



TENTH CONSULTATIVE MEETING OF
CONTRACTING PARTIES TO THE
CONVENTION ON THE PREVENTION
OF MARINE POLLUTION BY DUMPING
OF WASTES AND OTHER MATTER
13-17 October 1986
Agenda item 15

IMO

REPORT OF THE TENTH CONSULTATIVE MEETING

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1 INTRODUCTION

1.1 The Tenth Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, (the London Dumping Convention) convened in accordance with Article XIV(3)(a) of the Convention, was held at IMO Headquarters, London from 13 to 17 October 1986 under the chairmanship of Mr. G.L. Holland (Canada). Apologies for absence were received from Dr. F.S. Terziev (USSR) and Vice-Admiral A. Cruz Junior (Portugal), first Vice-Chairman and second Vice-Chairman respectively.

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

ARGENTINA	MOROCCO
AUSTRALIA	NAURU
BELGIUM	NETHERLANDS
BRAZIL	NEW ZEALAND
CANADA	NORWAY
CHILE	PANAMA
CHINA	PAPUA NEW GUINEA
DENMARK	PHILIPPINES
FINLAND	POLAND
FRANCE	PORTUGAL
GABON	SAINT LUCIA
GERMANY, FEDERAL REPUBLIC OF	SOUTH AFRICA
GREECE	SPAIN
HAITI	SWEDEN
HONDURAS	SWITZERLAND
ICELAND	USSR
IRELAND	UNITED KINGDOM
ITALY	UNITED STATES
JAPAN	YUGOSLAVIA
KIRIBATI	ZAIRE
MEXICO	

1.3 Observers from the following States attended the Meeting:

BANGLADESH	PERU
COTE D'IVOIRE	SAUDI ARABIA
ECUADOR	SRI LANKA
INDIA	SYRIAN ARAB REPUBLIC
LIBERIA	VENEZUELA

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

UNITED NATIONS
INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION (IOC)

1.5 Observers from the following intergovernmental organizations attended the Meeting:

ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT/NUCLEAR ENERGY
AGENCY (OECD/NEA)
COMMISSION OF THE EUROPEAN COMMUNITIES (EEC)
OSLO COMMISSION AND PARIS COMMISSION

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

INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
EUROPEAN COUNCIL OF CHEMICAL MANUFACTURERS' FEDERATION (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)
ASSOCIATION OF MARITIME INCINERATORS (AMI)

Opening of the Meeting

1.7 In opening the proceedings the Chairman welcomed all participants to the Tenth Consultative Meeting. In doing so he explained that the first Vice-Chairman (Mr. Terziev) was unable to attend because of pressing commitments and that the second Vice-Chairman (Vice-Admiral A. Cruz Junior) had retired during the intersessional period.

1.8 On behalf of the Meeting the Chairman thanked the Secretary-General of the International Maritime Organization (IMO) and through him the IMO staff concerned both for their preparations for the present Consultative Meeting and for the performance of the secretariat functions called for by the Convention. He expressed the hope that the International Maritime Organization would continue to fulfil the demanding secretariat requirements of the London Dumping Convention in the positive way that it had done so in

the past and would, if necessary, enhance this support if the present Consultative Meeting was to initiate actions requiring the provision of additional resources.

Address of welcome

1.9 In his welcoming address the Secretary-General of the International Maritime Organization acknowledged the very great importance to all nations of issues dealt with under the terms of the London Dumping Convention. The Secretary-General was therefore conscious of the need to make continuous efforts to broaden adherence to the Convention, and had noted with great satisfaction that the People's Republic of China had ratified the London Dumping Convention in November 1985.

1.10 The Secretary-General also drew attention to the very considerable progress made by the Scientific Group on Dumping during the intersessional period on a wide range of subject matters. In so doing he expressed appreciation for the willing and constructive support of other organizations with specialized responsibility in respect of the dumping of wastes, in particular, acknowledging the close co-operation of the International Atomic Energy Agency on matters concerning disposal at sea of low-level radioactive wastes.

1.11 In responding to the statement of the Chairman as recorded in paragraph 1.8 above, that IMO might, in light of actions agreed by the Consultative Meeting, be called upon to provide an enhanced level of secretariat support to the Consultative Meeting of the London Dumping Convention, the Secretary-General reminded the Meeting that the present policy of "zero growth" precluded the possibility of any special recruitment being made to the Secretariat for this purpose. However, he was empowered to sanction the transfer of resources within the Secretariat and would consider doing so if an urgent need arose. Moreover, he drew attention to the recent transfer of an existing professional post to the Marine Environment Division

from elsewhere in the Organization which he believed would provide scope for that Division to respond positively to any additional secretariat needs of the Consultative Meeting should that need arise.

Adoption of the Agenda

1.12 The agenda for the Meeting, as adopted, is shown at annex 1. This includes, under each item, a list of documents considered. The Meeting also agreed on a timetable and work schedule for the meeting (LDC 10/1/1, annex 2).

Observer status of international non-governmental organizations (NGOs)

1.13 Consideration of applicants of non-governmental organizations (NGOs) and the list of NGOs for observer status to be invited to the Eleventh Consultative Meeting is recorded under item 13 (any other business).

2 STATUS OF THE LONDON DUMPING CONVENTION

2.1 The Meeting took note of the report of the Secretary-General prepared on 15 August 1986 (LDC 10/2) concerning the current status of the London Dumping Convention and of the 1978 and 1980 amendments thereto, noting that as of that date sixty-one Governments had ratified or acceded to the Convention. The Meeting particularly welcomed the information that since its Ninth Consultative Meeting the People's Republic of China had become a Contracting Party to the Convention.

2.2 In thanking the Chairman and the Secretary-General of IMO for their kind comments on the occasion of their first attendance at a Consultative Meeting as a Contracting Party, the Chinese delegation informed the Meeting that China laid great emphasis on protection of the marine environment and that China was pursuing a comprehensive approach to the solution of problems involved. In congratulating the Consultative Meeting upon its achievements, the Chinese delegation said it looked forward to actively co-operating with other Contracting Parties within the framework of the London Dumping Convention.

2.3 The Swedish delegation drew the attention of the Meeting to the complete absence of deposits of acceptance of the 1978 amendments to the Convention concerning procedures for the settlement of disputes since October 1980, and urged Contracting Parties to give this matter their urgent consideration.

2.4 The observer from Ecuador informed the Meeting of its strong commitment to protection of the marine environment, both at the national level and through its membership of the Permanent Commission of the South Pacific (CPPS), the latter having adopted an Action Plan for the protection of the marine environment in the South-East Pacific. Its national authorities were presently giving consideration to acceptance of the London Dumping Convention and legislation might be placed before the National Congress during 1987.

2.5 The observer from Côte d'Ivoire informed the Meeting that his Government had initiated procedures for the acceptance of the London Dumping Convention and he hoped that ratification would be finalized before the Eleventh Consultative Meeting.

2.6 The delegations of the Federal Republic of Germany and Portugal informed the Meeting that the 1978 amendments to the Convention concerning procedures for the settlement of disputes were presently under consideration and it was envisaged that instruments of acceptance would be deposited in the near future.

2.7 The Meeting was informed that although Liberia had not yet ratified the Convention, the Liberian Government had been applying the requirements of the London Dumping Convention with respect to all Liberian ships under its national maritime regulations as from 1 July 1986.

2.8 In noting with appreciation the continuing efforts of the IMO Secretary-General to increase the number of Contracting Parties to the Convention, the Meeting suggested that the Secretary-General might again write to all Governments (IMO Members and non-IMO Members) which had not yet ratified or acceded to the Convention, inviting them to do so as soon as possible. At the same time the attention of Governments might be drawn to the importance of consideration being given to acceptance of the 1978 amendments concerning procedures for the settlement of disputes.

3 REPORT OF THE SCIENTIFIC GROUP ON DUMPING

3.1 The report of the Ninth Meeting of the Scientific Group on Dumping (LDC/SG.9/13) was introduced by the Chairman of the Group, Mr. R. Boelens (Ireland). He presented a detailed summary of the substantive agenda items considered by the Group and, in each case, described the background to the subject, the main elements of the discussion and the outcome as it affected the work of the Consultative Meeting.

3.2 The Consultative Meeting adopted the report of the Scientific Group on Dumping in general, without prejudice to the decisions which might be taken by the meeting in regard to the individual items given in the action list (LDC/SG.9/13, paragraphs 14.1 to 14.21) and submitted by the Secretariat (LDC 10/3). The Meeting then proceeded to address each of these items sequentially, as described in the following paragraphs.

Outcome of the Joint LDC/OSCOM Group of Experts on the Application of the Annexes to Dredged Material

3.3 The Consultative Meeting noted with satisfaction that the Joint LDC/OSCOM Group of Experts on the Application of the Annexes to Dredged Material had successfully completed draft guidelines for use by national authorities which would effectively bring together all the requirements of the Convention relevant to the disposal of dredged material, and associated guidance, into a single document. These Draft Guidelines for the Application of the Annexes to the Disposal of Dredged Material, having been reviewed and modified by the Scientific Group on Dumping, were presented in the report together with a draft resolution for their adoption by the Consultative Meeting (LDC/SG.9/13, annex 2).

3.4 In the discussion that followed, a number of delegations drew attention to those parts of the draft Guidelines (LDC/SG.9/13, annex 2, paragraphs 2.3 and 2.4) which included proposals on the procedure to be adopted in cases where dredged material contained Annex I substances in more than "trace amounts". In such cases the Convention requires that a permit should not be

issued. Nevertheless, it was recognized that there may be exceptional circumstances in which a detailed consideration of Annex III, Section C4 indicates that sea disposal is the option of least detriment to the environment. While the draft Guidelines suggested that it would be acceptable under such circumstances to issue a permit for sea disposal, the Convention does not presently allow such an interpretation. Although there was considerable support for the principle that the disposal option of least detriment should be the preferred option, the Meeting agreed to delete the respective paragraphs for the time being, and further agreed that the Scientific Group should be requested to study mechanisms by which this principle could be accommodated within the framework of the Convention.

3.5 Greenpeace International supported the deletion of the paragraphs of the guidelines referring to the disposal at sea of dredged material containing Annex I substances in more than "trace amounts" (LDC/SG.9/13, annex 2, paragraphs 2.3 and 2.4), stating that in its view no scientific or technical studies had been presented in support of the need for allowing dumping at sea of dredged material containing more than "trace amounts" of Annex I substances.

3.6 The Consultative Meeting recognized the importance of the draft Guidelines both to national authorities and the dredging industry. In particular, the observer from the International Association of Ports and Harbors expressed the view that the new guidance would ensure that the regulation of dredged material under the Convention would be in accordance with the latest scientific knowledge regarding the effects from disposal at sea of dredged material (LDC 10/3/4). However, the Meeting also recognized the continuing problem of contaminated sediments and urged Contracting Parties to take all practical steps to reduce inputs of hazardous substances into internal and coastal waters. Having agreed to the changes as outlined in the previous paragraph, the Consultative Meeting adopted resolution LDC.23(10) and the Guidelines on the Application of the Annexes to the Disposal of Dredged Material annexed thereto. This is shown at annex 2 to this report.

3.7 The Consultative Meeting noted the advice of the Scientific Group that, consequent on the adoption of special guidelines on dredged material, it was

necessary to amend the Interim Guidelines for the Implementation of Paragraphs 8 and 9 of Annex I to the London Dumping Convention (LDC IV/12, annex 5) by deleting any references to the disposal at sea of dredged material. The revised Interim Guidelines and an accompanying resolution proposed by the Secretariat (LDC 10/3/2) were adopted by the Consultative Meeting and are given at annex 3 to this report.

3.8 The Consultative Meeting also noted the recommendation of the Scientific Group that an additional paragraph should be included under Section C4 of the Guidelines for the Implementation and Uniform Interpretation of Annex III to the Convention (resolution LDC.17(8)) containing specific provisions with regard to the availability of land-based disposal options for dredged material. The Meeting endorsed this recommendation and agreed that Section C4 of the Annex III Guidelines should be amended by adding to the end of the "interpretation" the following text:

"In the special case of dredged materials, sea disposal is often an acceptable disposal option, though opportunities should be taken to encourage the productive use of dredged material for, for example, marsh creation, beach nourishment, land reclamation or use in aggregates. For contaminated dredged materials, consideration should be given to the use of special methods to mitigate their impact, in particular with respect to contaminant inputs. In extreme cases of pollution, containment methods (including land-based disposal) may be required but very careful consideration should be given to the comparative assessment of the factors listed above in selecting the most appropriate option. Further advice on the management of contaminated dredged materials is given in the Guidelines for the Application of the Annexes to the Disposal of Dredged Material (resolution LDC.23(10)).".

3.9 The Meeting noted that the Secretariat had prepared a revised version of the Guidelines for the Implementation and Unified Interpretation of Annex III to the London Dumping Convention, incorporating the new text to be inserted under paragraph C4 as described above (LDC 10/3/3). In view of other proposed amendments to these Guidelines (see paragraph 3.19), the Consultative Meeting

deferred consideration of this revised version, pending further discussion on this matter at the next meeting of the Scientific Group.

3.10 Recognizing the need to maintain a comprehensive inventory of technical information on the disposal of dredged material, the Consultative Meeting urged all Contracting Parties to make available to the Secretariat any research reports or studies concerning the assessment or disposal of dredged material which may be used to compile an up-to-date bibliography on this subject.

Review of the Annexes to the London Dumping Convention

3.11 The Consultative Meeting recalled that it had requested the Scientific Group to make firm recommendations on a proposal to transfer lead and lead compounds from Annex II to Annex I, and that this work had been deferred pending the development and adoption of Criteria for the Allocation of Substances to the Annexes (resolution LDC.19(9)). Having reviewed the scientific evidence on the impact of lead and lead compounds to the marine environment which had been made available at previous meetings, as well as a comprehensive study carried out by the Netherlands (LDC/SG.9/INF.12), the Scientific Group recommended that, in the light of the newly adopted Allocation Criteria, the existing evidence did not support the inclusion of lead and lead compounds in Annex I.

3.12 The Meeting expressed its thanks to the Netherlands for having prepared the comprehensive study on lead (LDC/SG.9/INF.12) for consideration by the Scientific Group. In the discussion which followed, a number of delegations expressed their disappointment concerning the outcome of the review made by the Scientific Group indicating that their independent assessments, in some cases including the application of the Allocation Criteria, had lead them to the conclusion that lead and lead compounds should be moved to Annex I. Other delegations were satisfied that the recommendation of the Scientific Group, and the supporting rationale, was justified, taking into account the existing scientific evidence. Having debated the issue, the Consultative Meeting agreed that the status of lead and lead compounds within the Annexes should

not be changed for the time being, and further agreed that Contracting Parties should submit to the Scientific Group any new information on the effects of lead on the marine environment as it became available so that the position of lead and lead compounds could be reassessed at any future time.

3.13 The Scientific Group had also applied the Allocation Criteria in reviewing the justification for the inclusion of "organosilicon compounds" in Annex II. Following this review, the Scientific Group had informed the Consultative Meeting that, despite the extreme persistence of some organosilicon compounds, these forms were not those which demonstrated a significant toxicity to marine life. In the light of the available scientific evidence, the Group had recommended that "organosilicon compounds" should be deleted from Section A of Annex II.

3.14 A number of delegations had difficulty in accepting the recommendation of the Scientific Group with respect to the position of "organosilicon compounds". The delegation of Denmark reminded the Meeting that the Oslo Commission had recently decided to remove organosilicon compounds from Annex I of the Oslo Convention but had inserted a more restricted category of these substances, namely "persistent toxic organosilicon compounds" in Annex II of that Convention. The delegation of Finland also reminded the Meeting that the Helsinki Convention requires that with regard to the principles and obligations concerning land-based pollution, Contracting Parties to that Convention shall take all appropriate measures to control and strictly limit pollution by noxious liquid substances listed in Annex II to that Convention, which includes "persistent toxic organosilicon compounds". The Meeting noted that the Scientific Group had been aware of the decision within the Oslo Commission and of the wording of the Helsinki Convention but, having considered the scientific arguments underlying the decision, had not been able to reach a similar conclusion. Reference was also made to the uncertainties and inadequacies with regard to the scientific data base on organosilicon compounds in the marine environment and the consequent need for a cautious approach in regulating inputs of these compounds into the oceans.

3.15 The Chairman of the Scientific Group on Dumping, in clarifying the basis of the Group's recommendation on organosilicon compounds, informed the Meeting

that the balance of opinion amongst marine biologists supported the conclusion that these compounds presented minimal hazard to marine resources, and that in view of their high cost, the small quantities occurring as waste and the implication of their contribution to certain important uses, such as the medical field, they should not be listed in the Annexes to the Convention. Nevertheless, if new information showed that organosilicon compounds presented unforeseen hazards to the marine environment, the situation could be reviewed at any meeting of the Scientific Group without delay.

3.16 Having considered the various views expressed and the failure to reach a consensus, the Chairman interpreted the procedure to be followed in accordance with resolution LDC.10(V) as requiring a majority of two-thirds of delegations present and voting. An indicative vote asked for by the Chairman resulted in nineteen Contracting Parties wishing to follow the recommendation of the Scientific Group on Dumping, i.e. the deletion of "organosilicon compounds" from the Annex II list, whereas only eight Contracting Parties indicated their wish to keep the status quo. The Consultative Meeting accordingly agreed to accept in principle that organosilicon compounds should be removed from Annex II, Section A. In keeping with the agreed procedure for preparation and consideration of amendments to the Annexes to the London Dumping Convention (resolution LDC.10(V)), the Consultative Meeting will consider the amendment for formal adoption at its Twelfth Meeting in 1989. A resolution prepared by the Secretariat for this purpose (LDC 10/3/1), after a minor modification, was adopted by the Consultative meeting (resolution LDC.25(10)) and is shown at annex 4.

3.17 The Consultative Meeting noted that, in applying the Criteria for the Allocation of Substances to the Annexes of the Convention (resolution LDC.19(9)), the Scientific Group had identified the need to clarify the meaning of the terms "bioavailability" and "significant exposure" in the context of the allocation criteria. Preliminary clarification of these terms were presented in the report of the Scientific Group report (LDC/SG.9/13, paragraphs 3.4.2 and 3.4.3) but the Meeting noted that the Group would examine these terms in greater detail during a future review of the allocation criteria.

3.18 The Consultative Meeting recalled that at its Ninth Meeting it had noted a recommendation by the Scientific Group to include a paragraph in Annex III, Section A of the Convention (characteristics and composition of the matter) similar to that in paragraph B9 of Annex III. The Ninth Meeting had agreed that such action should be deferred pending future discussion within the Scientific Group which could lead to further proposals to amend the Annexes. The Consultative Meeting was invited (LDC 10/3/1) to consider adoption of a suitable text at the present stage and this was agreed without further discussion. Consequently, the Meeting adopted resolution LDC.26(10), as shown at annex 5, which in keeping with established procedures, designated the Twelfth Consultative Meeting as the date for formal adoption of this amendment.

3.19 The Meeting also noted that the Secretariat had prepared a revised version of the Guidelines for the Implementation and Uniform Interpretation of Annex III to the London Dumping Convention, including a draft text for the interpretation of the newly adopted paragraph under Section A of the Guidelines, i.e. paragraph A9 (LDC 10/3/3). It was agreed that this interpretation should be discussed at the next meeting of the Scientific Group with a view to submitting a final text to the Eleventh Consultative Meeting.

3.20 In connection with the difficulties expressed by the Scientific Group in developing a sound scientific rationale to support the current structure of the Annexes, and the various key terms contained therein, the Consultative Meeting noted that the Chairman of the Scientific Group in his submission (LDC 10/3/6) explained the background to these difficulties and also emphasized the importance of waste management principles in the work of the Convention. The Chairman of the Scientific Group informed the Meeting that, in the opinion of many scientists, future progress with the interpretation and implementation of the Convention would be constrained by certain ambiguities in the structure and content of the Annexes, and by restricting the consideration of the Scientific Group to the assessment of sea disposal. With regard to the latter point, it was an important consideration under Annex III of the Convention that comparative assessments of all disposal options should be carried out and, as a consequence, it was equally important that decisions concerning the regulation of waste disposal at sea should be supported by

scientific advice which took into account the the effects of land-based alternatives. In such a way it would be possible to identify the option of least detriment to the environment; however, as the earlier discussion on dredged material had shown (see paragraph 3.4 above), the Convention may not always allow this option to be pursued.

3.21 In discussing the above issues, several delegations and observers expressed their views that the existing Annexes had served the Convention well, and that any attempts to alter the black list/grey list approach should be treated with caution. The Danish delegation stated that in its view the black/grey list approach should be part of continuing efforts to achieve a complete cessation of waste disposal at sea. However, other delegations noted that total waste management required a diverse range of measures that are appropriate to address all the various sources of marine pollution, including land-based sources. Several delegations also emphasized that the current black list/grey list system of classification had been adopted by a number of international agreements and regional conventions and that therefore there were serious implications to reviewing the structure of the Annexes as proposed by the Scientific Group. With regard to approaches which would improve the application of waste management principles, support was given to the suggestion that such approaches should be designed to be complementary to existing procedures within the Convention.

