

CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES
AND OTHER MATTER — LONDON, 1972

First meeting of Contracting Parties — London, 17-19 December 1975

LDC(3)

Language: ENGLISH

Original: ENGLISH

1 December 1975

Page 1

FURTHER WORK UNDER THE CONVENTION
FIRST CONSULTATIVE MEETING OF THE CONTRACTING PARTIES

1. Article XIV(3)(a) of the Convention provides that it shall be the duty of the Secretariat to convene consultative meetings of the Contracting Parties not less frequently than once every two years. The Contracting Parties will wish to give guidance to the organisation designated to carry out the functions of the Secretariat in relation to the date and content of the first consultative meeting. This paper has been prepared by the interim Secretariat as an aid to the formulation of such guidance by the Contracting Parties.

Date of the first consultative meeting

2. In considering a suitable period for the first consultative meeting, the Contracting Parties will wish to bear in mind:-

- (a) The need to allow time for the Secretariat to prepare the business for the meeting; the period necessary for this purpose will depend on the length of the Agenda but can hardly be less than six months and could well be as much as nine months.
- (b) Article XIII of the Convention records the agreement of the Contracting Parties to consult "after the Law of the Sea Conference and in any case not later than 1976, with a view to defining the nature and extent of the right and the responsibility of a coastal state to apply the Convention in a zone adjacent to its coast". There are other matters which the Contracting Parties may wish to

LDC(3)

Language: ENGLISH

Original: ENGLISH

1 December 1975

Page 2

(3)
Original: ENGL.
Original: ENGL.
1 December 1975
Page 1

discuss at the first consultative meeting (notably those mentioned in paragraphs 3(b)(ii) and (iii) below) to which the conclusions reached in the Law of the Sea Conference will be relevant. The Contracting Parties will know that the work of the Law of the Sea Conference will be continuing in 1976, and it seems unlikely that agreement on the jurisdictional issues will be reached in the next session of the Conference due to be held in March to May 1976. If the first consultative meeting were to be held too early in 1976, the Contracting Parties would have either

- (i) to deal with the jurisdictional issues under Article XIII in advance of a suitable basis of agreement being reached in the Law of the Sea Conference; Contracting Parties might consider this inappropriate and prejudicial to negotiations at that Conference;

or (ii) to deal with these issues at the second consultative meeting, which would then have to be held before the end of 1976; the holding of two consultative meetings in one year could present difficulty to many of the Contracting Parties and would be likely to present difficulty to a newly designated Secretariat.

- (c) The need to take into account any other commitments of the organisation designated to carry out secretariat functions;

other matters which the Contracting Parties wish

LDC(3)

Language: ENGLISH

Original: ENGLISH

1 December 1975

Page 3

- (d) The need to make progress with the implementation of the Convention.

These factors would seem to point to the desirability of convening the first consultative meeting as early as possible during the period September-December 1976.

Business of the first consultative meeting

3. The Contracting Parties may think that it would be premature at this time to discuss the Agenda for the first consultative meeting in other than general terms. Much of the business at the first meeting is explicit or implicit in the Convention itself, notably:-

- (a) Matters which are explicitly prescribed in the Convention for consideration at the first meeting -

- (i) procedures for the settlement of disputes concerning the interpretation and application of the Convention (Article XI)
- (ii) definitions of the nature and extent of the right and the responsibility of a coastal state to apply the Convention in a zone adjacent to its coast (Article XIII - on the assumption that only one consultative meeting will be held in 1976)
- (iii) a review of the implementation of the Convention (Article XIV(4))
- (iv) the establishment of necessary rules of procedure (Article XIV(5))

LDC(3)

Language: ENGLISH

Original: ENGLISH

1 December 1975

Page 4

(b) Matters arising from provisions in the Convention which the Contracting Parties will need to discuss at the earliest suitable opportunity -

- (i) procedure to be followed, and the nature of reports to be made to the Organisation, in relation to permitted dumping, the criteria, measurements and other requirements additional to Annex III to the Convention established by a Contracting Party for the issue of dumping permits, and the results of monitoring (Article VI(4)). The Contracting Parties may wish to direct the Organisation, in preparing this item of business for their consideration, to take account of the arrangements agreed by the Oslo Commission for similar reporting under the provisions of the Oslo Convention for the Prevention of Marine Pollution by Dumping from Ships and Aircraft (which is already in force)
- (ii) procedures for the effective application of the Convention including procedure for the reporting of vessels and aircraft observed dumping in contravention of the Convention (Article VII(3))
- (iii) procedure for dealing with requests for technical assistance under Article IX of the Convention.
- (iv) procedures for the assessment of liability and the settlement of disputes regarding dumping (Article X)
- (v) invitations to the appropriate scientific body or bodies to collaborate with and to advise the Contracting Parties or the Organisation on any scientific or technical aspect relevant to the Convention (Article XIV(4)(b)). The Contracting

Matters arising Parties may wish to direct the Organisation, in the Contracting Parties preparing this item of business for their consideration, to take account of the GESAMP report

"Scientific Criteria for the Selection of Sites for Dumping of Wastes into the Sea" (copy attached at Appendix 1 to this paper)

(vi) consideration of reports made pursuant to Article VI(4) (Article XIV(4)(c) - see also sub-paragraph (b)(i) above)

(vii) consideration of measures to promote co-operation with and between regional organisations concerned with the prevention of marine pollution (Article XIV(4)(d))

(viii) consideration of the development or adoption of procedures for emergencies, including basic criteria for determining exceptional and emergency situations and procedures for consultative advice and the safe disposal of matter in such circumstances including the designation of appropriate dumping areas (Articles XIV(4)(e) and V(2))

(ix) consideration of provisional definition of high-level radio-active wastes or other high-level radio-active matter as unsuitable for dumping at sea, and recommendations regarding the issue of permits for the dumping of other radio-active wastes or radio-active matter (submitted by the International Atomic Energy Agency in accordance with Article 6

of Annex 1 and Section D of Annex II to the Convention; copy attached as Appendix 2 to this paper).

scientific or technical aspects relevant to the Convention (Article XIV(4)(d)).

4. There are also a number of organisational matters that the Contracting Parties may find it helpful to discuss at the first consultative meeting:-

- (a) consideration of future work programme, working methods and possible establishment of subordinate bodies
- (b) establishment of working relationships with regional organisations
- (c) consideration of the form and manner of notifications by the Organisation to Contracting Parties under Articles V(3), V(1) and (2), VI(4), XV, XX and XXI of the Convention (in accordance with Article XIV(3)(d))
- (d) consideration of the preparation of a regular report on the work of Contracting Parties and the Organisation under the Convention (in accordance with Article XIV(3)(d))
- (e) consideration of staffing and financial arrangements

In addition to the general matters listed in paragraphs 3 and 4 above Contracting Parties may wish to propose that other subjects should also be discussed at the first consultative meeting.

6. The Contracting Parties may think it would be helpful to the Organisation, in preparation for the first consultative meeting, to give now some indication of the relative degree of importance and urgency which they attach to the various items listed in paragraphs 3 and 4 above, and any other subjects which are proposed for inclusion on the Agenda for the first consultative meeting.