia's present economic situation is such that it cannot devote sufficient funds to the early completion of these targets. Without assistance from other States, it will be unable to signal its early acceptance of the amendments to the London Convention, set out in resolution LC.51(16), and will be obliged to resort to a method of tackling the crisis with LRW which is undesirable for the international community, namely, dumping it at sea. If help is given, the time required to put together the necessary equipment and to equip the environmental bodies can be considerably shortened.

Preliminary estimates indicate that the level of finance required to provide an operational solution to the problems of handling LRW and monitoring the radioecological situation in the Northern and Far Eastern seas during 1994-1995 will be about 25 million US dollars.

ANNEX 3

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

September 28, 1994

JOINT U.S.-RUSSIAN ANNOUNCEMENT
ON ENVIRONMENTAL PROTECTION IN THE ARCTIC

President William Clinton and President Boris Yeltsin announced at their summit meeting on September 27 and 28, 1994, that cooperation in the resolution of the problems of processing and storage of Russian liquid radioactive wastes in the North of Russia is considered by both sides as an important component of more effective protection for the environmental quality and natural resources of the Arctic.

The Russian Federation and the United States of America confirm their readiness to cooperate in consistently preventing dumping of liquid radioactive wastes, in accordance with the London Convention, and to proceed to a solution of the problem of Arctic pollution from all sources. To this end, the Russian Federation and the United States of America agree to undertake immediately, in cooperation with other interested countries, a step-by-step expansion and upgrading of a treatment facility for liquid low-level radioactive waste in Murmansk. Both sides hope that a speedy implementation of this project, which is in the interests of all states of the region, will become the focal point of efforts to create the infrastructure for ecologically safe processing and storage of liquid low-level radioactive wastes in the North of Russia. At the same time, Russia intends to continue its present policy of voluntary commitment to the prohibition on dumping liquid radioactive wastes under the London Convention with a view to eventual formal adherence to the prohibition.

ANNEX 7FUTURE WORK PROGRAMME OF THE SCIENTIFIC GROUP
(EIGHTEENTH, NINETEENTH AND TWENTIETH MEETINGS)

		<u>1995</u> <u>18th</u>	<u>1996</u> <u>19th</u>	<u>1997</u> <u>20th</u>	<u>TARGET</u> <u>COMPLETION</u> <u>DATE</u>
1	Matters relating to the amendment of the Convention	xxx			1996
2	The Waste Assessment Framework	xx	xx	xx	Continuous
3	Global Waste Survey	xx			1995
4	Monitoring and disposal activities at sea	x	x	x	Continuous
5	Waste Management Issues: comparative assessments; mitigation of the impact of dumping; source reduction; recycling and cleaner technology (case studies), guidelines, manuals, bibliographies, PRP submissions	x	x	x	Continuous
6	Review and assessment of the dredged material guidelines	xx	xxx		1996
7	Management and disposal of municipal sewage	x	x	x	Continuous
8	Technical co-operation and assistance	xxx	x	x	Continuous

ANNEX 8

LIST OF SUBSTANTIVE ITEMS AGREED FOR INCLUSION IN
THE AGENDA FOR THE EIGHTEENTH CONSULTATIVE MEETING

- 1 Consideration of the report of the Scientific Group
 - 2 Amendments to the Convention and its Annexes
 - 3 Follow-up actions to UNCED Agenda 21
 - 4 Global Waste Survey: Strategy and Action Plan
 - 5 LC 1972 Technical Co-operation and Assistance Programme
 - 6 Matters related to the disposal of radioactive wastes
-