3.22 After considerable debate, during which several delegations firmly supported the principle that the Scientific Group on Dumping should be requested to explore possible solutions to the difficulties which it had encountered, the Consultative Meeting invited the Chairman of the Scientific Group to prepare a draft resolution on the future work programme of the Group for consideration by the Meeting. The resolution, which was unanimously adopted by the Consultative Meeting, invited the Scientific Group, inter alia, to review the operational procedures of the Convention, and requested it to submit recommendations on alternative procedures for the classification and assessment of wastes to be dumped at sea which would afford better protection to the total environment against the adverse impacts of waste, to the Twelfth Consultative Meeting. Resolution LDC.27(10) is shown at annex 6.

Incineration at sea

3.23 The Consultative Meeting took note of the work of the Scientific Group with regard to the incineration of wastes at sea, notably the preparation of terms of reference for a proposed ad hoc group of experts to be convened jointly with the Oslo Commission. Since this was the subject of a separate agenda item (item 4), the Meeting did not consider the matter further at this stage.

Monitoring and control of dumping activities

3.24 The Meeting was informed of progress within the Scientific Group on matters related to monitoring and comparative field assessments of waste disposal on land and at sea. The Group had prepared detailed annotations for the interpretation of Article VI of the Convention (LDC/SG.9/13, paragraph 6.11) which were designed to clarify the content and scope of monitoring programmes for purposes of compliance with the Convention, and which encouraged scientific investigations to determine long-term trends of environmental quality and marine resource quality on a regional scale. While the Group had considered the possibility of developing detailed monitoring guidelines, it was of the opinion that it was neither necessary nor advantageous to prepare such specific guidelines at the present time.

3.25 Recalling that at its Ninth Meeting the Consultative Meeting had requested the Scientific Group to investigate alternative formats for the reporting of monitoring activities, the Meeting noted with satisfaction that the Group had made specific recommendations in this regard. Since the standardized format agreed by the Fourth Consultative Meeting (LDC IV/12, annex 7) had not proved satisfactory, the Scientific Group had recommended that a more flexible format should be introduced comprising summary assessment reports, to be submitted periodically with no prescribed format, and annotated bibliographies of detailed dumpsite assessments as available. The proposed requirements for the submission of monitoring information, and existing requirements for the submission of data on dumping activities, had been combined into a summary table for the convenience of national authorities (LDC/SG.9/13, annex 5).

3.26 Several delegations expressed their views that the proposed new format was too flexible and that the previous format was more in keeping with the intent of Article VI(4). The observer from IUCN supported these views. Nevertheless, the Consultative Meeting agreed to introduce the new format on a trial basis and urged Contracting Parties to submit information on monitoring in accordance with Article VI(4), taking into account the annotations thereto provided by the Scientific Group. For the time being the original format for reports on monitoring should also be retained so that Contracting Parties could select the system best suited to their national approaches to monitoring for purposes of the Convention. The Consultative Meeting requested the Secretariat to distribute a circular letter to national administrations, enclosing the summary table prepared by the Scientific Group, and reflecting the decisions of the Consultative Meeting in this regard. The original format for reporting monitoring activities as well as the new scheme for submitting monitoring reports are shown in annex 7 to this report.

3.27 The Consultative Meeting expressed its concern that some Contracting Parties had not submitted reports on dumping activities as required by Article VI(4) and that, as a result, the Secretariat had not been able to prepare fully comprehensive summaries of dumping statistics. The Scientific Group had reviewed the draft report on permits issued in 1983 and had made a number of proposals to reduce the work of the Secretariat in the compilation of data on dumping. In particular, the Group recommended that no further efforts should be made to compile reports on the actual amounts of waste dumped because the returns were not complete and it was not possible to obtain accurate statistics on the amounts of contaminants in bulky wastes such as dredged material and sewage sludge. The Group had also encouraged the Secretariat to develop plans for the computerized storage of data at an early date.

3.28 A number of delegations indicated that they regarded the compilation of data on actual amounts of waste dumped to be an important activity within the Convention. Following discussion, the Consultative Meeting agreed to discontinue the preparation of reports on actual amounts of waste dumped but urged Contracting Parties to continue to provide information in the existing

format so that alternative approaches to summarization might be considered at a future meeting of the Scientific Group. The Meeting further agreed that the Secretariat should make efforts to improve the response of Contracting Parties to the notification requirements set out in the Convention so that annual summary reports on permits issued would provide a complete record of dumping on a global basis. In this connection, the Consultative Meeting once again stressed the importance of "nil" returns from Contracting Parties not engaged in dumping activities.

Transfer of scientific information on dumping through seminars or symposia

3.29 The Consultative Meeting took note of the discussions within the Scientific Group concerning the organization of seminars and symposia which would provide an opportunity for multi-disciplinary exchanges on scientific and technical issues of relevance to the Convention. The Meeting endorsed initiatives by the Secretariat to pursue the possibilities of an association with the International Ocean Dumping Symposia, the most recent meeting of which was held in California during April 1986. The Canadian delegation informed the Meeting that plans were now well advanced to hold the next International Ocean Dumping Symposium in Nova Scotia during September 1987, and encouraged Contracting Parties and the Organization to participate to the fullest possible extent. In this regard the Consultative Meeting requested the Secretariat to explore the possibilities of making personal contact with the organizing committee and to convey the proposals made by the Scientific Group with regard to suitable topics for inclusion in the programme of future Symposia.

Co-operation with other scientific bodies and advisory groups

3.30 The Meeting noted with appreciation a paper introduced by the representative of the Intergovernmental Oceanographic Commission (IOC) (LDC 10/INF.6) which outlined its programme on the Global Investigation of Pollution in the Marine Environment (GIPME). In particular, the Consultative Meeting expressed its interest in the work of GIPME's Group of Experts on Effects of Pollutants (GEEP) and encouraged co-operation between that group

and the Scientific Group on Dumping. The Meeting noted the valuable work being undertaken by GEEP with regard to the monitoring of biological effects and expressed its appreciation of the offer by IOC to provide advice on the scientific aspects of monitoring relevant to the Convention.

Pollution assessment of the Baltic Sea Area

3.31 The delegation of Finland provided a booklet "First Periodic Assessment of the State of the Marine Environment of the Baltic Sea Area, 1980-1985; General Conclusions" (LDC 10/INF.11) prepared under the auspices of the Helsinki Commission. The Consultative Meeting expressed its appreciation for that information.

Future work programme

3.32 The Consultative Meeting approved in principle the future work programme of the Scientific Group on Dumping as outlined in section 10 of its report (LDC/SG.9/13). The agenda for the tenth meeting of the Scientific Group was considered under item 12 of the agenda of this Meeting.

Appreciation

3.33 The Consultative Meeting expressed its thanks to the Chairman of the Scientific Group on Dumping for the work carried out during the intersessional period by the Scientific Group.

4 INCINERATION AT SEA

Proposed joint LDC/OSCOM meeting of experts on incineration at sea

4.1 In reviewing the recommendations by the Scientific Group on Dumping on this subject, the Consultative Meeting noted that the test burns which had been scheduled by the Netherlands and the United States during the intersessional period were now unlikely to take place and that, as a consequence, the Meeting would need to decide whether or not the proposed

joint LDC/OSCOM meeting of experts on incineration at sea should proceed as planned. In view of the need for scientific advice on this matter, despite the absence of additional research data from test burns, the Consultative Meeting decided to proceed with the joint LDC/OSCOM intersessional expert group on incineration at sea. The Consultative Meeting therefore adopted the overall aims and the terms of reference as proposed by the Scientific Group on Dumping (LDC/SG.9/13, annex 4). The Meeting noted with appreciation that the Oslo Commission had also endorsed the terms of reference for that group as formulated by the Scientific Group. The terms of reference for the joint LDC/OSCOM expert group on incineration at sea is shown in annex 8 to this report.

4.2 In keeping with the established procedures, participation would be arranged by the respective Secretariats in consultation with the Chairman of the Scientific Group, taking into account documentation submitted by Contracting Parties, non-Contracting Parties and observer organizations.

4.3 The Meeting noted that the meeting of the joint LDC/OSCOM expert group on incineration at sea would be followed by a meeting of Oslo Commission experts on incineration at sea. Experts from those Contracting Parties to the London Dumping Convention which are not parties to the Oslo Convention would be invited to attend that meeting as observers. The dates of these meetings were considered under item 12 of the agenda of this Meeting.

4.4 The Danish delegation in referring to the resolution on incineration at sea adopted by the Third Consultative Meeting in 1978 stated that "incineration at sea" had been considered as an interim measure; in the view of the Danish delegation it was now the time to consider how incineration at sea could be terminated in the near future, taking into account the availability of land-based incineration facilities.

Surveillance of cleaning operations carried out at sea on board incineration vessels

4.5 The Consultative Meeting noted that the Marine Environment Protection Committee (MEPC) of IMO which had been requested by the Ninth Consultative

Meeting to provide advice in relation to resolution LDC.20(9) on Interim Provisions for the Surveillance of Cleaning Operations Carried out at Sea on board Incineration Vessels, had agreed on an interpretation to Annex II of MARPOL 73/78 together with explanatory notes (LDC 10/4,). The Meeting considered that this interpretation alleviated its concern that guidelines adopted under the London Dumping Convention should be consistent with other related international requirements.

4.6 The United States delegation proposed a revised text (LDC 10/4/2) to replace the Interim Provisions adopted by resolution LDC.20(9) to facilitate the development of consistent, final guidelines. However, the Japanese delegation felt that in view of the implications for national legislation of reverting to these Guidelines, insufficient time had been given for consideration of the text, and therefore proposed that final adoption should be deferred until the next Consultative Meeting. The Meeting agreed that, for the time being, the existing Interim Guidelines would have effect and that upon the entering into force of Annex II of MARPOL 73/78 (6 April 1987) for Contracting Parties that had also ratified the MARPOL Convention, MARPOL requirements would take precedence over the Interim Provisions adopted within the framework of the London Dumping Convention. On the other hand Contracting Parties not having ratified MARPOL 73/78 would continue to apply the London Dumping Convention Interim Provisions adopted by resolution LDC 20(9). The Eleventh Consultative Meeting would then consider the adoption of final Guidelines incorporating, as appropriate, the amendments suggested by the United States (LDC 10/4/2). The Secretariat was asked to bring the suggested revised text, to the attention of all Contracting Parties. This text is shown in annex 9 to this report.

4.7 The Consultative Meeting took note of information on incineration at sea submitted and briefly introduced by Greenpeace International and AMI respectively (LDC 10/INF.12 and LDC 10/INF.13). These submissions were not intended for discussion at the present Consultative Meeting but were intended for the information of Contracting Parties and for consideration by the intersessional joint LDC/OSCOM expert group on incineration at sea.

5 THE DISPOSAL OF RADIOACTIVE WASTES AT SEA

Disposal into the sea-bed of high-level radioactive wastes

5.1 The Consultative Meeting recalled that there were two draft resolutions concerning the disposal into the sea-bed of high-level radioactive wastes (LDC 10/5/1,) and that at its previous meeting this matter had been deferred to the Tenth Consultative Meeting.

5.2 The Meeting emphasized that consensus had already been reached on the most crucial points, namely that:

- .1 the Consultative Meeting of the Contracting Parties to the London Dumping Convention is the appropriate international forum to address the question of the disposal of high-level radioactive wastes and matter into the sea-bed, including the question of the compatibility of this type of disposal with the provisions of the London Dumping Convention; and that
- .2 no such disposal should take place unless and until it is proved to be technically feasible and environmentally acceptable, including a determination that such wastes and matter can be effectively isolated from the marine environment, and a regulatory mechanism is elaborated under the London Dumping Convention to govern the disposal into the sea-bed of such radioactive wastes and matter.

5.3 The Meeting also recognized that the key question still to be resolved was as to whether the current text of the Convention would permit the emplacement of high-level radioactive materials into the sea-bed for the purpose of experiments designed to explore the future potential of sea-bed emplacement as an environmentally sound waste disposal option, taking into account Article III(1)(b)(ii) of the London Dumping Convention.

5.4 A number of Contracting Parties stated that high-level radioactive wastes should not be emplaced into the sea-bed as part of any experimental

operations, thus supporting one interpretation of the the draft resolution proposed at the Eighth Consultative Meeting by Argentina, Brazil, Canada, Chile, Cuba, Denmark, Dominican Republic, Finland, Federal Republic of Germany, Iceland, Ireland, Mexico, Nauru, Norway, Panama, Spain and Sweden. Those countries not having been originally associated with this draft resolution but expressing at this Meeting strong support were: Haiti, Kiribati, New Zealand, Poland, Portugal, St. Lucia, Yugoslavia and Zaire.

5.5 Norway, on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), stated that the Nordic Countries wished to reiterate their position that:

- .1 any deliberate disposal of high-level radioactive waste into the sea-bed is incompatible with the provisions of the London Dumping Convention; and
- .2 high-level radioactive waste should not be emplaced into the sea-bed as part of experimental operations.

5.6 The observer of Friends of the Earth indicated that his organization would submit a recently published study on this matter for consideration at the Eleventh Consultative Meeting.

5.7 The Meeting considered that the action taken to date by previous Consultative Meetings were sufficient to cover any situation that may arise and that in the light of the lack of current activity on the subject, no additional action was needed at this stage. Contracting Parties were requested, however, to inform any future Consultative Meeting of plans to conduct experiments that would involve the emplacement of high-level radioactive wastes into the sea-bed.

Inventory of radioactive wastes entering the sea

5.8 The Meeting recalled that an inventory of radioactive wastes and other radioactive matters from all sources entering the marine environment had been

requested as part of the studies called for in resolution LDC.21(9) adopted at the Ninth Consultative Meeting. In this context it was noted that there had been a rather long history of previous discussions and requests on this subject commencing with the Third Consultative Meeting (LDC 10/3). The preparation of such an inventory was clearly of great complexity and difficulty and was only possible with the complete co-operation of States.

5.9 The Meeting discussed the problem at some length, including other sources in addition to the marine disposal of radioactive wastes by dumping and which some Contracting Parties felt were outside the jurisdiction of the Convention. It was pointed out, however, that the rationale for previous requests of this nature was to establish an information base against which the impact of radioactivity from dumping operations could be more adequately assessed. The Netherlands delegation expressed its readiness to provide information on sources of radioactive wastes entering the sea in order to contribute to the adequate functioning of such an information base; in that context the Netherlands delegation referred to its commitments within the framework of the Paris Commission to provide information relevant to that forum.

5.10 The representative of IAEA stated that past attempts by that organization had been unsuccessful because of poor response from States to comply with requests for information. Presently however, the Agency, in co-operation with the World Health Organization, has requested Member States to submit information and data related to the release of radionuclides from the Chernobyl reactor accident. These data are being collected by IAEA to be entered into a computerized data base for an assessment by UNSCEAR of the impact of the releases. The representative of the IAEA indicated that, if the Contracting Parties so desired, she would explore the potential for a future extension of such a data base for the purpose of developing an inventory of all radionuclides entering the marine environment.

5.11 The Consultative Meeting accepted the offer of the representative of the IAEA with appreciation and requested that the Agency report back to the next Consultative Meeting on the progress made.

Liability

5.12 The Meeting decided to refer the question on the assessment of liability procedures concerning disposal at sea of radioactive wastes, raised in resolution LDC.21(9), to an intersessional working group of legal experts. The formation of the group was discussed under agenda item 7. Dates for convening a meeting of such a group are considered under agenda item 12.

IAEA Revised Definition and Recommendations

5.13 In introducing the new revised Definition and Recommendations, published as IAEA Safety Series No.78, a safety standard which had been distributed at the Meeting under LDC 10/INF.9, the representative of the IAEA briefly explained the changes made in the present revision. She pointed out major changes in structure and the impact of the use of new models, assumptions and data on the release rate limits. She also emphasized the relationship between Safety Series No.78 and its supporting documents such as Safety Series Nos. 61, 65 and 66, as well as future subsidiary documents such as those on exemption rules and source upper bounds. She pointed out that the newly calculated release rate limits, although based on different models, data and dose limits, do not change the annual release rate limits for alpha-emitters, reduced the limits slightly for beta/gamma-emitters of half-lives greater than a year and reduced by approximately a factor of 100 the limits for short-lived beta/gamma emitters and tritium. The IAEA representative thanked the United States for its comments on the revised Definition and Recommendations (LDC 10/INF.8) and said that the IAEA would welcome any additional comments that could be used either to assist the Agency in planning its future work or to be considered in a future revision.

5.14 The IAEA representative further pointed out that the limits set in the Definition are those above which dumping may not take place. This does not imply that dumping below those limits is automatically permitted. The Recommendations, including environmental assessments, site selection and operational requirements are to be implemented and the actual radiation doses predicted from proposed dumping must be a small fraction of the limit used to define what is unacceptable for dumping.

5.15 The United States delegation introduced its technical comments on the IAEA Revised Definition and Recommendations (LDC 10/INF.8) which had been mentioned by the IAEA representative in paragraph 5.13 above. These comments are summarized as follows:

- .1 a brief explanation of key terms such as "optimization" and "justification" should be included (as was done in the previous "Definition and Recommendations");
- .2 isolation and containment of certain categories of radioactive wastes to reduce dose commitments should be emphasized; and
- .3 a general discussion of "dose upper bounds" in the Recommendations is questionable until international agreement is reached on a quantitative definition. Without such a definition, in implementing the respective parts of the new Recommendations national authorities would have to define what is meant by "only a small fraction of 1mSv a^{-1} ".

5.16 The Meeting considered ways and means on how recognition should be given to the revised Definition and Recommendations prepared by the IAEA. In this connection the Chairman explained the procedure used at a previous Consultative Meeting when dealing with a revision of the IAEA Definition and Recommendations and suggested the adoption of a similar text. The Meeting, after minor amendments to the text proposed by the Chairman, agreed to the following:

- .1 to take note of the IAEA Revised Definition and Recommendations, published as Safety Series 78, an IAEA Safety Standard;
- .2 to request the Organization to circulate the document to Contracting Parties for the purposes of implementation of the London Dumping Convention, as a replacement of the 1978 IAEA Definition and Recommendations (INFCIRC 205/Add.1/Rev.1) and, in so doing, inform them that the Definition and Recommendations should not be construed as encouraging in any way the dumping at sea of

radioactive wastes and other radioactive matter; and that IAEA Safety Series No.78 shall not prejudice the review of relevant issues by the Inter-governmental Panel constituted in accordance with resolution LDC.21(9);

- .3 to request the Organization to circulate at the same time to the Contracting Parties an invitation to comment on the above document;
- .4 to request the Organization:
 - .4.1 to convey to the IAEA Director-General the appreciation for the work carried out by that Agency;
 - .4.2 to transmit to him the comments made at the Tenth Consultative Meeting on the IAEA document;
 - .4.3 to inform him of the view of the Consultative Meeting that the IAEA document should be kept under continuing review in response to the above comments, in light of Resolution LDC.21(9) and additional technological developments and increased scientific knowledge;
 - .4.4 to transmit to him any additional comments and recommendations that might be received by the Organization in accordance with sub-paragraph .3 above; and
- .5 to consider at a subsequent meeting any revisions in the Definition and Recommendations in light of the comments received and work performed pursuant to sub-paragraph .4 above.

Intersessional activities

5.17 The United Kingdom delegation informed the Meeting that a study carried out on the best practicable environmental options (BPEO) for the disposal of low-level radioactive wastes in the United Kingdom has been completed. A

summary of that document had been distributed to the Consultative Meeting (LDC 10/INF.3). The complete study could be purchased from Her Majesty's Stationery Office.

5.18 The IAEA representative drew the attention of the Meeting to the fact that outstanding scientific and technical issues relating to the sea dumping of radioactive wastes which the Ninth Consultative Meeting by resolution 21(9) had requested to be carried out, are under consideration by the IAEA (LDC 10/5/5) as described in the following paragraphs.

5.19 With regard to the establishment of "dose upper bounds" on the doses received by individuals from sea dumping, this concept arises from the International Commission on Radiological Protection (ICRP) approach of developing a source upper bound. The primary reason why so far no specific value for a "dose upper bound" was selected for the revision of the Definition and Recommendations was that there has been no international discussion or agreement on the principles to be used in establishing or applying upper bounds for any source which gives rise to doses to the world population. The types of sources to be considered include routine discharges from research establishments and nuclear fuel cycle facilities, particularly discharges to sea and atmosphere of long-lived, globally dispersed radionuclides such as ^{14}C and ^{129}I . It was felt that the principles to be used in establishing and applying global upper bounds in general should be agreed before proceeding to set an upper bound for the particular case of sea dumping. An IAEA Advisory Group Meeting will be convened in early 1987 to resolve this issue.

5.20 In order to effectively solve the problem of de minimis or exempt levels of radioactivity, i.e. materials which could be considered as non-radioactive for the purposes of the London Dumping Convention and therefore be dumped under a general rather than a special permit, the Agency is undertaking two parallel activities. The first is the support of a group of experts in coastal marine modelling under GESAMP (IMO/FAO/UNESCO/WMO/WHO/IAEA/UN/UNEP Joint Group of Experts on the Scientific Aspects of Marine Pollution). It is expected that it would take about two years for the expert group to complete its task, at which time the Agency is expected to have completed work on the

second part of the parallel activity, guidance on principles of exemptions from regulatory requirements. The Agency will then be in a position to apply these principles to the models and to develop additional guidance for the Convention in this regard.

5.21 With regard to the request of the Ninth Consultative Meeting that the IAEA determine whether additional risks to those considered in the revised IAEA Definition and Recommendations justify re-examination of the "Definition" for certain individual radionuclides, the IAEA representative referred to the footnote of the "Definition" advising national authorities to take special care if large amounts of long half-life beta/gamma emitters are to be dumped. This footnote achieves the objective of alerting national authorities to exercise caution in proposing the dumping of such material. Additional examination of such nuclides will take place the next time the Definition and Recommendations are reviewed by the Agency.

5.22 An expert member of the United Kingdom delegation who had participated in the Expert Panel on the Disposal of Radioactive Waste at Sea (LDC 9/4), commented on a paper submitted by Denmark (LDC 10/WP.2) which contained annotated terms of reference for studies as requested in resolution LDC.21(9). The United Kingdom expert referred to various paragraphs in the Danish paper which, in his view, seriously misinterpreted the findings of the Expert Panel report. In particular, he addressed various statements which implied that the disposal of low-level radioactive waste at sea, as carried out until 1982, had caused widespread damage to human health and the environment, and he provided the Meeting with a number of statistical examples which suggested that such inferences could not be drawn from the conclusions reached by the panel of experts. He recommended that the precise terms of the Expert Panel report (LDC 9/4) should actually be cited in documents referring to paraphrases thereof.

5.23 In response to the above intervention by the United Kingdom expert regarding the content of the Danish submission (LDC 10/WP.2), the delegation of Denmark stated that the paper had been submitted in order to promote and contribute to the work of the Consultative Meeting requested by resolution LDC.21(9). Furthermore, the Danish delegation stated that the paper should be

considered only as a working paper containing some preliminary thoughts. The delegation of Denmark suggested that Contracting Parties should take the Danish paper into consideration together with the report prepared by the expanded panel of experts (LDC 9/4). Bearing this in mind, the Danish delegation did not want to go into a detailed debate on the subject at this stage of the Meeting.

Establishment of an inter-governmental panel of experts

5.24 The Meeting recalled that resolution LDC.21(9) adopted at the Ninth Consultative Meeting requested that additional studies and assessments of the wider political, legal, economic and social aspects of radioactive waste dumping at sea be undertaken by a panel of experts. That resolution also requested that further assessments examine the issue of comparative land-based options and the costs and risks associated with these options. In addition resolution LDC.21(9) requests that studies and assessments examine the question of whether it can be proven that any dumping of radioactive wastes and other radioactive matter at sea will not harm human life and/or cause significant damage to the marine environment.

5.25 The Meeting in regard to the tasks outlined above considered a number of suggestions and proposals presented in the following documents:

- LDC 10/5/3: Mechanisms for establishing expert panels to prepare comprehensive studies and assessments related to the disposal at sea of low-level radioactive wastes
- Australia
- LDC 10/5/4: Potential additional work requested by resolution LDC.21(9) - Canada
- LDC 10/5/6: Implementation of resolution LDC.21(9) - United Kingdom

5.26 The Meeting noted that the above papers included two different approaches, one proposed the establishment of an expert panel (plus sub-groups) to address the required studies. The second favoured input from Contracting Parties on the items to be covered by the studies and assessment as a preliminary step.

5.27 With regard to the request of resolution LDC.21(9) that further assessments examine the issue of comparative land-based options and the costs and risks associated with these options, the IAEA representative pointed out that IAEA Safety Series No.65, Environmental Methodologies for Sea Dumping of Radioactive Wastes, gave guidance on comparisons of sea dumping with land-based alternatives. She further emphasized that optimization is a procedure by which the sum of all detriments (radiological, social and economic) are minimized. She also informed the Meeting that many of the factors necessary in selecting an optimum waste management system, involve so many national or regionally specific parameters that it would be difficult to envisage how a generic comparison could be done. For example, specific waste characteristics, geological and resource factors need to be combined with national or regionally important social and and political factors. Studies such as the one done by the United Kingdom (LDC 10/INF.3) on "Assessment of Best Practicable Environmental Options (BPEO)" should be encouraged. As the competent international agency in the field of nuclear energy, the IAEA has an extensive programme covering the field of radioactive waste management. These activities include development of standards, guides, recommendations and data as well as the dissemination of information and encouragement of research in this area.

5.28 During the subsequent discussion a number of statements were made; several delegations requested that their views be formally reproduced in the report. These are shown in annex 10.

5.29 A lengthy debate ensued during which an accomodation between the two opposing approaches was sought. During this discussion several items were debated, such as the terms of reference, the composition of the panel, the working schedule for the work of the panel and the content of a questionnaire necessary to generate input from Contracting Parties. Such a questionnaire was felt necessary to solicit information concerning the various aspects to be covered by the work of the panel.

5.30 A proposal was introduced by a number of delegations concerning a mechanism for establishing a panel. The Meeting agreed to set up a working group of delegations representing opposing points of view with instructions to prepare, if possible, a compromise text based on the above proposals.

5.31 The working group prepared a draft resolution (LDC 10/WP.3/Rev.2) which reflected a best possible accomodation. The draft resolution contained the suggestion that a questionnaire be prepared at this Meeting. The Meeting requested the above working group to consider the preparation of such a questionnaire.

5.32 Despite the efforts of Contracting Parties during the course of the debate to achieve consensus, several delegations had reservations and reserved their positions on the resolution. Nevertheless there was a consensus that a vote should be avoided and the resolution be adopted without division. The Meeting accordingly adopted resolution LDC.28(10) setting up an inter-governmental panel and its programme of work, together with the questionnaire to be directed to Contracting Parties. That resolution is shown in annex 11 to this report.

5.33 Countries not fully in agreement with the resolution wished to express their reservations in this report. The statements received in this regard are shown in annex 12.

5.34 The Meeting agreed that the inter-governmental panel should be open to all Contracting Parties and inter-governmental organizations. The Chairman asked Contracting Parties attending the Tenth Consultative Meeting to indicate their intention with regard to participation in the inter-governmental panel. Contracting Parties which expressed their interest to participate were Australia, Belgium, Canada, Chile, Denmark, Finland, Greece, Ireland, Italy, Japan, Kiribati, Mexico, Nauru, the Netherlands, Norway, Papua New Guinea, Saint Lucia, Spain, Sweden, and the United States.

5.35 Several other Contracting Parties expressed the view that they would participate pending agreement by their resonsible national administrations.

5.36 The Meeting agreed that the inter-governmental panel should elect its own Chairman, and Vice-Chairmen, if appropriate.

5.37 The meetings of the inter-governmental panel would be organized by the Organization, and conducted in the working languages of the Organization, pending the agreement of the governing bodies of the Organization.

5.38 Members of the inter-governmental panel wishing to provide bulky documentation in languages other than English would be requested to submit a brief synopsis in English.

5.39 The Secretariat was requested to distribute invitations and the questionnaire by the end of November 1986. The deadline for responses to the questionnaire would be the end of June 1987. The date of the meeting of the inter-governmental panel is tentatively planned for October 1987 (see also paragraphs 12.11 and 12.13 below).

5.40 The inter-governmental panel at its meeting planned for October 1987 will in the first instance consider the responses to the questionnaire and secondly prepare a detailed working programme for review by the Eleventh Consultative Meeting. The Panel may also prepare a refined and more detailed questionnaire for circulation to all Contracting Parties.

5.41 Should the inter-governmental panel decide that summarization of the responses to the questionnaire was desirable, it might be necessary to employ specialist consultants for this purpose, subject to available resources.

5.42 The Australian delegation proposed that a second meeting of the inter-governmental panel be convened subsequent to the Eleventh Consultative Meeting. The Meeting agreed that such a proposal should be considered by the panel at the conclusion of its first meeting in October 1987.

6 PROBLEMS RELATING TO THE IMPORT/EXPORT OF WASTES FOR DISPOSAL AT SEA

6.1 The Secretary introduced the OECD Council Decision-Recommendation on Export of Hazardous Wastes from OECD Area (LDC 10/6) and a note submitted by the OECD Secretariat (LDC 10/6/Add.1) on possible implications of the OECD Decision-Recommendation on the export of wastes for disposal at sea.

6.2 The Secretary introduced the so-called Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes developed by a UNEP ad hoc Working Group (LDC 10/6/1) and drew particular attention of the Contracting Parties to paragraphs 26 and 28 of the Guidelines (Notification and consent procedure in respect of transfrontier movement of hazardous wastes; Co-operation in the management of hazardous wastes) of the Guidelines.

6.3 The United States delegation reported on the outcome of intersessional work conducted by the United States as the lead country, concerning the problems related to the import/export of wastes for their disposal at sea (LDC 10/6/2, LDC 10/6/2/Add.1 and LDC 10/6/2/Add.2). The study covered the relationship between actions necessary for the effective implementation of the London Dumping Convention and the work of other international organizations, division of responsibilities between exporting, transit and importing countries, relationship between private entities and national authorities and the need for additional measures to be taken under the London Dumping Convention.

6.4 The Meeting noted the activities of other organizations such as UNEP, EEC, OECD and the Oslo Commission in developing binding rules and recommendatory guidelines on the transboundary movement of hazardous wastes. It was also noted that the work undertaken in some of these organizations may ultimately lead to an international convention on all aspects of the transboundary movement of hazardous wastes. The Meeting nevertheless agreed that action by the Consultative Meeting was necessary to ensure that sea disposal of wastes was carried out in compliance with the requirements of the London Dumping Convention.

6.5 The delegation of Argentina referring to existing provisions on the transport of dangerous goods, emphasized that in cases where wastes were transported for disposal or processing for disposal, proper declarations in shipping documentation were necessary.

6.6 The Secretariat pointed out that in fact the United Nations Committee of Experts on the Transport of Dangerous Goods had agreed that if waste dangerous goods (other than radioactive wastes) are being transported for disposal, or processing for disposal, in documentation for dangerous goods shipments the proper shipping name should be preceded by the word "waste". However, the IMO Sub-Committee on the Carriage of Dangerous Goods due to other high priority items has not yet found the time and opportunity to include such a provision in the International Maritime Dangerous Goods Code (IMDG Code).

6.7 The Meeting requested a small informal group to consider the various submissions in detail and to develop a resolution on the basis of deliberations of the recommendations of the report prepared by the United States (LDC 10/6/2/Add.2). The resolution prepared by the informal group was adopted as resolution LDC.29(10) on Export of Wastes for Disposal at Sea, the text of which is set out at annex 13 to this report.

6.8 The resolution mentioned above recommends the Contracting Parties not to export wastes for sea disposal to States not Parties to the Convention or who are not Parties to an appropriate regional convention, unless there are compelling reasons and clear evidence that waste would be disposed of in compliance with the requirements of the Convention. Several Parties, indicated that they would only permit export of wastes to States Party to the London Dumping Convention.

6.9 The resolution also suggests measures the exporting States may take to ensure proper disposal of wastes at sea, including advance notification of any intended movement of wastes. In this connection, Contracting Parties were requested to provide the Organization with the names of national authorities in their country responsible for receiving advance notification. The Organization was requested to circulate this information to all Contracting Parties.

6.10 The Secretariat was also asked to bring this request immediately to the attention of all Contracting Parties to the London Dumping Convention.

7 IMPLICATIONS REGARDING THE LAW OF THE SEA CONVENTION FOR THE LONDON DUMPING CONVENTION

7.1 The Secretariat provided a historical outline of considerations by previous Consultative Meetings of the implications regarding the Law of the Sea Convention for the London Dumping Convention, the activities by the United Nations Office for the Law of the Sea, and consideration of the possible implications of the Law of the Sea for the Oslo Convention (LDC 10/7). It also drew attention to Article XIII of the London Dumping Convention which

requests the Organization to convene a meeting of Contracting Parties after the Law of the Sea Conference to consider the right and responsibility of a coastal State to apply the Convention in a zone adjacent to its coast. Attention was also drawn to Article VII(3) of the London Dumping Convention which requested the development of procedures for the effective application of the Convention particularly on the high seas, including procedures for the reporting of vessels and aircraft observed dumping in contravention of the Convention, and to a decision by the Consultative Meeting that this issue be considered in context with Article XIII of the Convention. The Secretariat (LDC 10/7) also indicated that the Oslo Commission considered that for the most part the texts of the Oslo Convention and of the Law of the Sea Convention were compatible and that such minor differences as existed did not justify any amendment to the Oslo Convention although it was recognized that it might be justifiable to amend the Oslo Convention at a future date to reflect the extension of the jurisdiction of coastal States and their exclusive economic zones. The Consultative Meeting was invited to consider the setting up of an intersessional ad hoc legal expert group which could report its views on these matters to the Eleventh Consultative Meeting.

7.2 The Secretariat in its paper (LDC 10/7) further drew attention to the question of dismantling, removal and disposal of abandoned or disused off-shore installations and informed the Meeting that whilst aspects related to safety of navigation would be considered by the IMO Sub-Committee on Safety of Navigation at its 23rd session (12-16 January 1987) environmental issues related to the disposal of platforms at sea had not yet been discussed at any international forum.

7.3 The representative from the United Nations introduced the Law of the Sea, "Pollution by Dumping, Legislative History of Articles 1, Paragraph 1(5), and Articles 210 and 216" of the United Nations Convention on the Law of the Sea (United Nations publication Sales No.E.85.V.12) (LDC/INF.2). She explained that the Law of the Sea publications programme is designed to produce, on a subject basis, legislative histories, annotations (i.e. information on related conventions, rules, standards, etc.), and collections of national legislation. As an example of the latter, attention was drawn to the

collection of "National Legislation on the Exclusive Economic Zone, the Economic Zone and the Exclusive Fishery Zone". The Law of the Sea legislative collection is indexed and computerized. Work on the dumping annotations has been postponed pending decisions of the Contracting Parties to the London Dumping Convention in connection with the present agenda item.

7.4 Work on collecting dumping legislation, and its indexation, would be greatly advanced if Contracting Parties were to furnish copies of their legislation in force. Whatever procedure is adopted for the examination of the implications of the Law of the Sea Convention, the Office of the Special Representative of the Secretary-General of the Law of the Sea would provide every advice and assistance.

7.5 With respect to the legislative history of the Law of the Sea provisions, it was emphasized that it was the clear intention of the Law of the Sea Conference to fully incorporate the London Dumping Convention within its framework. The Office of the Special Representative of the Secretary-General for the Law of the Sea is not therefore unduly concerned about interpretative questions. It is the United Nations primary duty to promote uniform and consistent application of the principles and rules of the Convention. These are generally accepted (as are all parts of the Convention, excepting its part XI, by Signatories and non-Signatories), and since the Law of the Sea Convention depends essentially on the London Dumping Convention for the implementation of the relevant provisions, the United Nations has a special interest in clarifying jurisdictional practices relative to dumping.

7.6 The United Nations Office looks forward to longer-term collaboration with the Consultative Meeting on dumping questions, in view also of the needs of the Preparatory Commission for the future International Sea-Bed Authority concerning environmental regulations for sea-bed mining.

7.7 The Meeting, recognizing the need as expressed in paragraph 7.4 above that Contracting Parties submit their national legislation on dumping for the preparation of a comprehensive study on the implications of the Law of the Sea Convention for the London Dumping Convention, requested its Secretariat to

approach the respective national administrations of Contracting Parties with a view to providing the necessary material. In this connection the Meeting recalled that at the Sixth Consultative Meeting Contracting Parties had been requested to submit to the Secretariat copies of legal, governmental or administrative rules on waste disposal at sea or, if possible, summaries of parts of these instruments in one of the working languages of the Consultative Meeting reflecting the national procedures for implementation of the London Dumping Convention. The Secretariat has so far received national legislation on dumping at sea from the following Contracting Parties: Australia, Canada, China, Finland, France, the Federal Republic of Germany, Ireland, Italy, the Netherlands, Papua New Guinea, South Africa, Sweden, Switzerland, the USSR, the United Kingdom and the United States.

7.8 Several delegations expressed the view that further consideration of the implications regarding the Law of the Sea Convention for the London Dumping Convention, as well as other legal aspects including inter alia consideration of procedures for the assessment of liability in accordance with the principles of international law regarding State responsibility for damage to the environment of other States or to any other area of the environment resulting from dumping pursuant to resolution LDC.21(9), would benefit from consideration by an intersessional legal experts group.

7.9 The delegation of the United States, noting the fundamental consistency of the London Dumping Convention with the principles of customary international law reflected in the 1982 Law of the Sea Convention, in particular with respect to the rights of a coastal State to regulate dumping, questioned the need for establishing an intersessional working group on the subject of the implications of the Law of the Sea Convention for the London Dumping Convention.

7.10 The delegation of the United Kingdom stated that it could agree in principle with the establishment of a legal experts group subject to the availability of financial resources to be provided by the Organization. It also pointed out that due account should be taken of the progress achieved on

items suggested for inclusion in the work programme of such an intersessional group and the need to ensure that the work of such a group is kept in phase with work being undertaken within other fora.

7.11 In a concluding discussion on these matters, the Consultative Meeting agreed that a legal experts meeting should be convened in conjunction with the scheduled inter-governmental panel on the disposal of radioactive wastes at sea (see paragraph 5.32 above). It was further agreed that the legal experts meeting should initially confine its consideration to the implications regarding the Law of the Sea Convention for the London Dumping Convention and the question of the assessment of liability for environmental damage resulting from dumping, as described in paragraph 7.8 above.

7.12 With regard to the dismantling and disposal of off-shore installations, several delegations expressed the view that aside from navigational problems connected with the dismantling and removal of abandoned or disused offshore installations which are being considered by the IMO Sub-Committee on Safety of Navigation, there do exist environmental issues and matters related to the interference with other legitimate uses of the sea (e.g. fishing) which should be addressed by the Consultative Meeting.

7.13 The IUCN observer supported the Secretariat's statements to the effect that no other international bodies were examining directly the environmental considerations pertinent to disposal of offshore platforms. That observer further noted that the deliberate disposal of platforms at sea is dumping under Article III(1)(a)(ii) of the London Dumping Convention and encouraged the Contracting Parties to establish guidelines on this subject at the Eleventh Consultative Meeting.

7.14 The Consultative Meeting agreed that the question of disposal of abandoned or disused offshore structures should be placed on the agenda for its next meeting at which time consideration could be given to this matter in the light of the outcome of consideration by the IMO Sub-Committee on Safety of Navigation. During the intersessional period Contracting Parties were

requested to submit to the Secretariat information on State practice regarding the ultimate disposal of offshore installations or platforms to enable it to present a review to the Eleventh Consultative Meeting.

8 HAZARDS CAUSED BY THE DELIBERATE DISPOSAL AT SEA OF PERSISTENT PLASTICS AND OTHER PERSISTENT SYNTHETIC MATERIAL (INCLUDING FISHING NETS)

8.1 The Consultative Meeting noted that the Secretariat, as requested by resolution LDC.22(9), had informed the Marine Environment Protection Committee (MEPC) at its twenty-second session of actions taken by the Ninth Consultative Meeting, including the contents of the above resolution. That Committee, in line with its efforts to bring into force as soon as possible Annex V of MARPOL 73/78, containing Regulations for the Prevention of Pollution by Garbage from Ships and which prohibits disposal of all plastic material, decided to place this issue on its agenda for its twenty-fourth session (February 1987). At that time a working group on Annex V will discuss a number of issues pertinent to pollution by persistent synthetic material.

8.2 The Consultative Meeting also noted that the Food and Agriculture Organization (FAO) is currently giving attention to this problem which will be considered by the FAO Committee on Fisheries, scheduled for June 1987, and that the problem is also being addressed in several other fora, e.g. in the Oslo and Paris Commissions and the Helsinki Commission.

8.3 The Consultative Meeting noted with appreciation the information provided in a study presented by Mr. R. Arnaudo (LDC 10/8), which analyzed the sources, extent and effects of pollution by persistent plastics, and reviewed current related international activities. Possible solutions to the problem were also indicated. There were a number of difficulties in quantifying the extent of pollution from such sources, which vary from area to area. The author stressed the need for more systematic studies and that Contracting Parties to the London Dumping Convention should urge their governments to give all appropriate attention to this matter, and to supply information.

8.4 At the national level, various practical measures can be taken, foremost of which is the fostering of public education and awareness. Contracting Parties should take all appropriate steps to inform their constituencies of related problems, and urge compliance with the London Dumping Convention and MARPOL 73/78, Annex V. Manufacturers and users of plastic products should be urged to consider the many ways in which they can contribute to reducing the probability that such products end up in the environment, or, that they are rendered harmless (e.g. degradable). Governments may also consider regulatory actions, e.g. to reduce the amounts of waste netting from fishery operations being disposed of in the sea.

8.5 The United States delegation informed the Consultative Meeting (LDC 10/INF.5) of recent relevant activities in that country, and stated that the United States is now taking the necessary steps to ratify Annex V of MARPOL 73/78. The Meeting took note of a number of ongoing research projects in this field carried out by the United States.

8.6 In South Africa it is recognized that the accumulation of persistent plastics and persistent synthetic materials in the sea is a serious and growing international problem. The dumping of these is in effect outlawed in terms of South Africa's Dumping at Sea Control Act, in compliance with the provisions of the London Dumping Convention. However, this ban does not apply to the disposal of, for example, fishing nets which have become unserviceable during the course of normal fishing operations, as South Africa has not yet ratified Annex V of MARPOL 73/78. In this respect, the South African delegation reported that its Government is at present exploring the possibility of ratifying Annex V of MARPOL 73/78, and in the meantime, as an act of good faith, South Africa has placed a prohibition on the deliberate disposal of fishing nets at sea by fishing vessels and companies registered in South Africa. The response to this from the industry has been most favourable.

8.7 The Canadian delegation noted that under its Ocean Dumping Control Act, developed in parallel with the London Dumping Convention, Canada prohibits the dumping of persistent plastic materials. However, there is no legislation prohibiting the sea disposal of such materials from other sources. While Canada has not yet ratified Annex V of MARPOL 73/78, it is adhering to the

provisions of that Convention on a voluntary basis. In the meantime, Canada is developing the necessary amendments under the Canada Shipping Act, which will deal with such matters as disposal of persistent plastics from ships. The Canadian Government is aware through its previous participation in the North Pacific Fur Seal Commission of the problems of entanglement of fur seals in plastic bands and nets. Posters were sent out to fishermen alerting them to the dangers to these mammals from discarded fishing nets.

8.8 The Department of Fisheries and Oceans of Canada is planning to send out an explanatory notice to all Canadian licensed fishermen in an effort to make the fishing industry more sensitive to the problems caused to fish and marine mammals by abandoned or discarded fishing gear and other plastic debris. Fishermen will be requested to return to shore for disposal on land of all persistent plastic materials, including worn-out and damaged fishing nets or lines. This action is being taken in the spirit of resolution LDC.22(9).

8.9 The delegation of Argentina stated that in some areas activities of pleasure craft may give rise to considerable pollution by bottles, plastic bags, etc. and that in its country this source had been the object of a public awareness campaign.

8.10 The observer from the Friends of the Earth International expressed his appreciation for the work done by the Secretariat and expressed the view that this problem might already have become as important as oil or even chemical pollution. He further pointed out that regarding plastic pellets two sources should be regarded as important: loss at the end of production of these materials before packaging, and loss during transport due to inadequate packaging or handling. He urged Contracting Parties to take action at a national level to reduce this problem and welcomed suggestions such as those outlined by the Secretariat (LDC 10/8).

8.11 The observer from IUCN noted that resolution LDC.22(9) does not adequately address the issue of jurisdictional overlap and differences between the London Dumping Convention and MARPOL 73/78. IUCN encouraged the Contracting Parties to further strengthen resolution LDC.22(9). In

particular, the observer requested that Contracting Parties add an interpretation to that resolution to exempt the deliberate disposal of persistent plastics from vessels and platforms from their present categorization as wastes "incidental to the operation" of vessels. In IUCN's view, such an interpretation would better reflect the purposes of the London Dumping Convention and further support its existing Annex I prohibitions.

8.12 The observer from IOC informed the Consultative Meeting of the discussion of this subject at the recent session of its Working Committee for GIPME. The observer stated that the GIPME Group of Experts on Effects of Pollution (GEEP) has been charged with gathering data and information, and with developing a pilot project to advance our knowledge about effects of pollution by plastic and other persistent synthetic materials.

8.13 The Consultative Meeting considered that through resolution LDC.22(9) a concrete, practical step had been taken in at the Ninth Consultative Meeting but that Contracting Parties to the London Dumping Convention should be prepared to take further action to supplement as appropriate the work to be done at the twenty-fourth session of the Marine Environment Protection Committee in February 1987 and, more specifically, to promote a variety of actions at a national level to reduce pollution by persistent synthetic material and to promote public awareness.

9 INTERPRETATION OF THE FORCE MAJEURE PROVISIONS (ARTICLE V(1)) WITH REGARD TO THE DELIBERATE DISPOSAL AT SEA OF SHIPS' CARGOES IN CASES OF INCIDENTS

9.1 The Consultative Meeting noted that the Marine Environment Protection Committee (MEPC) of IMO at its twenty-third session (July 1986) when comparing the force majeure requirement of MARPOL 73/78 with that of the London Dumping Convention, had expressed the view that the force majeure requirements in Article V(1) of the London Dumping Convention would apply only to vessels loaded for the purpose of dumping (or incineration) of waste or other matter at sea and would not extend to situations in which cargo (i.e. loaded solely for the purpose of transport) was jettisoned overboard in cases where the safety of the vessel or of life at sea were at risk. In this connection

attention was also drawn to the fact that requirements concerning the discharge from ships into the sea of oil and other hazardous substances in such cases are contained in every Annex of MARPOL 73/78, thus covering incidents related to normal operations of vessels (LDC 10/9).

9.2 The delegation of the United States emphasized (LDC 10/INF.7/Rev.1) that the United States concurred with the advice given by MEPC and suggested that an interpretation of Article V of the London Dumping Convention be adopted which should state that in cases of force majeure which involve jettisoning cargo, the reporting requirement of the London Dumping Convention apply only to vessels engaged in at-sea disposal operations or the transportation of matter, wastes, etc. for at-sea disposal. It was however recognized that the reporting requirements for the London Dumping Convention and MARPOL 73/78 Protocol I should be harmonized to the greatest extent possible.

9.3 The delegation of Canada informed the Consultative Meeting that it was its legal interpretation that the force majeure requirements of Article V(1) covered all cases of jettisoning regardless of the type of vessel operations.

9.4 The delegation of the Netherlands pointed out that for those States which were both Parties to the London Dumping Convention and MARPOL 73/78 there appeared to be no insurmountable problems as it was for the national shipping authorities receiving reports under MARPOL 73/78 to inform their national authorities dealing with the implementation of the London Dumping Convention.

9.5 The delegation of Argentina pointed out that the discussion and possible resolution of the question of reporting force majeure incidents would not solve the problem of the jettisoning of spoilt cargo and in order to do so it would be necessary to consider the discharge and disposal of spoilt cargoes at sea within the definition of a force majeure incident.

9.6 The observer from the Oslo and Paris Commissions pointed out that the Oslo Commission gave detailed consideration to the MEPC interpretation and that it had agreed, with the exception of the Federal Republic of Germany and the United Kingdom, that the force majeure provisions of article 8(1) of the

Oslo Convention should be interpreted widely and should apply to all ships and aircraft and that inter alia all Contracting Parties to the Oslo Convention should take the necessary action to ensure that the appropriate dumping authorities are informed by the national shipping authorities whenever force majeure discharges and dumping are reported to the nearest coastal State (LDC 10/9). He further stated that from 6 April 1987 all maritime incidents, including force majeure incidents should be reported to the flag administration and to the nearest coastal State. It was also the view of the Oslo Commission that it was primarily a national responsibility to ensure that such reports obtained from shipping authorities were communicated to those authorities responsible for waste disposal at sea.

9.7 The delegation of the United Kingdom stated that, as at least two Contracting Parties to the Oslo Convention could not accept the broader interpretation of the reporting requirements of force majeure incidents, it could not be said that the Contracting Parties to that Convention had agreed on such an interpretation.

9.8 The delegation of Ireland stated that pursuant to its ocean dumping legislation it was its legal interpretation that force majeure dumping should apply to all vessels. Furthermore, the delegation of Ireland agreed with the view of the Netherlands and the Oslo Commission that it was mainly a national administration problem with respect to processing of reports of such incidents. It was also suggested that it might reduce the potential workload of the Secretariat if the reporting requirements with respect to vessels other than those loaded for purposes of dumping were to be limited to force majeure incidents involving Annex I and Annex II substances.

9.9 The Meeting set up an informal working group to solicit preliminary views on the interpretation of the force majeure reporting procedures under Article V(1) of the London Dumping Convention and the disposal at sea of spoiled cargo in non-force majeure situations. During the discussions the following points were expressed:

- .1 that the question of force majeure reporting under Article V(1) of the London Dumping Convention and the disposal of spoiled or damaged cargo are separate issues;

- .2 that there are differences of legal interpretation among Contracting Parties with some expressing the view that the force majeure reporting requirements under London Dumping Convention apply only to ships operating under a dumping permit to dispose of waste or other matter at sea, and other Contracting Parties expressing the view that the London Dumping Convention force majeure provisions apply to all ships, whether or not the material was originally loaded on board for the purpose of disposal at sea;
- .3 that under the former of the interpretations contained in .2 above only the jettisoning of non-harmful substances that did not constitute a direct danger to navigation would not require reporting under MARPOL 73/78, the London Dumping Convention or SOLAS 74/78. In addition, there would not be any reporting requirements for the disposal of non-harmful material in non-force majeure situations, except with respect to reporting dangers to navigation.

9.10 The working group felt that for the above issues it is better to reach an operationally practical solution rather than endeavouring to reach an agreed legal interpretation. Therefore, the working group recommended that rather than referring this issue to the intersessional meeting of legal experts the most appropriate course of action would be to request the Contracting Parties to provide information on the following:

- .1 national laws and procedures for reporting the disposal at sea of material in force majeure situations and in non-force majeure situations involving damaged or spoiled cargo; and
- .2 the number of reports received regarding force majeure disposal operations and cases where spoiled or damaged cargo had been dumped at sea, including the types and quantities of material disposed.

9.11 Additionally, the working group recommended that the Secretariat be requested to provide information on force majeure disposal reported to the Organization in accordance with Article V(1) and the cases of spoiled or damaged cargo referred to it for advice.

9.12 The Consultative Meeting noted the outcome of the informal working group and accepted the kind offer of the United States to act as lead country in co-ordinating intersessional activity. It agreed that Contracting Parties should provide the information requested in paragraph 9.10 above, and any other relevant information they may have on this issue, by 15 January 1988*. The United States would then prepare a summary report for further consideration by the Eleventh Consultative Meeting.

10 PROMOTION OF TECHNICAL ASSISTANCE

10.1 The Meeting took note of the status of a number of initiatives by the Organization aimed at providing technical assistance on matters covered by the London Dumping Convention (LDC 10/10). The outcome of the Meeting's discussions on a number of outstanding matters is recorded below.

Possibilities for technical assistance with support from SIDA

10.2 The Meeting noted the possibilities that exist for the Organization to provide technical assistance under the programme supported by the Swedish International Development Authority (SIDA) (LDC 10/10, paragraphs 4 to 8). The Meeting particularly noted the suggestion that on-the-job training might be provided by Contracting Parties with experience of waste disposal at sea to administrative/scientific staff from developing countries. The Meeting recommended that any requests for such training, as well as offers to accommodate such trainees, be communicated to the Organization.

Regional Seminar on the Control of Marine Pollution from Dumping in Asia and the Pacific

10.3 The Meeting recalled that the subject seminar had originally been planned for summer 1986 in Qingdao, China, but due to funding difficulties had been postponed. The Meeting noted that the seminar was now expected to take place in China in 1987.

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10.4 The Chinese delegation welcomed this information and looked forward to co-operating with the Secretariat in the organization of the seminar. It would make every effort to ensure that this would be a success.

10.5 The Secretary drew the Meeting's attention to the poor response to the letter circulated by IMO inviting participation in the now postponed 1986 seminar (Circular letter No. 1091 dated 9 January 1986). Since this letter did not appear to have reached national administrations concerned with marine pollution control and waste management, endeavours would be made to circulate any future invitations to national focal points of regional environmental programmes.

Other means of assistance

10.6 In response to the suggestion that manuals might be prepared on specialized aspects of dumping as a possible means of assisting developing countries, the observer from PIANC informed the Meeting that a handbook on the disposal of dredged material at sea prepared by his organization had been circulated to PIANC members in forty countries. The Meeting noted in this regard that the PIANC handbook had been circulated to the ninth meeting of the Scientific Group (LDC/SG.9/2/1) as the possible basis for a London Dumping Convention handbook and that comments received intersessionally thereon would be considered at the next meeting of the Group.

10.7 The Meeting considered a suggestion by the Chairman of the Scientific Group that consideration be given to providing assistance to experts from developing countries to attend meetings of the Scientific Group. While acknowledging the benefits that might accrue from such practice, the Meeting noted that the rules of funding agencies normally did not allow for their financial support to be used in this way. The Secretary said that this suggestion would nevertheless be raised in future discussions with funding agencies with a view to possible exceptions being made.

10.8 With regard to the latter, it was agreed that the possibility of obtaining UNDP funding to increase the participation of developing countries in the scientific and technical work of the Convention should be explored.

The Meeting therefore invited the Secretary-General of IMO to intercede with UNDP and other organizations on behalf of the Contracting Parties.

International Ocean Disposal Symposia

10.9 The United States delegation stated that the International Ocean Disposal Symposia, referred to in paragraph 3.29 above, could effectively serve the interests of the London Dumping Convention in this matter of information transfer, and invited the Contracting Parties and the Organization to support future symposia. The Seventh International Ocean Disposal Symposium is scheduled for 21-25 September 1987 in Nova Scotia, Canada.

11 RELATIONS WITH OTHER ORGANIZATIONS

Oslo Commission

11.1 The observer from the Oslo Commission presented a report on the Commission's activities in the year ending June 1986 (LDC 10/11/1). He drew attention to the Commission's decision to establish an ad hoc working group of legal experts to address the question of extending the scope of the Oslo Convention to include dumping in internal waters.

11.2 In reviewing the work of the Commission's scientific advisory body, SACSA, the observer referred to the preparation of the Oslo Commission Guidelines on the Disposal of Dredged Material which had been developed out of the preparatory work carried out by the Joint LDC/OSCOM group of experts. He also mentioned the intention to update and review the Commission's knowledge on matters related to the disposal of sewage sludge and SACSA's plans to systematically review the different categories of industrial wastes being dumped at sea with a view to evaluating alternative disposal options.

11.3 The observer from the Oslo Commission welcomed the close co-operation between the Consultative Meeting and the Commission, particularly in the establishment of joint groups of experts to address problems of mutual interest.

GESAMP

11.4 The Director of the Marine Environment Division of IMO in his capacity as Administrative Secretary of the Joint Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP) outlined those activities of GESAMP of relevance to the London Dumping Convention (LDC 10/11/2). The Consultative Meeting took note of these activities and expressed its appreciation for the continuous support it received from this Group through the IMO Secretariat.

South Pacific Regional Environment Programme (SPREP)

11.5 The Meeting also noted information submitted by the Secretariat on the activities of the South Pacific Regional Environment Programme (SPREP) which had convened four expert meetings with a view to preparing a draft Convention for the Protection and Development of the Natural Resources and Environment of the South Pacific Region including a Draft Protocol for the Prevention of Pollution by Dumping in the South Pacific Region (LDC 10/11/3). The Meeting noted that a high-level Conference had been arranged for November 1986 to adopt the agreements.

Intergovernmental Oceanographic Commission (IOC)

11.6 The representative from IOC highlighted information on relevant IOC activities (LDC 10/11, LDC 10/INF.6), thus supplementing information which had been provided to the Scientific Group on Dumping at its ninth meeting (LDC/SG.9/5, LDC/SG.9/6). That representative stated IOC's continued readiness to respond, within its terms of reference, to requests for advice from the Consultative Meeting. In this context it was pointed out that the Consultative Meeting, when discussing agenda item 3, had expressed its appreciation of the offer by IDC to provide assistance to the Scientific Group on Dumping (see paragraph 3.30). It was also recalled that the Scientific Group had advised that IMO should give favourable consideration to becoming a co-sponsor of the IOC Group of Experts on Effects of Pollution (GEEP) in accordance with the IOC Executive Council resolution EC - XIX.3 (LDC 10/11, Annex). The Consultative Meeting supported these views.

Council of Europe

11.7 The Meeting noted that the Parliamentary Assembly of the Council of Europe had adopted a resolution (847 (1985), (LDC 10/INF.4)) calling on the Governments of Member States currently or prospectively engaged in nuclear energy programmes to

- .1 continue to refrain from the sea-dumping of low-level and medium-level radioactive waste, in the light of the conclusion drawn by the Contracting Parties to the London Dumping Convention, and
- .2 develop alternative methods to sea-dumping for the safe disposal of low-level and medium-level radioactive wastes.

Future co-operation

11.8 The Consultative Meeting noted with satisfaction the work done, and support received, from other organizations, agencies and committees working in the field of prevention of marine pollution. It expressed the hope that this mutually profitable co-operation would extend through coming years.

12 FUTURE WORK PROGRAMME AND DATE OF NEXT SESSION

Action Plan for the Consultative Meeting

12.1 The Meeting approved the Action Plan prepared by the Secretariat (LDC 10/12) in the light of the progress made at the Ninth Consultative Meeting and subsequent events. It agreed that the Action Plan be reviewed regularly in the light of the work accomplished by Consultative Meetings and other relevant bodies.

Future work programme of the Consultative Meeting and the Scientific Group on Dumping

12.2 The Meeting, in the light of its Action Plan and the work accomplished during the current Meeting, agreed on substantive items to be included in the

provisional agenda for the Eleventh Consultative Meeting, and the provisional agenda for the tenth meeting of the Scientific Group on Dumping, as shown at annex 14.

Dates of next meetings

12.3 The United Kingdom delegation made a proposal to move the Eleventh Consultative Meeting to autumn 1988 on taking into account that this Consultative Meeting has established several intersessional groups which would increase the workload of Contracting Parties, such as the inter-governmental panel, the legal expert group, and the joint LDC/OSCOM meeting on incineration. The moving of the Eleventh Consultative Meeting to autumn 1988 would provide better opportunities for the work to be accomplished as well as for lightening the burden for the Organization in accommodating the various requests. In this connection, the United Kingdom delegation also drew attention to the rather heavy workload of Contracting Parties bordering the North Sea regarding the preparation and convening of the Second International Conference on the Protection of the North Sea scheduled for November 1987. It was proposed for the purpose of budgetary provisions that two consultative meetings should be planned for the next biennium 1988/1989, one in 1988 and another one in 1989.

12.4 Several delegations supported the proposal made by the United Kingdom that the Eleventh Consultative Meeting be convened in autumn 1988. The Mexican delegation drew attention to the need that the fifteenth session of the IMO Assembly scheduled for November 1987 agrees upon resources to be requested of IMO in support of the London Dumping Convention in the 1988/1989 biennium. That delegation hesitated to move the date of the Eleventh Consultative Meeting to autumn 1988, taking into account that one of the reasons for moving the next Consultative Meeting to 1988 was based on regional commitments related to the North Sea Conference, and that considerations of a regional nature should not be given priority in this instance.

12.5 The Consultative Meeting in light of the above proposals and comments agreed to hold its Eleventh Meeting in September/October 1988.

Meetings of subsidiary bodies

12.6 The Meeting agreed that the tenth meeting of the Scientific Group on Dumping be convened from 6 to 10 April 1987. The eleventh meeting of the Scientific Group on Dumping would be convened in spring 1988. These meetings will be conducted in English only.

12.7 The Meeting agreed that the joint LDC/OSCOM meeting of experts on incineration at sea referred to in paragraphs 4.1 to 4.4 above be convened from 27 April to 1 May 1986. This meeting would be followed by the OSCOM meeting on incineration from 4 to 8 May 1986, which LDC experts would be invited to attend as observers.

12.8 With regard to the first meeting of the inter-governmental panel of experts on radioactive waste disposal at sea established under agenda item 5 (see paragraph 5.32 above), the Meeting decided to convene the first meeting of the Inter-governmental Panel of Experts at IMO Headquarters from 19 to 23 October 1987 to be conducted in English, French and Spanish. All Contracting Parties and respective intergovernmental organizations should be invited to participate. A second meeting of the panel should be convened in autumn 1988, if possible immediately after the Eleventh Consultative Meeting.

12.9 The Meeting decided to convene an intersessional meeting of an ad hoc expert group of legal experts to consider implications regarding the UN Law of the Sea Convention for the London Dumping Convention to be held at IMO Headquarters from 19 to 23 October 1987, that is the same dates as the meeting of the inter-governmental panel of experts on radioactive waste disposal at sea.

Budgetary provisions for 1987

12.10 The Meeting noted that provisions for one Consultative Meeting and for the tenth meeting of the Scientific Group on Dumping in 1987 are covered by IMO Assembly resolution A.594(14). Taking into account the decision made by the Meeting that the Eleventh Consultative Meeting be moved to autumn 1988, the respective budgetary provisions could be allocated for the meeting of the inter-governmental panel of experts on radioactive waste disposal at sea.

12.11 The Meeting decided to request the Secretary-General to make provisions for the intersessional activities in 1987 mentioned above as follows:

- .1 one meeting week for the Scientific Group on Dumping,
6 to 10 April 1987;
- .2 two meeting weeks for groups of experts on incineration at sea,
27 April to 8 May 1987;
- .3 one meeting week for the Inter-governmental Panel of Experts on
Radioactive Waste Disposal at Sea, 19 to 23 October 1987, to be
conducted in English, French and Spanish; and
- .4 one meeting week for the ad hoc group of legal experts,
19 to 23 October 1987.

12.12 The Secretary-General assured the Consultative Meeting that it is a policy of IMO to take all possible steps to continuously provide the necessary secretariat support for the work of Consultative Meetings and its subsidiary bodies within the limits of available resources. The request of the Consultative Meeting on additional provisions for intersessional meetings of subsidiary bodies will be submitted to the forthcoming session of the IMO Council for its decision. The Secretary-General also pointed out that the most expensive part of expenses for meetings relates to the cost of simultaneous interpretation. For meetings conducted without interpretation, the Organization does not experience the same difficulties in their support. The Secretary-General assured the Meeting that it will be immediately advised on the decision taken by the Council in response to its request.

Budgetary provisions for the 1988/1989 biennium

12.13 The Meeting expressed its appreciation of the efforts made by the Secretary-General in having provided all the necessary support to the Consultative Meeting. The Meeting requested the Secretary-General to ensure that the necessary provisions be included in the budget for the next biennium 1988/1989 to cover all activities to be carried out within the framework of

the London Dumping Convention, including the convening of two Consultative Meetings, two meetings of the inter-governmental panel of experts on radioactive waste disposal at sea and two meetings of the Scientific Group on Dumping, as well as meetings of ad hoc groups of experts that might be established by the Consultative Meeting or by its Scientific Group on Dumping. For advisory and consultancy services, the necessary budgetary provisions should be allocated to the IMO Marine Environment Protection Fund.

13 ANY OTHER BUSINESS

Observer status of International Non-Governmental Organizations (NGO's)

13.1 As noted in paragraph 1.13 above the Meeting had deferred consideration of applications for representation at London Dumping Convention meetings by NGO's to the end of the present meeting.

13.2 The Meeting noted that the Group of Chairman and Vice-Chairmen had been unable to reach a final decision on applications from the European Atomic Forum (FORATOM), the Advisory Committee on Pollution of the Sea (ACOPS) and the Oil Industry International Exploration and Production Forum (E & P Forum) on the basis of written information provided. In order to ensure that every opportunity was granted to the afore-mentioned organizations to present their case to the Consultative Meeting, the Chairman had invited representatives of these organizations to make brief oral statements to the Meeting.

13.3 The representative of FORATOM in her statement drew attention to the fact that FORATOM represented the interests of the nuclear industries of fourteen European countries. If granted observer status, FORATOM would be in a position to communicate the full thinking behind London Dumping Convention regulations with respect to ocean dumping and thereby facilitate compliance with not only the letter of such regulations but their spirit as well.

13.4 The representative of the E & P Forum noted that his organization was an international association of 39 member oil companies and petroleum industry organizations which had been actively participating as an observer in IMO fora since 1975. He stated that if the Consultative Meeting decided to include the

subject of the ultimate disposal of offshore installations on which topic there was considerable experience within the members of the Forum and the Forum itself, the Forum would welcome the opportunity to contribute to such discussions and would wish to confine its request on this subject to admittance to meetings where platform disposal was being discussed, or where other items of particular interest to the oil industry were considered, such as the disposal at sea of drilling muds.

13.5 The representative of ACOPS referring to the comments made previously (LDC 10/1/2) emphasized that whilst a number of ACOPS members had already been granted observer status such as IAPH, FOEI and CEFIC, these organizations could not speak for ACOPS and as such there would be no risk of an overlap of representation at meetings convened within the framework of the London Dumping Convention. She further clarified that ACOPS advised the European Communities and the Council of Municipalities and Regions, as well as tourist related organizations. She also pointed out that current work under way in ACOPS included a study on disposal and incineration of wastes at sea for the Council of Europe and that the subject of dumping is on the agenda for a conference to be held in Venice in October 1987 as part of the European Year of the Environment.

13.6 Following the statements by the representatives of the above-mentioned NGO's on their constitution, objectives and current concerns with matters relating to the disposal of wastes at sea, the Meeting decided to consider these applications further, in closed session, taking into account all information received, and in the light of an overall review of the invitation and position of observer organizations at meetings held within the framework of the London Dumping Convention.

13.7 At the subsequent closed meeting, the Consultative Meeting decided that the following international non-governmental organizations should be invited to attend in an observer capacity the Eleventh Consultative Meeting of

Contracting Parties to the London Dumping Convention and meetings of the Scientific Group on Dumping:

International Association of Ports and Harbors (IAPH)
European Council of Chemical Manufacturers' Federation (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)
Association of Maritime Incinerators
European Atomic Forum (FORATOM)
Oil Industry International Exploration and Production Forum (E & P Forum)

13.8 The Meeting also agreed that the Chairman, with the assistance of the Vice-Chairmen as appropriate, should intersessionally review all aspects governing the presence and functioning of non-governmental observer organizations, including the relevant rules of procedure.

Identification of particularly sensitive areas

13.9 The Consultative Meeting recalled resolution 9 of the International Conference on Tanker Safety and Pollution Prevention (TSPP) (London, February 1978) which invited the Organization to initiate studies with a view to making an inventory of particularly sensitive sea areas around the world and assessing the extent and type of protective measures that might be required with regard to the prevention and control of marine pollution from ships and dumping of wastes. (LDC 10/13/2).

13.10 The Meeting also recalled the discussion of this subject at its Third Consultative Meeting and noted the fact that MEPC, when discussing the matter at its twenty-third session, had concluded that no further action would be undertaken on this matter by the Consultative Meeting since within the London Dumping Convention "environmental sensitivity" is covered by the criteria adopted for selecting dumping sites. With regard to pollution from ships and related maritime activities MEPC had decided to circulate a questionnaire to IMO member States and appropriate international organizations inviting them to provide information on the criteria used in identifying protected sea areas.

The information received would be summarized and submitted by the Secretariat to the twenty-fifth session of MEPC (December 1987).

13.11 The Consultative Meeting confirmed its position as expressed at the Third Consultative Meeting. The Meeting anticipated with interest the outcome of the deliberations of MEPC at its twenty-fifth session. The Secretariat was requested to report to future Consultative Meetings the decisions made by MEPC on this matter.

13.12 The observer of IUCN stated that the Consultative Meeting should continuously review its position in this respect and take action when appropriate.

Dissemination of intersessional information

13.13 The Consultative Meeting recalled that, at its Ninth Meeting, a discussion had taken place on the possibility of receiving, periodically, information on the progress of intersessional activities carried out within the framework of the London Dumping Convention, as well as information on relevant activities related to other global or regional agreements on the control and prevention of marine pollution. The Meeting had requested the Secretariat to investigate intersessionally the possibility of preparing a quarterly LDC Newsletter for distribution to Contracting Parties and IMO Member States.

13.14 The Meeting noted that the preparation and distribution of the Newsletter would considerably increase the already heavy workload of the Secretariat (LDC 10/13/4). It was also noted that the Secretariat will in the near future discuss with other organizations, notably those members of the Inter-Secretariat Committee on Scientific Programmes Relating to Oceanography (ICSPRO) and UNEP, involved in the field of prevention and control of marine pollution, the preparation of a joint periodical through which the interest of all these organizations in distributing material concerning prevention and control of marine pollution could be promulgated.

13.15 The Meeting encouraged the Secretariat to develop this issue further with the above organizations and agreed that at this stage no additional action was necessary concerning the preparation of a specific LDC Newsletter.

Pollution prevention standards applicable to ships and tankers converted to floating oily waste reception facilities

13.16 The Consultative Meeting noted the IMO Assembly resolution A.585(14) of 20 November 1985 on "Provision of Facilities in Ports for the Reception of Oily Wastes from Ships" (LDC 10/13) which, inter alia, invites the Marine Environment Protection Committee (MEPC) and the Maritime Safety Committee (MSC) of IMO to consider whether the present safety and pollution prevention standards applicable to ships and oil tankers, when converted to floating reception facilities, were adequate.

13.17 In considering this matter during its twenty-third session (7-11 July 1986) MEPC took the view that of the three types of discharges on which a standard should be imposed, the one involving oily waste received from other ships and water effluent derived from the treatment of such wastes should be subject to the provisions of the London Dumping Convention. Such discharges were considered to fall within the definition of dumping contained in Article III of that Convention, in particular paragraph 1(a)(i) ("deliberate disposal") and paragraph 1(b)(i) (disposal at sea of wastes or other matter "derived from the treatment of such wastes or other matter on such vessels...").

13.18 The Secretariat was asked by MEPC to inform the Consultative Meeting that if discharges of the kind referred to above were regulated by MARPOL 73/78 they would only be subject to the requirements that the oil content should not exceed 15 ppm.

13.19 The Consultative Meeting noted that "oil wastes and water effluents derived from the treatment of such wastes" fall under the provisions of Annex I, paragraph 5 of the London Dumping Convention. In taking into account paragraph 9 of that Annex ("trace contaminants" exemption), the Consultative Meeting agreed that the standard "less than 15 ppm" by MEPC could fulfil the conditions of the "trace contaminants" exemption clause for issuing dumping permits to the operators of floating reception facilities in respect of disposal at sea of oily wastes received from other ships and water effluent derived from the treatment of such wastes. In this connection the Meeting requested Contracting Parties, when considering the issue of permits for the

discharge of oily effluents derived from treatment of wastes onboard floating reception facilities, to also take full account of the Guidelines for the Implementation of Paragraphs 8 and 9 of Annex I to the London Dumping Convention (LDC IV/12, annex 5).

13.20 The Meeting also agreed that the application of the "trace contaminants" provision for discharge from floating reception facilities be considered at the next meeting of the Scientific Group on Dumping.

13.21 The United Kingdom delegation noted that in many cases floating reception facilities would operate inside the base lines, thus not being covered by the provisions of the London Dumping Convention.

Discharge at sea from dumping vessels

13.22 Informed by the Secretariat (LDC 10/13/1) of recent deliberations by MEPC concerning discharges from dumping vessels of residues and tank washings outside designated dumping sites, the Consultative Meeting noted that this matter will be considered by the IMO Sub-Committee on Bulk Chemicals with a view to developing "pollution categories", which provide a basis for the application of MARPOL 73/78.

13.23 In this context, the Consultative Meeting recalled that guidelines for the construction and equipment of ships carrying hazardous liquid wastes in bulk for the purpose of dumping at sea, covering safety aspects, have been prepared by the Maritime Safety Committee of IMO (LDC 9/11) and adopted by the IMO Assembly under cover of resolution A.582(14). However, requirements concerning the environmental impact of discharges at sea of tank residues and tank washings from dumping vessels have so far not been categorized from the marine environment protection point of view. It was realized that there exists a loophole in that there are were requirements which would prohibit the discharge of tank residues and tank washings at sea outside designated dumping areas.

13.24 The Consultative Meeting requested Contracting Parties to provide advice and technical information on the operation of dumping vessels to the seventeenth session of the Sub-Committee on Bulk Chemicals, to be held at IMO Headquarters from 18 to 22 May 1987, when this item is considered.

Dumped war gas ammunition

13.25 For the information of the Contracting Parties to the London Dumping Convention Denmark submitted information on investigations carried out and actions taken by Denmark with respect to dumped war gas ammunition. A number of investigations are still being carried out with respect to the possibilities of finding land-based destruction facilities as well as with respect to the explosiveness of the mustard gas bombs (LDC 10/INF.10).

13.26 The Danish delegation stated that further outcome of these investigations will be reported to future Consultative Meetings and that Denmark would be most grateful to receive information on how other Contracting Parties deal with such problems.

Smoking in conference and meeting rooms

13.27 The Consultative Meeting noted that the IMO Council at its fifty-seventh session (10-14 November 1986) will consider a proposal concerning restriction of smoking in conference and meeting rooms of IMO Headquarters during IMO meetings (LDC 10/13/3). A number of delegations attending the Tenth Consultative Meeting supported such a proposal. The Meeting accordingly requested participants to be considerate in their respective smoking habits.

Declaration by Nordic Ministers

13.28 The Danish delegation informed the Meeting of a declaration by the Nordic Council (March 1985) as follows:

"Dumping of wastes at sea is an unacceptable disposal method as the disposal of wastes by dumping at sea causes, or might cause, damage to the environment. It will be necessary to reduce the amounts and/or the concentrations of all the harmful substances which cause or might cause such damage. The actual aim is to work without delay within the framework of existing conventions and relevant fora towards a complete ban on dumping of wastes in the North Sea."

13.29 In response to the statement made by the Danish delegation with regard to a declaration by Nordic Ministers in March 1985, the delegation of Ireland expressed its opinion that the strong indictment of dumping as a waste disposal practice, contained in the declaration, did not by any means represent the positions of all Contracting Parties to the Convention. Furthermore, that delegation could not accept that the Convention, as currently drafted, precluded the right of Contracting Parties to engage in waste disposal at sea providing such practices were regulated in accordance with the requirements of the Convention. It also noted that the Scientific Group on Dumping, in fulfilling its mandate to provide scientific advice to the Consultative Meeting, had accepted the need to distinguish between individual national policies on the disposal of wastes at sea and the provisions of the articles and annexes to the Convention. It was his sincere belief that the Consultative Meeting should be prepared to make a similar distinction.

13.30 Several other delegations supported the views expressed above by Ireland.

14 ELECTION OF CHAIRMAN AND VICE-CHAIRMEN

At the conclusion of the Meeting, Mr. G. L. Holland (Canada) was unanimously re-elected Chairman. Ms. Satu Nurmi (Finland) and Vice-Admiral H.A. da Sylva Horta (Portugal) were unanimously elected First and Second Vice-Chairmen respectively.

15 CONSIDERATION AND ADOPTION OF THE REPORT

The report of the Tenth Consultative Meeting was considered and adopted on the final day of the Meeting (17 October 1986).

ANNEX 1

AGENDA FOR THE TENTH CONSULTATIVE MEETING

1 Adoption of the Agenda

LDC 10/1	-	Secretariat
LDC 10/1/1	-	Secretariat
LDC 10/1/2	-	Secretariat
LDC 10/1/2/Add.1	-	Secretariat

2 Status of the London Dumping Convention

LDC 10/2	-	Secretariat
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3 Report of the Scientific Group on Dumping

LDC 10/3	-	Report of the Scientific Group on Dumping (LDC/SG.9/13)
LDC 10/3/1	-	Secretariat
LDC 10/3/2	-	Secretariat
LDC 10/3/3	-	Secretariat
LDC 10/3/4	-	IAPH
LDC 10/3/5	-	Secretariat
LDC 10/3/6	-	Chairman of the Scientific Group on Dumping
LDC 10/INF.6	-	IOC
LDC 10/INF.11	-	Finland
LDC 10/WP.5	-	Chairman of the Scientific Group on Dumping

4 Incineration at sea

LDC 10/4	-	Secretariat
LDC 10/4/1	-	Secretariat
LDC 10/4/2	-	United States
LDC 10/INF.12	-	Greenpeace
LDC 10/INF.13	-	AMI

5 Matters relating to the disposal of radioactive wastes at sea

LDC 10/5	-	Secretariat
LDC 10/5/1	-	Secretariat
LDC 10/5/2/Rev.1	-	Secretariat
LDC 10/5/3	-	Australia
LDC 10/5/4	-	Canada
LDC 10/5/5	-	IAEA
LDC 10/5/5/Corr.1	-	IAEA
LDC 10/5/6	-	United Kingdom
LDC 10/INF.3	-	United Kingdom
LDC 10/INF.8	-	United States
LDC 10/INF.9	-	IAEA

- LDC 10/WP.1 - Chairman
 - LDC 10/WP.2 - Denmark
 - LDC 10/WP.3/Rev.2 - Australia, Chile, Denmark, Ireland, Mexico, Nauru, Norway, St. Lucia and Spain
- 6 Problems related to the import/export of wastes for their disposal at sea
- LDC 10/6 - OECD
 - LDC 10/6/Add.1 - OECD
 - LDC 10/6/1 - Secretariat
 - LDC 10/6/2 - United States
 - LDC 10/6/2/Add.1 - United States
 - LDC 10/6/2/Add.2 - United States
 - LDC 10/WP.4 - Working Group
- 7 Implications regarding the Law of the Sea Convention for the London Dumping Convention
- LDC 10/7 - Secretariat
 - LDC 10/INF.2 - United Nations
- 8 Environmental hazards caused by the loss or disposal at sea of fishing nets and other marine debris
- LDC 10/8 - Secretariat
 - LDC 10/8/Add.1 - Secretariat
 - LDC 10/8/1 - Secretariat
 - LDC 10/INF.5 - United States
- 9 Interpretation of the force majeure provisions (Article V(1)) with regard to the deliberate disposal at sea of ships' cargoes in cases of incidents
- LDC 10/9 - Secretariat
 - LDC 10/INF.7/Rev.1 - United States
- 10 Promotion of technical assistance
- LDC 10/10 - Secretariat
- 11 Relations with other organizations
- LDC 10/11 - Secretariat (IOC AND GIPME)
 - LDC 10/11/1 - Oslo Commission Secretariat
 - LDC 10/11/2 - Secretariat (GESAMP)
 - LDC 10/11/3 - Secretariat (SPREP)
 - LDC 10/INF.4 - Secretariat
 - LDC 10/INF.6 - IOC

12 Future work programme and date of next session

LDC 10/12 - Secretariat
LDC 10/12/1 - Secretariat

13 Any other business

LDC 10/13 - Secretariat
LDC 10/13/1 - Secretariat
LDC 10/13/2 - Secretariat
LDC 10/13/3 - Secretariat
LDC 10/13/4 - Secretariat

LDC 10/INF.10 - Denmark

14 Consideration and adoption of the report

LDC 10/15 - Report

LDC 10/WP.6 - Secretariat
LDC 10/WP.6/Add.1 - Secretariat

LDC 10/INF.1 - List of Participants

ANNEX 2

RESOLUTION LDC.23(10)

GUIDELINES FOR THE APPLICATION OF THE ANNEXES
TO THE DISPOSAL OF DREDGED MATERIAL

THE TENTH CONSULTATIVE MEETING,

RECALLING Article I of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, which provides that Contracting Parties shall individually and collectively promote the effective control of all sources of pollution in the marine environment,

RECOGNIZING that the major part of the sediments dredged from the waterways of the world either are either not polluted or may possess mitigative properties that diminish the development of adverse environmental impacts after disposal at sea,

RECOGNIZING FURTHER that the major cause of the contamination of sediments requiring to be dredged is the emission of hazardous substances into internal and coastal waters and that problems will continue until such emissions are controlled at source,

RECOGNIZING ALSO the need for maintaining open shipping lanes and harbours for maritime transport and that undue burden should be avoided with regard to the interpretation and application of the provisions of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Dumping Convention, 1972),

RECALLING that the Eighth Consultative Meeting by resolution LDC.17(8) adopted Guidelines for the Application of Annex III to the London Dumping Convention with a view to providing guidance for the uniform interpretation of the factors to be considered in establishing criteria governing the issue of permits for disposal at sea,

RECOGNIZING that for the disposal of dredged material at sea not all of the factors listed in Annex III and their corresponding interpretations are applicable,

RECALLING FURTHER that the Fourth Consultative Meeting adopted Interim Guidelines for the Implementation of paragraphs 8 and 9 of Annex I to the Convention with a view to providing guidance for the interpretation of certain conditions under which permits may be issued for disposal at sea of hazardous substances for which sea disposal is otherwise prohibited,

NOTING the discussion which took place within the Scientific Group on Dumping on the need to prepare specific guidelines for the application of the Annexes to the Convention with regard to the disposal at sea of dredged material,

HAVING CONSIDERED the draft Guidelines for the Application of the Annexes to the Disposal of Dredged Material at Sea prepared by the Scientific Group on Dumping,

1. ADOPTS the Guidelines for the Application of the Annexes to the Disposal of Dredged Material at Sea as set out at Annex here to;
2. RESOLVES that Contracting Parties to the Convention when assessing the suitability of dredged material for disposal at sea shall take full account of the Guidelines for the Application of the Annexes to the Disposal of Dredged Material at Sea;
3. AGREES to review the Guidelines for the Application of the Annexes to the Disposal of Dredged Material at Sea within five years time in light of experience gained by Contracting Parties with these guidelines, in particular with regard to the application of the terms "trace contaminants", "rapidly rendered harmless" and "special care" as defined for disposal of dredged material at sea;
4. REQUESTS Contracting Parties to submit to the Organization for distribution to all Contracting Parties information on their experience gained with the above guidelines, including case studies;
5. CALLS UPON Contracting Parties to take all practicable steps to reduce pollution of marine sediments, including control of emissions of hazardous substances into internal and coastal waters.

ANNEX

GUIDELINES FOR THE APPLICATION OF THE ANNEXES TO THE
DISPOSAL OF DREDGED MATERIAL

1 INTRODUCTION

1.1 In accordance with article IV(1)(a) of the Convention, Contracting Parties shall prohibit the dumping of dredged material containing substances listed in Annex I unless the dredged material can be exempted under paragraph 8 (rapidly rendered harmless) or paragraph 9 (trace contaminants) of Annex I.

1.2 Furthermore, in accordance with article IV(1)(b) of the Convention, Contracting Parties shall issue special permits for the dumping of dredged material containing substances described in Annex II and, in accordance with Annex II, shall ensure that special care is taken in the disposal at sea of such dredged material.

1.3 In the case of dredged material not subject to the provisions of articles IV(1)(a) and IV(1)(b), Contracting Parties are required under article IV(1)(c) to issue a general permit prior to dumping.

1.4 Permits for the dumping of dredged material shall be issued in accordance with article IV(2) which requires careful consideration of all the factors set forth in Annex III. In this regard, the Eighth Consultative Meeting in adopting Guidelines for the Implementation and Uniform Interpretation of Annex III (resolution LDC.17(8)) resolved that Contracting Parties shall take full account of these Guidelines in considering the factors set forth in that Annex prior to the issue of any permit for the dumping of waste and other matter at sea.

1.5 With regard to the implementation of paragraphs 8 and 9 of Annex I to the Convention, the Fourth Consultative Meeting adopted Interim Guidelines (LDC IV/12, annex 5) which provide advice concerning the conditions under which permits may be issued for dumping wastes containing Annex I substances, and concerning the evaluation of the terms "trace contaminants" and "rapidly rendered harmless"

1.6 Notwithstanding the general guidance referred to in paragraphs 1.4 and 1.5 above, subsequent deliberations by Contracting Parties have determined that the special characteristics of dredged material warrant separate guidelines to be used when assessing the suitability of dredged material for disposal at sea. Such guidelines would be used by regulatory authorities in the interpretation of paragraphs 8 and 9 of Annex I, and in the application of the considerations under Annex III. These Guidelines for the Application of the Annexes to the Disposal of Dredged Material have been prepared for this purpose and, more specifically, are intended to serve the following functions:

- .1 to replace the Interim Guidelines for the Implementation of paragraphs 8 and 9 of Annex I as they apply to dredged material; and
- .2 to replace section A of the Guidelines for the Implementation and Uniform Interpretation of Annex III (resolution LDC.17(8)).

2 CONDITIONS UNDER WHICH PERMITS FOR DUMPING OF DREDGED MATERIAL MAY BE ISSUED

2.1 A Contracting Party may after consideration of the factors contained in Annex III issue a general permit for the dumping of dredged material if:

- .1 although Annex I substances are present, they are either determined to be present as a "trace contaminant" or to be "rapidly rendered harmless" by physical, chemical or biological processes in the sea provided they do not:
 - make edible organisms unpalatable, or
 - endanger human health or that of domestic animals; and
- .2 the dredged material contains less than significant amounts* of substances listed in part A of Annex II and meets the requirements of part C of Annex II.

* The following interpretations of "significant amounts" were agreed by the Eighth Consultative Meeting:

Pesticides and their by-products not covered by Annex I and lead and lead compounds:	<u>0.05% or more by weight in the waste or other matter</u>
All other substances listed in Annex II, paragraph A:	<u>0.1% or more by weight in the waste or other matter</u>

2.2 If the conditions under 2.1.2 above are not met a Contracting Party may issue a special permit provided the condition under 2.1.1 has been met. Such a special permit should either prescribe certain special care measures and/or give limiting conditions prescribed by national authorities to diminish the pollution source.

2.3 The assessment procedures and tests described in the following sections are considered to apply equally to the interpretation of "harmlessness" (paragraph 8 of Annex I) and "trace contaminants" (paragraph 9 of Annex I) when applied in association with sections B and C of the Annex III guidelines.

3 ASSESSMENT OF THE CHARACTERISTICS AND COMPOSITION OF DREDGED MATERIAL

This section replaces the Guidelines for the Implementation and Uniform Interpretation of Annex III, part A, and provides an interpretation for the assessment of dredged material. It should be considered in conjunction with parts B and C of the Guidelines on Annex III.

-
- 1 Total amount and average composition of matter dumped (e.g. per year)
 - 2 Form, e.g. solid, sludge, liquid, or gaseous
-

For all dredged material to be disposed of at sea the following information should be obtained:

- gross wet tonnage per site (per unit time)
- method of dredging
- visual determination of sediment characteristics (clay-silt/sand/gravel/boulder)

In the absence of appreciable pollution sources dredged material may be exempted from the testing referred to in these Guidelines in the

following section if it meets one of the criteria listed below; in such cases the provisions of Annex III sections B and C should be taken into account:

- .1 Dredged material is composed predominantly of sand, gravel or rock and the material is found in areas of high current or wave energy such as streams with large bed loads or coastal areas with shifting bars and channels;
- .2 Dredged material is for beach nourishment or restoration and is composed predominantly of sand, gravel, or shell with particle sizes compatible with material on the receiving beaches; and
- .3 In the absence of appreciable pollution sources, dredged material not exceeding 10,000 tonnes per year from small, isolated and single dredging operations, e.g. at marinas or small fishing harbours, may be exempted. Larger quantities may be exempted if the material proposed for disposal at sea is situated away from known existing and historical sources of pollution so as to provide reasonable assurance that such material has not been contaminated.

-
- 3 Properties: physical (e.g. solubility and density), chemical and biochemical (e.g. oxygen demand, nutrients) and biological (e.g. presence of viruses, bacteria, yeasts, parasites)
-

For dredged material that does not meet the above exemptions, further information will be needed to fully assess the impact. Sufficient information may be available from existing sources, for example from field observations on the impact of similar material at similar sites or from previous test data on similar material tested not more than five years previously.

In the absence of this information, chemical characterization will be necessary as a first step to estimate gross loadings of contaminants. This should not mean that each dredged material should be subjected to exhaustive chemical analysis to establish the concentrations of a standard wide-ranging list of chemical elements or compounds; knowledge of local discharges or other sources of pollution, supported by a selective analysis, may often be used to assess the likelihood of contamination. Where such an assessment cannot be made the levels of Annex I and II substances must be established as a minimum.

Where this information coupled with knowledge of the receiving area, indicates that the material to be dumped is substantially similar in chemical and physical properties to the sediments at the proposed disposal site, testing described in the following section might not be necessary.

Where chemical analysis is appropriate, further information may also be useful in interpreting the results of chemical testing, such as:

- density;
- per cent solids (moisture content);
- grain size analysis (% sand, silt, clay); and
- total organic carbon (TOC).

In addition, there are several other parameters which may facilitate the interpretation of the behaviour, fate and effects of dredged material (e.g. sediment transport, pollutant transformation, sediment mitigative properties).

Sampling of sediments from the proposed dredging site should represent the vertical and horizontal distribution and variability of the material to be dredged. Samples should be spaced so as to identify and differentiate between non-contaminated and contaminated locations.

- 4 Toxicity
 - 5 Persistence: physical, chemical and biological
 - 6 Accumulation and biotransformation in biological materials or sediments
-

The purpose of testing under this section is to establish whether the disposal at sea of dredged material containing Annex I and II substances might cause undesirable effects, especially the possibility of chronic or acute toxic effects on marine organisms or human health, whether or not arising from their bioaccumulation in marine organisms and especially in food species.

The following biological test procedures might not be necessary if the previous characterization of the material and of the receiving area allows an assessment of the environmental impact. If, however, the previous analysis of the material shows the presence of Annex I or Annex II substances in considerable quantities or of substances whose biological effects are not understood, and if there is concern for antagonistic or synergistic effects of more than one substance, or if there is any doubt as to the exact composition or properties of the material, it may be necessary to carry out suitable biological test procedures. These procedures should be carried out on the solid phase with bottom dwelling macrofauna and may include the following:

- acute toxicity tests;
- chronic toxicity tests capable of evaluating long-term sub-lethal effects, such as bioassays covering an entire life cycle; and
- tests to determine the potential for bioaccumulation of the substance of concern.

Substances in dredged material, when entering the marine environment may undergo physical and chemical alteration that directly affects the release, retention, transformation and/or toxicity of these substances. This shall be taken into particular account when carrying out the various tests mentioned above and when interpreting the results of these tests for actual or future dumping site conditions.

- 7 Susceptability to physical, chemical and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials
-

Contaminants in dredged material, after dumping, may be altered by physical, chemical and biochemical processes to more or to less harmful substances. The susceptibility of dredged material to such changes should be considered in the light of the eventual fate and effects of the dredged material. In this context field verification of predicted effects is of considerable importance.

- 8 Probability of production of taints or other changes reducing marketability of resources (fish, shellfish, etc.)
-

Proper dump site selection rather than a testing application is recommended. Site selection to minimize impact on commercial or recreational fishery areas is a major consideration in resource protection and is covered in greater detail in section C2 of Annex III.

4 DISPOSAL MANAGEMENT TECHNIQUES

4.1 Ultimately, the problems of contaminated dredged material disposal can be controlled effectively only by control of point source discharges to waters from which dredged material is taken. Until this objective is met, the problems of contaminated dredged material may be addressed by using disposal management techniques.

4.2 The term "disposal management techniques" refers to actions and processes through which the impact of Annex I or Annex II substances contained in dredged material may be reduced to, or controlled at, a level which does not constitute a hazard to human health, harm to living resources, damage to amenities or interference with legitimate uses of the sea. In this context they may, in certain circumstances, constitute additional methods by which dredged material containing Annex I substances may be "rapidly rendered harmless" and which may constitute "special care" in the disposal of dredged material containing Annex II substances.

4.3 Relevant techniques include the utilization of natural physical, chemical and biological processes as they affect dredged material in the sea; for organic material these may include physical, chemical or biochemical degradation and/or transformation that result in the material becoming non-persistent, non-toxic and/or non-biologically available. Beyond the considerations of Annex III sections B and C, disposal management techniques may include burial on or in the sea floor followed by clean sediment capping, utilization of geochemical interactions and transformations of substances in dredged material when combined with sea water or bottom sediment, selection of special sites such as in abiotic zones, or methods of containing dredged material in a stable manner (including on artificial islands).

4.4 Utilization of such techniques must be carried out in full conformity with other Annex III considerations such as comparative assessment of alternative disposal options and these guidelines should always be associated with post-disposal monitoring to assess the effectiveness of the technique and the need for any follow-up management action.

ANNEX 3

RESOLUTION LDC.24(10)

GUIDELINES FOR THE IMPLEMENTATION OF PARAGRAPHS 8 AND 9
OF ANNEX I TO THE LONDON DUMPING CONVENTION

THE TENTH CONSULTATIVE MEETING,

RECALLING that pursuant to Article IV of the Convention the dumping of wastes or other matter listed in Annex I is prohibited,

RECOGNIZING that by virtue of Annex I, paragraphs 8 and 9, a number of substances listed in Annex I may be dumped at sea in cases where they are rapidly rendered harmless in the sea or where they are contained in wastes or other materials as trace contaminants.

RECALLING that the Fourth Consultative Meeting adopted Interim Guidelines for the Implementation of Paragraphs 8 and 9 of Annex I to the London Dumping Convention,

RECALLING FURTHER that specific Guidelines for the Application of the Annexes to the Disposal of Dredged Material have been adopted by this Consultative Meeting and that these include provisions for the disposal at sea of dredged material containing Annex I substances which are rapidly rendered harmless or are contained in dredged material as trace contaminants,

NOTING that a new set of Guidelines for the Implementation of Paragraphs 8 and 9 of Annex I to the London Dumping Convention have been developed by the Scientific Group on Dumping excluding consideration of disposal at sea of dredged material because such dumping is addressed in the specific Guidelines mentioned above,

ADOPTS the Guidelines for the Implementation of Paragraphs 8 and 9 of Annex I to the London Dumping Convention, as shown in Annex hereto, and

INVITES Contracting Parties to implement the Guidelines and to report on experiences gained with the Guidelines to the Consultative Meeting with a view to initiating their further refinement and improvement.

ANNEX

GUIDELINES FOR THE IMPLEMENTATION OF PARAGRAPHS 8 AND 9
OF ANNEX I TO THE LONDON DUMPING CONVENTION

1 Introductory note

These Guidelines apply to all wastes and other matter with the exception of dredged material. For guidance on the implementation of paragraphs 8 and 9 of Annex I to the Convention related to dredged material, reference should be made to the Guidelines for the Application of the Annexes to the Disposal of Dredged Material (resolution LDC.23(10)).

2 Conditions under which permits for dumping of wastes and other matter containing Annex I substances may be issued

2.1 Under article IV(1)(a) of the Convention the dumping of waste or other matter containing substances listed in Annex I is prohibited, except that such prohibition does not apply to:

- .1 Annex I substances which are rapidly rendered harmless by physical, chemical or biological processes in the sea provided they do not (i) make edible marine organisms unpalatable; or (ii) endanger human health or that of domestic animals (paragraph 8 of Annex I); or
- .2 wastes or other materials, such as sewage sludge, which may contain matters listed in paragraphs 1 to 5 of Annex I as trace contaminants (paragraph 9 of Annex I).

2.2 A Contracting Party may issue a special or general permit for the dumping of waste containing an Annex I substance provided that the substance is determined to be rapidly rendered harmless or to be present as a trace contaminant and that the requirements of Annex II and Annex III have been met.

2.3 It is recognized that for many of these wastes practical alternative methods of treatment, disposal or elimination or of treatment to render the matter less harmful for dumping at sea might be available on land and these alternative methods should be pursued as required by the Convention.

3 Evaluation of "trace contaminants" and "rapidly rendered harmless"

3.1 In the context of paragraph 1(a), Annex I substances may be regarded as meeting the requirements of Annex I, paragraph 8, if tests of the waste or other matter proposed for dumping, including tests on the persistence of the material, show that the substances can be dumped so as not to cause acute or chronic toxic effects or bioaccumulation in sensitive marine organisms typical of the marine ecosystem at the disposal site.

3.2 In the context of paragraph 1(b), Annex I substances listed in paragraphs 1, 2, 3 and 5 of Annex I shall not be regarded as "trace contaminants" under the following three conditions:

- .1 if they are present in otherwise acceptable wastes or other materials to which they have been added for the purpose of being dumped;
- .2 if they occur in such amounts that the dumping of the wastes or other materials could cause undesirable effects, especially the possibility of chronic or acute toxic effects on marine organisms or human health whether or not arising from their bioaccumulation in marine organisms and especially in food species; and
- .3 if they are present in such amounts that it is practical to reduce their concentrations further by technical means.

3.3 The procedures and tests described in the following sections are considered to apply equally to the interpretation of "harmlessness" (paragraph 8 of Annex I) and "trace contaminants" (paragraph 9 of Annex I).

4 Test procedures to be employed

4.1 Test procedures should be designed and run so as to provide evidence of the potential for acute or chronic toxic effects, the persistence of the material (where appropriate), inhibition of life processes, and bioaccumulation under the proposed disposal conditions.

4.2 For sewage sludge the test procedures may not be needed if chemical characterization of the material and knowledge of the receiving area allows an assessment of the environmental impact.

4.3 The test procedures used should be:

- .1 those described in Appendix 1 and, when appropriate,
- .2 those procedures acceptable to neighbouring States (in appropriate cases through a regional convention) which may be affected by the proposed disposal, including tests and effects on animals from the affected zone.

4.4 The Organization should be notified of the test procedures to be adopted by a Contracting Party.

5 Procedures for consultation

5.1 When acceptable test procedures referred to in section 4 above are used and the results of tests show that the material is not persistent and would appear not to cause acute or chronic toxic effects or bioaccumulation in sensitive marine organisms typical of the marine ecosystem at the disposal site and especially in food species, and on human health, consultation with other Contracting Parties is not required. If such a permit is issued for other than sewage sludge, notifiable particulars of the permit and the information required in appendix II should be submitted immediately to the Organization for circulation to other Parties as information.

5.2 If the Contracting Party has doubts about the results of the tests referred to in section 4 above, the Contracting Party should consult with the Organization, other Parties and international organizations as appropriate, as provided for under article XIV, before issuance of the permit.

5.3 The Contracting Party intending to pursue the above consultation should submit to the Organization sufficient information to assist in determining whether the substances may be rapidly rendered harmless or are present in trace contaminants, including the information required in appendix 2.

5.4 The Organization, upon being informed by a Party that consultation is necessary, may:

- .1 convene a Special Meeting of Contracting Parties in accordance with article XIV(3)(a) of the Convention to consider the problems; or
- .2 establish a Panel of Contracting Parties which could be convened or consulted by the Secretariat at short notice.

5.5 The Organization should, after consultation with other organizations, experts and Parties, make recommendations as to whether or not the waste in question may be dumped and, if so, on appropriate procedures which should be adopted by the Party prior to disposal.

5.6 The Contracting Party should inform the Secretariat of the actions taken following the recommendations of the Organization and, if a permit is issued, should notify the permit details to the Organization as well as any other information listed in appendix 2 and not already notified under paragraph 5.3 above. The Organization shall circulate this information to other Parties.

5.7 Annual reports on dumping prepared by the Secretariat for circulation to the Contracting Parties should include a summary of permits for dumping of Annex I substances which have been issued in accordance with the consultation procedures of these Guidelines.

5.8 If a Contracting Party to the London Dumping Convention is also a Party to a regional convention and has followed a consultative procedure under a regional convention, such procedure may be substituted for the procedures set out in paragraphs 5.2 to 5.7 above. The Secretariat of the regional convention should inform the Organization of the result of the consultation which has taken place.

APPENDIX 1

TEST PROCEDURES FOR THE INTERPRETATION OF "TRACE CONTAMINANTS" AND "HARMLESSNESS" IN REGARD TO ANNEX I, PARAGRAPHS 8 AND 9

1 GENERAL PROVISIONS

1.1 Each Contracting Party may develop and use individually or through a regional convention test procedures as laid down in section 4 of the Interim Guidelines for the Implementation of paragraphs 8 and 9 of Annex I to the London Dumping Convention.

1.2 Such test procedures may include, as appropriate, chemical characterization of the material, bioassays of the material, application of emission standards or environmental quality criteria in use by the Contracting Party, scientific literature or the results of field surveys of the proposed disposal site or a similar marine environment. For the initial evaluation of an industrial waste containing Annex I substances, the tests of paragraph 2.1.1 of this appendix shall be used. Some of the tests may be augmented by new scientific developments, e.g. predictions from structure/activity relationships and environmental models.

1.3 Each Contracting Party should notify the Organization of the test procedures adopted and, upon request, should provide to the Organization or other Contracting Parties copies of those specific test procedures.

2 SPECIFIC CONSIDERATIONS

2.1 Test procedures

2.1.1 Test procedures should include the following:

- .1 acute toxicity tests on plankton, crustaceans or molluscs, and fish;
- .2 chronic toxicity tests capable of evaluating long-term sublethal effects, such as bioassays covering an entire life cycle;

- .3 tests to determine the potential for bioaccumulation of substances listed in Annex I and, if appropriate, the potential of elimination. The test organisms should be those most likely to bioaccumulate Annex I substances; and
- .4 tests for determining the persistence of Annex I substances. Potential for degradability of Annex I substances should be determined where appropriate. The tests should reflect the conditions at the dumping site.

2.2 Dilution and dispersion of the dumped material

In applying the results of tests to predict the environmental impact of the proposed disposal, the method of disposal and the dilution of the waste that would result after dumping should be considered. The rate of dilution and dispersion actually occurring after dumping will depend on many factors, but will often include an initial period of rapid mixing and reduction of concentration of the dumped material followed by a period in which concentrations of the dumped material decrease at a much lower rate. In such cases the allowance for initial mixing should be based on the rate and time of the initial period of rapid mixing.

2.3 Chemical characterization of the dumped material

Chemical characterization of wastes is required by Annex III. Chemical analysis of the liquid and solid phases of the wastes may be used to evaluate the potential for biological effects and persistence of Annex I substances in the dumped materials, where sufficient experience has been gained for the type of waste involved through test procedures or field surveys described in the relevant sections of this appendix.

2.4 Application of the results of field surveys

2.4.1 Data collected from field surveys of disposal sites may provide a direct measurement of the impact of Annex I substances on the marine environment.

2.4.2 Field survey data may be used as part of acceptable test procedures (see paragraph 1.2) when the following conditions are met:

- .1 the disposal site from which the data were collected is the same as that to be used for the proposed dumping, or is similar in environmental characteristics to the proposed disposal site;
- .2 the disposal site from which the data were collected has had wastes containing Annex I substances dumped there recently enough to cause impacts of the type listed in paragraph 4.1 of the Guidelines; and
- .3 the data collected are adequate to make a determination in regard to the impacts listed in paragraph 4.1 of the Guidelines.

APPENDIX 2

BASIC INFORMATION TO BE PROVIDED FOR THE IMPLEMENTATION OF PARAGRAPHS 8 AND 9 OF ANNEX I OF THE LONDON DUMPING CONVENTION

1 INTRODUCTION

The purpose of the following procedures is to give guidance on the appraisal of such wastes for which dumping has to be considered and the presentation of the evidence in support of the proposal to dump. The test procedures advocated can only produce scientific evidence on which to base a decision. They are to some extent still experimental and experience is necessary as regards their practical application and the interpretation of the results. They cannot give conclusive proof that a substance is biologically harmless, especially in the longer term. Scientifically such proof is impossible, the tests can only provide evidence for judging whether the environmental risk is acceptable or not.

2 REQUIRED INFORMATION

The following paragraphs draw attention to the more important aspects of the appraisal and set out the headings under which information is required:

2.1 Alternative disposal options

Itemize all of the alternative methods which have been considered and rejected, e.g. treatment, storage, destruction or disposal on land. Give the reasons for the rejection in each case.

2.2 Origin of waste

Give a description of the process from which the waste is derived to indicate the possible nature of the waste. It is not necessary to set out the process in detail.

2.3 Amount of waste

Give:

- .1 the total amount of waste expected to arise annually;
- .2 the frequency of dumping; and
- .3 the amount to be dumped on each occasion.

2.4 Form in which the waste is presented for dumping

State the form of the waste, quantify the maximum amount of solids present and give information on particle sizes.

2.5 Chemical composition

Give the chemical identification of compounds present in the liquid and solid phases and the quantification of these compounds. Specify the analytical methods used, including information on detection limits, precision and accuracy, as appropriate.

2.6 Physico/chemical characteristics

Give pH and other physico/chemical characteristics of the waste, e.g. specific gravity, volatility, solubility, and of its specific compounds.

2.7 Results of test procedures

Results of tests performed in accordance with appendix I should be reported.

2.8 Other relevant information and data

Give any other relevant information, e.g. possibility of taining; other sources of pollutants in the disposal area and all other information required by Annex III of the Convention.

2.9 Characteristics of proposed disposal area

Give the geographical limits of the proposed dumping area using co-ordinates. Give the depth and dynamics of the area, the characteristics of the sediments, etc. and any other information relevant to the selection of the area proposed for dumping, e.g. absence of spawning grounds, nursery areas, fishery activities, migratory routes, etc.

2.10 Overall assessment of the information

In this section bring together all the information gathered and set out the reasons why it is considered that a permit should be given.

2.11 Details of proposed dumping operation and proposed subsequent action

Give the conditions which will be imposed on the dumping operation, e.g. duration of licence, frequency of dumping, method of discharge, speed of vessel, whether or not containerized, supervision, etc. Finally give information on proposed post operational monitoring which will be carried out.

ANNEX 4

RESOLUTION LDC.25(10)

AMENDMENT TO THE LIST OF SUBSTANCES CONTAINED IN ANNEX II
TO THE LONDON DUMPING CONVENTION

THE TENTH CONSULTATIVE MEETING,

RECALLING Article I of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, which provides that Contracting Parties shall individually and collectively promote the effective control of all sources of pollution of the marine environment,

NOTING that in accordance with Article XV of the Convention amendments to the Annexes of the Convention shall be based on scientific or technical considerations,

HAVING CONSIDERED the proposed amendments to Annex II of the Convention and the scientific background material thereto brought forward by the Scientific Working Group on Dumping,

RECALLING its procedure for preparation and consideration of amendments to the Annexes to the London Dumping Convention (LDC Res.10(V)) by which Consultative Meetings approve amendments in principle and designate a future Consultative Meeting at which the amendment will be considered with a view to formal adoption:

1. AGREES to approve in principle the deletion of "organosilicon compounds" from the list of substances set out in Annex II to the Convention;
2. INVITES Contracting Parties to indicate in writing to the Secretary-General of the International Maritime Organization if they do not expect to be in a position to adopt formally the amendment at the Consultative Meeting designated for formal adoption;

3. DESIGNATES the Twelfth Consultative Meeting to be held in 1989 for formal adoption of the above amendment; and
4. INSTRUCTS its Scientific Group on Dumping to continue the review of results of studies on the impact of organosilicon compounds on the marine environment and human health and to report immediately if harmful effects have been found.

ANNEX 5

RESOLUTION LDC.26(10)

AMENDMENTS TO ANNEX III TO THE LONDON DUMPING CONVENTION

THE TENTH CONSULTATIVE MEETING,

RECALLING Article I of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, which provides that Contracting Parties shall individually and collectively promote the effective control of all sources of pollution of the marine environment,

NOTING that in accordance with Article XV of the Convention amendments to the Annexes of the Convention shall be based on scientific or technical considerations,

HAVING CONSIDERED the proposed amendments to Annex III of the Convention and the scientific background material thereto brought forward by the Scientific Group on Dumping,

NOTING that a number of wastes which have been proposed for dumping at sea were ill-defined and that problems have been encountered when assessing the impact of such wastes to marine life and human health,

EMPHASIZING the need for careful consideration of all the factors set forth in Annex III, including characteristics and composition of the matter to be dumped:

1. AGREES to approve in principle the inclusion in Annex III, section A of following text:

"In issuing a permit for dumping, Contracting Parties should consider whether an adequate scientific basis exists concerning characteristics and composition of the matter to be dumped to assess the impact of the matter to marine life and to human health",

2. INVITES Contracting Parties do implement the amendment on a voluntary basis,
3. INVITES further Contracting Parties to indicate in writing to the Secretary-General of the International Maritime Organization if they do not expect to be in a position to adopt formally the amendment at the Consultative Meeting designated for formal adoption, and
4. DESIGNATES the Twelfth Consultative Meeting to be held in 1989 for formal adoption of the above amendment.

ANNEX 6

RESOLUTION LDC.27(10)

FUTURE WORK PROGRAMME OF THE SCIENTIFIC GROUP ON DUMPING

THE TENTH CONSULTATIVE MEETING,

RECALLING that the Contracting Parties to the London Dumping Convention have pledged themselves to promote the effective control of all sources of pollution of the marine environment,

RECOGNIZING the considerable achievements of the Convention in protecting the marine environment from adverse impacts due to the disposal of waste at sea,

CONCERNED to maintain the value afforded in this regard by the present systems for the classification of wastes for disposal at sea in terms of the Annexes to the Convention,

WISHING to avail itself of advances in technical knowledge and practical understanding which might enable the protection of the marine environment to be further enhanced,

CONSCIOUS that significant inputs of pollutants into the marine environment may directly or indirectly arise from sources other than the dumping of waste at sea,

MINDFUL that, in making decisions on the protection of the marine environment from the adverse effects of dumping, due regard should be taken of the impact of alternative disposal options and the various pathways by which waste materials may be transported from the land into the sea,

HAVING REGARD to the Terms of Reference for the Scientific Group on Dumping (resolution LDC.18(8)) and the need to extend these Terms of Reference from time to time so that studies of special importance to the Convention may be carried out,

AGREES to invite the Scientific Group on Dumping to review the operational procedures of the Convention, with particular regard to the structure of the Annexes, and any potential ambiguities arising from the application thereof,

REQUESTS the Scientific Group on Dumping to submit to the Twelfth Consultative Meeting, any recommendations for alternative procedures for the classification and assessment of wastes to be dumped at sea which would afford better protection of the total environment against the adverse impacts of waste,

EMPOWERS the Group to establish its own modus operandi by mutual agreement, and in co-operation with the Organization, for the accomplishment of this work,

URGES all Contracting Parties to participate to the fullest possible extent in this work.

ANNEX 7REPORTING OF MONITORING ACTIVITIES CARRIED OUT IN ACCORDANCE
WITH ARTICLE VI(1)(d) OF THE LONDON DUMPING CONVENTION

- 1 Form of report for the acquisition of data on monitoring of dumping sites as adopted by the Fourth Consultative Meeting (LDC IV/12, Annex 7)
- 1 Monitored Area
 - co-ordinates of the dumping area (geographical co-ordinates)
 - area map with station locations
- 2 Data on discharged wastes
- 3 Technical data on the method of dumping (depth, initial dilution, etc.)
- 4 Hydrographical data about the area (general direction of current flow etc.
data from Annex III of the Convention)
- 5 Monitoring data
 - Station locations
 - Monitored compartment:
 - water
 - sediments
 - living matter
 - Frequency and duration
 - Parameters measured in each compartment (with reference to the analysis methods used)
 - General biological parameters (primary productivity etc.)
- 6 Laboratories and organizations responsible for analysing, sampling, data storage etc.
- 7 Information on intercalibration and quality control of results; if so, within what framework (ICES, IAEA etc.)
- 8 General conclusions resulting from monitoring
- 9 Contact addresses for further information
- 10 Any details of publications (title, number, year)

2 Notification of the status of at-sea disposal activities carried out by Contracting Parties to the London Dumping Convention

Information Category	Special data required	Reporting frequency and Format
1 Permits on waste disposal at sea issued by Contracting Parties	LDC VI/12, Annex 2 (dumping); LDC IV/12, Annex 8 (incineration)	<u>General permits:</u> annually, by 1 June, for preceding year; <u>Special permits:</u> Immediate notification to the Secretariat
2 Wastes and other matter actually dumped or incinerated at sea	LDC IV/12, Annex 6	Annually by 1 June, for preceding year
3 Summary Assessment Reports	.1 Outline of assessment procedures carried out in accordance with sea guidelines for the Implementation and Uniform Interpretation of Annex III (resolution LDC.17 (8)) .2 Special provisions of permits, including monitoring requirements by activity or site .3 Major findings and conclusions from assessment and monitoring programmes required in accordance with Article VI(1)(d) of the Convention	Periodic, depending on level and nature of dumping activities, and past reporting No prescribed format No prescribed format

Information Category	Special data required	Reporting frequency and Format
4	Annotated bibliography of detailed dumpsite assessment reports, monitoring results, and related information	.1 citations .2 brief summaries of contents .3 availability and source of documentation
		To be submitted to the Secretariat for distribution to all Contracting Parties in accordance with Article XIV (3) (d) of the Convention

ANNEX 8TERMS OF REFERENCE FOR THE JOINT LDC/OSCOM GROUP
OF EXPERTS ON INCINERATION AT SEA

The Tenth Consultative Meeting of Contracting Parties to the London Dumping Convention agreed that a meeting of an intersessional working group on incineration at sea should be convened in co-operation with the Oslo Commission, with a view to advising on scientific and technical matters required to:

- .1 provide the Consultative Meeting with the scientific and technical information required to enable it to review and assess marine incineration as a disposal option; and
- .2 provide advice on the management and control of marine incineration, including any appropriate revision of the present mandatory regulations and technical guidelines.

The intersessional working group on incineration at sea is requested to carry out the following tasks:

- .1 to assess all available information (including the methodology and results of investigations on board incineration vessels) concerning the destruction efficiency and emissions of marine incinerators and to review the physical, chemical and biological effects resulting from their emissions;
- .2 to compare the performance (destruction efficiencies and emissions) of marine and land-based incinerator facilities (taking into account the emission standards applying to marine and land-based incinerators);
- .3 to evaluate, using the criteria established in the guidance for the Application of Annex III, section C4, the practical availability of alternative means of disposal of organohalogen wastes, including the practical problems and comparative impacts of different alternatives;

- .4 to consider the desirability of setting concentration limits for the presence in wastes incinerated at sea of:
 - .4.1 substances about which doubts may exist as to the efficiency of their thermal destruction; and
 - .4.2 metals and metalloids;
- .5 what monitoring requirements specific to incineration at sea are needed in terms of:
 - .5.1 the relationship between destruction and combustion efficiencies of incineration facilities;
 - .5.2 sampling procedures which should be used to obtain a representative sample of the entire stack;
 - .5.3 methodology which should be used for collecting particulate material in the stack of incinerators;
 - .5.4 quality assurance requirements which should be used for monitoring emissions; and
 - .5.5 new organic compounds which may be synthesized during the incineration process.

ANNEX 9

PROPOSED RESOLUTION ON NEW GUIDELINES FOR THE
SURVEILLANCE OF CLEANING OPERATIONS
CARRIED OUT AT SEA ON BOARD
INCINERATION VESSELS

THE CONSULTATIVE MEETING,

RECALLING Article I of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, which provides that Contracting Parties shall individually and collectively promote the effective control of all sources of pollution in the marine environment,

RECALLING FURTHER that Regulations for the Control of Incineration of Wastes and Other Matter had been adopted at its Third Meeting as set forth in an Addendum to Annex I to the Convention and that this constitutes an integral part of that Annex,

RECOGNIZING that in issuing permits for incineration at sea Contracting Parties shall take account of Technical Guidelines on the Control of Incineration of Wastes and Other Matter at Sea,

BEING AWARE that cleaning operations of incineration systems and of tanks of incineration vessels may have to take place at sea,

RECOGNIZING that the Technical Guidelines on the Control of Incineration of Wastes and Other Matter at Sea provide that:

- tanks washings and pump room bilges contaminated with wastes should be incinerated at sea in accordance with the Regulations for the Control of Incineration of Wastes and Other Matter at Sea and with the Technical Guidelines, or discharged to port facilities; and that
- residues remaining in the incinerator should not be dumped at sea except in accordance with the provisions of the Convention,

RECOGNIZING FURTHER that the Marine Environment Protection Committee of the International Maritime Organization concluded that Annex II of MARPOL 73/78 applies to tank cleaning operations conducted on board incinerator ships and that it adopted interpretations to clarify the requirements for the specialized operations of incinerator ships and to reduce duplication of requirements,

NOTING that there should be consistency on surveillance procedures developed under the London Dumping Convention and MARPOL 73/78,

NOTING FURTHER that, in accordance with Article VII, paragraph 1 of the London Dumping convention, each Contracting Party shall apply the measures required to implement that Convention to all vessels registered in its territory or flying its flag, or loading in its territory or territorial seas matter which is to be dumped,

1. ADOPTS the guidelines on the surveillance of cleaning operations carried out at sea on board incineration vessels as described in the Annex to the present resolution,
2. RESOLVES that Contracting Parties should take full account of the guidelines on the surveillance of cleaning operations carried out at sea on board incineration vessels.

ANNEX

A Contracting Party to the London Dumping Convention should, when issuing permits for incineration at sea pursuant to Article VI, paragraph 2 of the London Dumping Convention ensure that the following conditions for surveillance of tank cleaning operations are met.

1. Each permit should included specific provisions -
 - .1 requiring tank washings and pump-room bilges contaminated with wastes to be incinerated at sea or discharged to port facilities;
 - .2 concerning surveillance of tank cleaning and residue disposal operations and the location at which those operations are to be conducted;
 - .3 requiring the master of the incinerator ship, prior to its departure from the loading port, to inform the Contracting Party issuing the permit or performing the tank cleaning surveillance
 - whether the tanks will be cleaned prior to arrival at the ship's next port of call, and
 - of the intended means of residue disposal.

For consecutive voyages from the same loading port a single notification would be sufficient;

- .4 requiring that the incinerator ship have on board procedures for conducting tank cleaning operations and residue disposal operations. Procedures for these operations included in an approved Procedures and Arrangements Manual required by Annex II of MARPOL 73/78 are acceptable for this condition;

- .5 requiring that a surveyor approved by the Contracting Party be on board the ships
- to witness the tank cleaning and residue disposal operations; and
 - to assure that those operations are completed according to procedures established by the Contracting Party such as those included in an approved Procedures and Arrangements Manual required by Annex II of MARPOL 73/78;

- .6 requiring that a record of pertinent information respecting each operational procedure in cleaning tanks and disposing of the residue be made in an appropriate ship's record. Information to be recorded should indicate the ship has complied with the approved procedures for tank cleaning and should include data such as the date, time, type and quantity of waste, identity of tanks cleaned, equipment and solvents used for tank cleaning, duration of cleaning, name and location of reception facility, etc. Entries in the ship's Cargo Record Book required by Annex II of MARPOL 73/78 provide a satisfactory record to meet this requirement. The surveyor should sign the record and state that the tank cleaning and residue disposal operations were correctly and completely performed in compliance with the incineration permit and the procedures acceptable to the Contracting Party.

- 2 The Contracting Party should ensure that the terminal or port at which the liquid chemical wastes for incineration are loaded aboard the incinerator ship can provide reception facilities or shall ensure through written confirmation that adequate reception facilities are provided at another port which are adequate to receive residues of waste for incineration as will remain for disposal ashore. Since incinerator ship cargoes are generally compatible, reception facilities will normally be required in connection with inspection of the cargo tanks or repair of the incinerator ship.

- 3 An appropriately qualified surveyor should be appointed, or otherwise approved, to witness the tank cleaning and residue disposal operation, and to ensure that those operations are completed according to procedures acceptable to the Contracting Party, which may be included in an approved Procedures and Arrangements Manual required by Annex II of MARPOL 73/78. The surveyor should prepare a report of the tank cleaning and residue disposal operations for submission by the Contracting Party to the Organization for circulation to all Contracting Parties to the London Dumping Convention.

All Contracting Parties should co-operate to ensure the incineration permit conditions and the surveillance guidelines herein are met. Co-operation may include providing specific assistance, as agreed upon between the concerned Contracting Parties, which may include arrangements to provide the surveyor for surveillance of the tank cleaning operations.

ANNEX 10STATEMENTS MADE BY CONTRACTING PARTIES DURING THE DISCUSSION
ON THE DISPOSAL OF RADIOACTIVE WASTESStatement by Canada

Mr. Chairman,

This delegation wishes to confirm the position of the Canadian Government with respect to the dumping of low-level radioactive wastes at sea and its strong commitment to the objectives of the Convention, including its primary role in regulating the dumping at sea of all types of wastes.

In the view of my Government, Mr. Chairman, the Convention will be able to continue to play that role effectively only if the Contracting Parties operate, as they have generally, on the basis of consensus. It was this overriding concern for the integrity of the Convention, combined with the belief that an extension of the moratorium at this time will permit the concerns of all Contracting Parties to be addressed, that prompted the Secretary of State for External Affairs to clarify the Canadian position on resolution LDC.21(9) in a letter dated 11 October 1985 to the Secretary-General of the International Maritime Organization.

Mr. Chairman, Canada recognizes the concerns of non-nuclear countries which have stated that they have little to gain from the dumping of low-level radioactive wastes. Ocean disposal should not be used to export pollution from one country to another. Canadian policy reflects this position. While we generate low-level radioactive wastes ourselves, we neither dump them at sea nor encourage others to do so. We consider, however, that ocean disposal options should not be prematurely and permanently foreclosed and we encourage studies that might reveal options that are less detrimental to the human environment than land-based options.

Mr. Chairman, that is why Canada supports the substance and intent of the proposition set out in resolution LDC.21(9) that further study of this issue is required. Both the unresolved scientific questions and the economic and

social factors referred to in the resolution require further examination. This will enable the Contracting Parties to comprehensively evaluate and compare disposal options and thereby determine whether the dumping of low-level radioactive wastes should be subject of an outright ban.

Canada is prepared to contribute to the examination with a view to achieving final resolution of this issue within a reasonable time-frame. Moreover, we will work to ensure that these studies meet the same rigorous standards that previous scientific studies on the issue have met in the past.

In this regard, Mr. Chairman, this delegation supports suggestions being made to establish an expert panel to examine and, where necessary, to undertake the necessary studies. We also support the proposal to develop a questionnaire for circulation to the Contracting Parties. We would envision, Mr. Chairman, that the results of the questionnaire might be considered by the panel in its initial deliberations and reported to the next Consultative Meeting of the Contracting Parties.

Mr. Chairman, the current moratorium on dumping of low-level radioactive wastes affords us an opportunity to fairly and completely examine both sea and land-based disposal options. We must meet that challenge. Only in this way will all Contracting Parties be satisfied that their concerns have been taken into account and will the Convention be able to continue to perform its vital function.

Statement by Finland

Finland was among the co-sponsors of the resolution LDC.21(9) last year. We therefore feel ourselves somewhat obliged to try to contribute to at least some of the work as was aimed at by resolution LDC.21(9). We appreciate the efforts of all the delegations that have, in a constructive spirit, either before this Meeting or during the discussions held so far, clarified their views both on the procedural facts and on the substance itself.

Having also listened very carefully to all the statements presented yesterday and this morning, Finland would like to point out the following ideas.

Firstly, this country wishes to express its readiness to take part in any preparatory body under discussion for the mere reason that Finland acts as a lead country in matters concerning radioactive contamination of the Baltic Sea under the Helsinki Commission.

Secondly, we could see some sincere advantages of devoting at least some time for pooling more concrete ideas from the Contracting Parties on ways and means to obtain necessary information. This exercise could, to our mind, be as well based on a detailed questionnaire. However, the drafting of such a questionnaire necessitates some preparatory work and particular expertise depending on the scope of the whole exercise. One way out of this problem could, in our view, be that an ad hoc body/panel or whatsoever group of experts should at its first task, within five to six months, draft and compile a sufficiently substantive questionnaire and deliver it through the Secretariat to the Contracting Parties for consideration. The replies by the Contracting Parties should then be discussed at the Eleventh Consultative Meeting to draft and finalize the terms of reference and the work plan for the expert panel on the basis of obtained information and other material available to the Meeting. Furthermore, we would like to see that the expert panel be open-ended in nature and based on consensus approach.

Statement by Ireland

Ireland, in common with many other delegations, supported the resolution LDC.21(9) at last year's meeting. My Government, because of its concern in this whole area, considers it essential that the additional studies and assessments as contained in the above mentioned resolution be undertaken.

To this end we support the Australian proposal as the best means of implementing the Resolution. We would further support, in principle, the idea of a questionnaire put forward by a number of delegations.

Contracting Parties will be aware that my government is firmly opposed, in principle, to the practice of dumping of any radioactive waste at sea.

Statement by the Netherlands

The policy on radioactive waste of the Netherlands has been formulated in the Government's memorandum on this matter and was approved by Parliament in 1985. It has been outlined that land-based storage is the preferred option for the coming decades. During the storage period the options for a more definitive disposal will be studied further.

The studies and research in the field of disposal of radioactive wastes are being performed along three lines, notably:

- the research programme on disposal into deep geological formations;
- a study of the possibilities of international co-operation;
- participation in the NEA research programme on disposal into the seabed of high-level wastes.

Therefore, the Netherlands no longer make use of the option of dumping of low- and medium-level radioactive wastes in the ocean and consequently we supported the Spanish resolution.

The Netherlands can participate in the necessary studies as indicated in the Spanish resolution, provided that these studies can be carried out within a reasonable time-frame. In that respect, we have a slight preference for a procedure including a preliminary questionnaire. But, Mr. Chairman, it is very important to reach a consensus on this matter. Therefore, we are willing to assist in finding an intermediate solution which accommodates both the approach of the United Kingdom and the approach of Australia.

Statement by Portugal

Portugal does not dump any radioactive material at sea, has no intention of so doing and has always objected and objects, as a matter of principle, against that kind of dumping.

The Portuguese delegation did not vote against resolution LDC.21(9), fully respects its operative paragraphs and is ready to give its modest but sincere contribution in order to implement them.

The Portuguese delegation thinks however that our work here in Consultative Meetings should have as its aim the quest for solutions that are both practical and consensual, that do not depart from the framework of the London Dumping Convention and that abide by the rules established in it and by its spirit.

The Portuguese delegation does not see any advantage in the constitution of large working groups which due to dimension, nature and terms of reference could duplicate and extend the work of the Consultative Meetings and wishes to express its reservations about the financial implications resulting from a solution of such a type.

Furthermore our delegation is in favour of a solution the first step of which would be a questionnaire addressed to all Contracting Parties covering the political, social, economical and legal aspects of radioactive dumping at sea, the results of which would be analysed by the next Consultative Meeting. This approach does not exclude any other solution that this Meeting may attain through consensus.

This delegation would like to emphasize the importance of the contribution of the IAEA, recognized as the competent international body in the field of radioactive waste and other radioactive matter, as stated in Annex II of the London Dumping Convention. We deem this contribution indispensable to reach an adequate, feasible and acceptable solution.

Statement by South Africa

South Africa has not disposed of any radioactive waste at sea and is developing the land disposal option. However, this delegation last year voted against resolution LDC.21(9), since it saw no scientific or technical reason for doing otherwise. In our view the same situation prevails today and we would therefore like to suggest that the convening of any expert panel, if indeed such is formed, to consider the work required under points 2 to 4 of resolution LDC.21(9), should consist of experts whose objective should be to formulate conclusions and recommendations which, inter alia, address the acceptability of the risk of sea disposal of low-level radioactive waste. In this respect we would look to the IAEA as the competent international

authority to assist with the development of appropriate criteria against which such risk can be judged. We fully support the approach that consensus be reached.

Statement by the United States

Mr. Chairman,

My delegation wishes to contribute some observations in respect to this agenda item.

First of all, my Government has no interest in reopening the debate of last year. Resolution LDC.21(9) is an accomplished fact. We opposed it for reasons which have been thoroughly explained and which in our view remain as valid today as they were a year ago. Nonetheless, we recognize that the terms of this non-binding resolution cannot be fulfilled unless certain studies are completed to the satisfaction of a majority of conference participants.

The task before us, therefore, is to meet the analytical requirements of resolution LDC.21(9) in as business-like, professional and scientific manner as possible.

Mr. Chairman, my delegation believes we should move forward with deliberate speed but in a way which does not excite the emotions of past debates.

In this regard, Mr. Chairman, my delegation has little to add to the very useful and interesting ideas which have already been put forward. We do, however, wish to offer some thoughts as to what we think should be guiding principles for whatever approach eventually emerges.

First, and possibly foremost, Mr. Chairman, we believe our approach must be forged on a consensus basis - returning to one of the fundamental operating principles of this Convention. Consensus is especially important in the wake of last year's divisive debate.

Next, Mr. Chairman, we would favour a step-wise approach. This is a complex and complicated subject which will take at least several years to resolve it. So, we are not obliged at our meeting here to resolve every detail of our approach; every term of reference; every comma; every period. It will probably suffice to take one or two initial steps which give direction to our efforts. From our perspective a questionnaire to Member States from the Secretariat within several months of our meeting and agreement to hold a meeting of experts before our next plenary conference should meet these requirements.

If an expert panel is formed, Mr. Chairman, it is important that we agree on a suitable general framework for its efforts:

- 1 First, while my delegation is flexible as to its precise composition, we would have very great difficulty with a panel which was exclusive in nature. We strongly believe that any Contracting Party which wishes to participate in the expert panel should be able to do so.
- 2 Next, we believe any panel formed will wish to exercise great care not to infringe on the competence, authority or mandate of bodies and groups already charged with specific responsibilities under our Convention.
- 3 Finally, Mr. Chairman, before proceeding much further on this course, any panel of experts will require additional, basic and structured input from Member States. It is for this reason that we would return to stress the importance of circulation of a questionnaire as a first essential step towards completion of the studies called for in resolution LDC.21(9).

Mr. Chairman, my delegation is prepared to support a consensus approach to this agenda item and looks to your leadership in helping us reach it.

Statement by Zaire

- 1 In its intervention in the plenary on the above item the Zairian delegation explained the position of its country concerning the protection of the environment as a whole.
- 2 It stated that any form of pollution, in particular marine pollution, was harmful to human and animal life.
- 3 It took the view that in no circumstances should the life and safety of present and future generations be jeopardized by the marine dumping of radioactive wastes and other radioactive substances whatever their nature.
- 4 It fully associates itself with resolution LDC.21(9) submitted by Spain and the Nordic countries.
- 5 It further wishes that the name of Zaire be included among the names of countries supporting the resolution.

ANNEX 11

RESOLUTION LDC.28(10)

STUDIES AND ASSESSMENTS PURSUANT TO RESOLUTION LDC.21(9)

THE TENTH CONSULTATIVE MEETING,

RECALLING the findings of the Expanded Panel of Experts on the Disposal at Sea of Radioactive Wastes submitted to the Ninth Consultative Meeting (LDC 9/4),

RECALLING further that pursuant to resolution LDC.21(9) it had been agreed that dumping at sea of radioactive wastes and other radioactive matter should be suspended pending the completion of further studies and assessments,

DECIDES that:

1. An inter-governmental panel of experts on radioactive waste disposal at sea be established in accordance with resolution LDC.21(9).
2. The panel be requested to examine or undertake further studies and assessments, taking account of the work of other competent international and national bodies, on the following:
 - .1 the wider political, legal, economic and social aspects of radioactive waste dumping at sea;
 - .2 the issue of comparative land-based options and the costs and risks associated with these options;
 - .3 the question of whether it can be proven that any dumping of radioactive wastes and other radioactive matter at sea will not harm human life and/or cause significant damage to the marine environment;
- 3 The panel should take account of information provided, and of work carried out, by international organizations and agencies as requested in the operative paragraphs 5 and 6 of resolution LDC.21(9).

- 4 The preliminary questionnaire attached at to this resolution at Annex be circulated immediately to all Contracting Parties inviting their comments on the studies and assessments which the panel will examine or undertake as provided above;
- 5 Contracting Parties submit responses to the questionnaire and any other relevant comments to the International Maritime Organization by 30 April 1987;
- 6 The panel be requested to submit a preliminary report to the Eleventh Consultative Meeting, including its consideration of the replies to the questionnaire referred to in paragraphs 4 and 5 above and its proposed detailed programme of work;
- 7 The International Maritime Organization be requested to service the meetings of the panel.

ANNEX

QUESTIONNAIRE FOR CONTRACTING PARTIES PURSUANT TO THE IMPLEMENTATION
OF RESOLUTION LDC.28(10)

- 1 What questions would your country wish to have addressed by the panel of experts in each of the three general areas of study requested in paragraph 2 of resolution LDC.28(10)?
- 2 What literature would your country wish to have consulted in addressing each of the three general areas of study requested by resolution LDC.28(10)? Please supply complete citations and clear copies of each document, paper or book you wish to have considered.
- 3 Do you have any of the following? Please elaborate and quantify as appropriate:
 - (a) nuclear power plants
 - (i) in operation
 - (ii) in the planning stage
 - (b) research reactors
 - (i) in operation
 - (ii) in the planning stage
 - (c) other large nuclear installations
 - (d) activities in nuclear medicine and in industrial, agricultural and research use of radio-isotopes.
- 4 Do you have nuclear safety/atomic energy legislation and radiation protection legislation. If so, what are the administrative and regulatory arrangements? Are natural radioactive substances included?
- 5 In national regulations/legislation, to what extent are the principles of the International Commission on Radiological Protection (e.g. ICRP report 26) followed, or corresponding recommendations of the IAEA?

- 6 Do you have a current list/data bank of the radioactive substances dumped or released to the environment? Please provide, if possible, and indicate where such dumping or release takes place.
- 7 Are you carrying out or participating in research on nuclear waste disposal in land or sea? Please elaborate.
- 8 What kind of environmental monitoring programme for radioactive substances does your country have?
- 9 Is the information obtained from research and monitoring publicly available?
- 10 Do you have storage or disposal facilities for radioactive wastes? If so, which prerequisites were required for site selection? What means of transport and kinds of regulations cover the movement of radioactive wastes?
- 11 Have you dumped, are you dumping or are you planning dumping of radioactive material into the sea?
- 12 What are your national laws governing the disposal of radioactive waste? Describe briefly.
- 13 Do you have any specific national laws governing radioactive waste disposal in the sea? If yes, describe briefly.
- 14 Do local jurisdictions within your country have individual regulations/laws governing the disposal of radioactive waste? How do these relate to national policies and practices?
- 15 Do you have any judicial decisions interpreting your laws and regulations concerning sea disposal of radioactive waste?
- 16 In what framework and in what manner are social and economic factors and public opinion introduced into the selection of disposal options for radioactive waste?

- 17 What techniques does your country use for managing low-level radioactive waste?
- 18 Does your country treat the disposal of radioactive waste differently from disposal of other hazardous/toxic wastes? Please elaborate.
- 19 To what extent do you depend upon other countries for the storage and/or disposal of radioactive material?
- 20 Has your country performed a comparison of land versus sea disposal option(s)? If so, please provide relevant documentation.
- 21 What are the relevant operational costs and benefits for land disposal compared with sea disposal for low-level radioactive waste?
- 22 What additional comments would you wish to make regarding any aspect of the agreed studies? What other questions should be asked of the Contracting Parties?

ANNEX 12

STATEMENTS EXPRESSING RESERVATIONS ON RESOLUTION LDC.28(10)

Statement by Argentina

Argentina reserves its position without, however, wishing to affect the consensus that has been reached. It reiterates the remarks made by the Argentine delegation on the occasion of the vote on resolution LDC.21(9), which are recorded in the final report of the Ninth Consultative Meeting.

A matter of particular concern is the fact that to some extent the tasks of the Panel might duplicate those of IAEA. The fact that the resolution omits to make any reference to time limits, even tentative ones, also gives rise to some concern.

Furthermore, the delegation reiterates its conviction of the fundamental importance which should be given to scientific and technical considerations.

Statement by Belgium

The Belgian delegation has taken note of the various positions expressed during the debate on the resolution contained in document LDC/10/WP.3/Rev.2 concerning the implementation of resolution LDC 21(9).

In this connection the Belgian delegation considers, even though the text was adopted by consensus, that it was unfortunately not unanimously supported by the Contracting Parties.

Thus, although it was unable to prevent adoption of resolution LDC 28..(10), the delegation wishes to express a general reservation concerning that resolution and its regret that it was not possible to pursue to its conclusion the efforts to achieve a true compromise.

By means of this reservation, its country wishes, in particular, to express its concern with regard to the competence of the Convention as to consideration by a group of experts of political, legal, economic and social aspects of the dumping of low-level radioactive wastes.

These general policy considerations appear to be solely within the competence of the Contracting Parties. Furthermore, its reservation also concerns the practical usefulness of the additional scientific and technical work, in view, on the one hand, of the lack of precision concerning the time-limit within which the work should be completed and, on the other hand, of the research work in this field already carried out and currently in hand in other competent international organizations, chief among which is IAEA.

Statement by France

The French delegation had hoped that this Meeting would have learnt from the difficulties in the debates of the Ninth Meeting and would have embarked on discussion with a view to seeking a consensus which would enable all countries, including those like France, were and remain opposed to resolution LDC.21(9), to come together in a general endeavour to make a reasonable approach to the problem, the existence of which the French delegation is convinced exists.

The French delegation expresses the strongest reservations as to the text of resolution LDC.28(10); these reservations are due in the first place to the fact that, in its view, the working group cannot in any way be empowered to consider and evaluate political and social aspects which remain strictly within the competence of States.

Furthermore, the French delegation is doubtful about the purpose of an action which rests on such an unreliable notion as that of proof and which provides for no date limit for the formulation of conclusions. It recalls its commitment to the prominence which should be accorded to scientific and technical aspects.

Finally, the French delegation expresses once more its anxiety that the work of the group may conflict with the work undertaken in the framework of IAEA which, in its opinion, remains the only competent international organization on matters concerning the management of radioactive wastes.

In view of the foregoing, France does not consider itself in any way bound by the principles underlying the resolution or by its conclusions.

Statement by Japan

Japan is prepared to go along with the adoption of resolution LDC.28(10) on a consensus basis. The delegation, however, would like to point out that last year Japan abstained from the voting on resolution LDC.21(9). The reasons for the abstention mentioned in the statement of our delegation made at the time of adoption of the resolution are still valid.

For example, proposed studies and assessments of the wider political, legal, economic and social aspects of dumping go beyond the purpose of the London Dumping Convention. Therefore, we consider that the terms of reference of the studies and assessments by the panel should be concrete and limited in accordance with the purpose and competence of the London Dumping Convention. Moreover, the studies should be accompanied by a clearly defined timetable.

Statement by Poland

The delegation of Poland wished to join those who have the positive approach of making every effort aimed at the practical implementation of the provisions of the London Dumping Convention, especially in such an important issue as the disposal of radioactive wastes. Unfortunately resolution LDC.28(10) does not seem to us to be satisfactory for solving the problems arising under resolution LDC 21(9). At this moment, therefore, the delegation had difficulties in accepting the resolution and reserved its position.

Statement by Portugal

In line with the position that had been adopted in the voting of resolution LDC.21(9), the Portuguese delegation regrets that it had not been possible to reach a consensus. This delegation regarded a consensus of the utmost importance in order to preserve the integrity of the Convention itself, its effectiveness in the application of its provisions, as well as of the whole scope of its principles.

This delegation will persist in its efforts of supporting all effective ways attained through consensus in order to achieve the aim of protecting the marine environment within the framework of the Convention.

Statement by South Africa

South Africa voted against resolution LDC.21(9) last year, for the reasons which we stated at the time. The delegation shares some of the views expressed by the distinguished delegate from France, and we have difficulty in accepting that there is a need for the work envisaged. Consequently the delegation reserved its position with respect to resolution LDC.28(10).

Statement by Switzerland

The Swiss delegation recalled that Switzerland was among those countries which opposed resolution LDC.21(9) and the reasons behind that negative vote remain fully valid today. This being said, one has of course to accept the fact that a majority of Contracting Parties to the London Dumping Convention present at the Ninth Consultative Meeting wished to pursue the resolution LDC.21(9). Having looked at resolution LDC.28(10), the Swiss delegation came to the conclusion that some aspects of the analytical work to be done by a panel correspond certainly to a need also felt by the Swiss authorities, while the purpose of other studies mentioned in the text and also the absence of a clear time-frame still remain highly questionable.

Under these circumstances, the Swiss delegation does not oppose the resolution which is in front of us, but emphasizes that the participation in the consensus must not be interpreted as a late approval of resolution LDC.21(9).

Statement by USSR

The USSR delegation has already expressed in its earlier statements during this Meeting views with regard to consideration of political, social and economic aspects of radioactive waste dumping at sea, and establishing an inter-governmental panel of experts with such wide terms of reference.

The USSR delegation is still of the opinion that these issues are far beyond the scope of the London Dumping Convention and should be discussed within appropriate organizations, e.g. regional ones.

With reference to the above considerations, the USSR delegation reserves its position on resolution LDC.28(10). Nevertheless, having in mind that the Consultative Meeting still considers possible discussing issues mentioned above under the London Dumping Convention, the USSR will submit comments on the questionnaire referred to in the resolution after its distribution to the Contracting Parties.

Statement by the United Kingdom

The United Kingdom delegation stated that its position on these issues remained as stated in the document it had submitted for consideration at the Tenth Consultative Meeting (LDC 10/5/6), subject only to the deletion of the last two sentences of that document in the light of developments during this Consultative Meeting.*.

* For easy reference the last two sentences of the United Kingdom document (LDC 10/5/6) are reproduced as follows:

"Accordingly, the United Kingdom delegation proposes that Contracting Parties should be invited to consider, at the Tenth Consultative Meeting, the terms of reference and status of the studies and assessments as well as the panel itself. In particular, whilst it might well be useful to a subsequent Consultative Meeting to consider a synthesis of the views of Contracting Parties (and possibly others) on the political, legal, economic and social aspects of radioactive waste disposal at sea, Contracting Parties may consider it appropriate to set a time limit for the submission of such views before proceeding to decide on the appointment of a panel of experts to evaluate them."

ANNEX 13

RESOLUTION LDC.29(10)

EXPORT OF WASTES FOR DISPOSAL AT SEA

THE TENTH CONSULTATIVE MEETING,

RECOGNIZING the obligation of Contracting Parties to promote, individually and collectively, the effective control of all sources of pollution of the marine environment,

RECOGNIZING FURTHER the increasing movement of wastes across national boundaries for a variety of purposes such as storage, recycling, treatment, or final disposal,

RECALLING the recommendation of the London Dumping Convention Task Team 2000 Report (LDC 8/4) that Contracting Parties address the problem of the transboundary movement of wastes for disposal at sea,

RECALLING FURTHER Resolution LDC Res.11(V) concerning the export of wastes for incineration at sea,

ACKNOWLEDGING that protection of the marine environment in connection with the transboundary movement of wastes for disposal at sea is a shared responsibility between exporting and receiving countries,

NOTING the activities of such organizations as UNEP, EEC, OECD, and the Oslo Commission in developing rules and guidelines on the transboundary movement of hazardous wastes, and their value in advancing the objectives of the London Dumping Convention,

BEARING IN MIND that the work undertaken in some of these organizations may ultimately lead to an international convention on all aspects of the transboundary movement of hazardous wastes,

BELIEVING that pending the creation of such an international convention it is useful to make recommendations to Contracting Parties on transboundary movements of hazardous wastes destined for disposal at sea,

RECOGNIZING the right of individual States to apply rules governing the export of wastes for sea disposal that are more stringent than international rules and guidelines,

DESIRING that any disposal at sea be conducted in accordance with the requirements of the London Dumping Convention, and appropriate regional conventions,

AGREES to work toward the widespread acceptance and effective application of the Convention,

AGREES FURTHER to recommend that Contracting Parties not export wastes for sea disposal, particularly those containing substances listed in Annex I and II of the London Dumping Convention, to States not Party to the Convention or to an appropriate regional convention unless there are both compelling reasons for such export and clear evidence that the wastes would be disposed of in compliance with the requirements of the London Dumping Convention and such regional conventions,

CALLS on Contracting Parties exporting wastes for sea disposal to:

- .1 provide advance notification of any intended movement of such wastes to the receiving country and any other country which may exercise authority over their transport or disposal in sufficient time for an informed assessment;
- .2 obtain the prior consent of the appropriate national authorities in any country receiving wastes and issuing the required permit for sea disposal,

URGES Contracting Parties to endeavour to ensure that wastes exported for a purpose other than sea disposal are not ultimately disposed of at sea unless done in compliance with the requirements of the Convention,

REQUESTS that Contracting Parties provide the Organization with the names of the national authorities in their country responsible for receiving advance notification of the transboundary movement of wastes for sea disposal, and requests the Organization to circulate this information among the Contracting Parties,

URGES Contracting Parties to take account of this resolution when negotiating any future international convention on the transboundary movement of hazardous wastes.

ANNEX 14SUBSTANTIVE ITEMS TO BE INCLUDED IN THE AGENDA FOR
THE ELEVENTH CONSULTATIVE MEETING AND FOR THE
TENTH MEETING OF THE SCIENTIFIC GROUP ON DUMPINGEleventh Consultative Meeting

- Report of the Scientific Group on Dumping
- The disposal of offshore platforms
- "Force Majeure" interpretations
- Matters relating to the disposal of radioactive waste at sea, including the report of the Inter-governmental Panel
- Implications regarding the Law of the Sea Convention for the London Dumping Convention
- Incineration at Sea
- Increasing the participation of Contracting Parties in the work of the Convention
- Promotion of technical assistance
- Relations with other organizations

Tenth meeting of the Scientific Group on Dumping

- Review of the Annexes to the London Dumping Convention:
 - Review of the position of substances in the Annexes in light of proposals to be submitted by Contracting Parties
 - Review of the Guidelines for the Allocation of Substances to the Annexes, and the Annex III Guidelines
 - Alternatives to the black list/grey list approach with regard to the regulation of substances to be disposed of at sea
- Field verification of laboratory test data
- Monitoring and control of dumping and incineration activities:
 - Review of summary reports
 - Review of reports on innovative monitoring techniques
 - Discharges from floating reception facilities

- Processes and procedures for the management of wastes dumped at sea:
 - Comparative assessments of land-based and sea disposal options
 - Innovations in treatment technologies
 - Innovations for mitigating the impact of dumping activities
 - Preparation of manuals for the disposal of certain wastes and other matter (e.g. dredged material)
 - Co-operation and information exchange:
 - Symposia and seminars
 - Other scientific bodies and advisory groups
-