



THIRTEENTH CONSULTATIVE MEETING OF
CONTRACTING PARTIES TO THE
CONVENTION ON THE PREVENTION
OF MARINE POLLUTION BY DUMPING
OF WASTES AND OTHER MATTER
29 October - 2 November 1990
Agenda item 15

IMO

REPORT OF THE THIRTEENTH CONSULTATIVE MEETING

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1 INTRODUCTION

1.1 The Thirteenth Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, convened in accordance with article XIV(3)(a) of the Convention, was held at IMO Headquarters, London, from 29 October to 2 November 1990 under the chairmanship of Mr. D. Tromp (Netherlands). Ms. S. Nurmi (Finland) and Mr. A. Sielen (United States) were Vice-Chairmen.

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

ARGENTINA	MEXICO
AUSTRALIA	MOROCCO
BELGIUM	NAURU
BRAZIL	NETHERLANDS
CANADA	NEW ZEALAND
CAPE VERDE	NIGERIA
CHILE	NORWAY
CHINA	OMAN
COTE D'IVOIRE	PANAMA
CYPRUS	PHILIPPINES
DENMARK	POLAND
FINLAND	PORTUGAL
FRANCE	SEYCHELLES
GABON	SOLOMON ISLANDS
GERMANY	SOUTH AFRICA
GREECE	SPAIN
HONDURAS	SWEDEN
ICELAND	SWITZERLAND
IRELAND	USSR
ITALY	UNITED KINGDOM
JAPAN	UNITED STATES
MALTA	

1.3 Observers from the following States which are not Contracting Parties to the Convention attended the Meeting:

BARBADOS
ECUADOR
INDIA
LIBERIA
TRINIDAD & TOBAGO
URUGUAY

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

UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)
INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION (IOC)

1.5 Observers from the following intergovernmental organizations attended the Meeting:

INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA (ICES)
OSLO COMMISSION AND PARIS COMMISSION

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

INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
EUROPEAN COUNCIL OF CHEMICAL MANUFACTURERS' FEDERATIONS (CEFIC)
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)
OIL INDUSTRY INTERNATIONAL EXPLORATION AND PRODUCTION FORUM (E & P FORUM)
ADVISORY COMMITTEE ON POLLUTION OF THE SEA (ACOPS)
ASSOCIATION OF PACIFIC ISLAND LEGISLATURES (APIL)

Opening of the Meeting

1.7 In opening the proceedings the Chairman welcomed all participants to the Thirteenth Consultative Meeting.

1.8 The Chairman congratulated Mr. W. A. O'Neil, on behalf of the Meeting, on being appointed Secretary-General of the International Maritime Organization (IMO), noting his long and distinguished association with IMO as delegate and for some ten years as Chairman of the IMO Council. On behalf of the Meeting he thanked the Secretary-General and through him the IMO staff concerned, for work undertaken in connection with the London Dumping Convention. In noting that IMO had recently embarked upon the fourth decade of its existence, the Chairman drew attention to the many attainments of the Organization in respect of its twin objectives of safer shipping and cleaner oceans. Through the exercise of these responsibilities and those related to the London Dumping Convention IMO had taken a leading role in matters relating to protection of the marine environment.

1.9 The Chairman nevertheless expressed concern that delay in carrying through a number of proposals for improving the implementation of the London Dumping Convention due to lack of financial resources did not bode well for those whose thoughts were turning towards the possible expansion of the Convention to include prevention and control of marine pollution from other sources. Assuming that a widespread political will existed in this regard, such aims could not be fulfilled without the necessary financial provisions being made. This was a challenge to IMO as well as to Contracting Parties, and the Chairman expressed the hope that the Secretary-General would participate in any discussions of the Consultative Meeting on this important matter.

1.10 The Chairman had the sad task of informing the Meeting of the recent deaths of Mr. T.A. (Al) Wastler of the United States and Mr. Aarno Voipio of

Finland. Mr. Wastler had been a member of the Scientific Group since its establishment in 1977 and chaired the Group from 1979 to 1983. Mr. Voipio had chaired the Intergovernmental Panel of Experts on Radioactive Waste Disposal at Sea since its inception in 1987. Both had contributed greatly to the aims of the Convention. The Chairman asked the heads of delegation of the United States and Finland to convey the Meeting's sympathy to the families of Mr. Wastler and Mr. Voipio.

Address of welcome

1.11 In his welcoming address Mr. W.A. O'Neil, the Secretary-General of IMO, noted the recognition widely accorded to the London Dumping Convention as one of the most important global instruments for the protection of the marine environment. As the Organization assigned with responsibility for secretariat duties related to the Convention, IMO would strive in its efforts to provide every possible assistance in its future development.

1.12 In commenting upon the series of financial problems which IMO continued to face, the Secretary-General expressed the hope that the important work of the Consultative Meeting would be enabled to continue without interruption. He was particularly grateful in this regard to the Government of the United States for the secondment of a senior technical officer to the IMO Secretariat to deal with matters concerning the London Dumping Convention.

1.13 In noting the rapidly growing awareness in the international community for the need to protect and conserve the environment, the Secretary-General said he had no doubt that IMO would have to consider its own role in the overall scheme of things. On the particular question of how other sources of marine pollution such as discharges from land and offshore activities might be addressed (a matter to which attention had been drawn by the Steering Group on the Long-Term Strategy for the Convention), he mentioned the on-going discussion between the heads of UN agencies on co-ordination and, in particular, the outcome of correspondence between himself and Mr. M. Tolba, Executive Director of UNEP, which had led to the nomination of UNEP focal points for any future consideration of this subject by Consultative Meetings, as well as facilitation of correspondence between the two Secretariats.

1.14 The Secretary-General noted with gratitude the close co-operation which Consultative Meetings enjoyed with other organizations and institutions as the International Atomic Energy Agency, the Organization for Economic Co-operation and Development, the Oslo Commission, the Helsinki Commission and the Paris Commission. This had contributed greatly towards the attainment of the objectives of the Convention.

1.15 In conclusion, the Secretary-General recalled that the first substantive meeting of the Preparatory Committee of the 1992 UN Conference on Environment and Development (UNCED) had specifically invited IMO, together with Contracting Parties to the London Dumping Convention, to consider initiating work to strengthen the regime curbing dumping at sea. In noting that this matter would be further discussed at this Meeting, the Secretary-General assured delegations that IMO would fully reflect the interests of the London Dumping Convention in preparatory activities related to the 1992 UN Conference.

Adoption of the Agenda

1.16 The agenda for the Meeting (LDC 13/1), as adopted, is shown at annex 1. This includes, under each agenda item, a list of documents prepared for consideration under the respective agenda items. The Meeting also agreed on a timetable and work schedule for the Meeting (LDC 13/1/1, annex 2).

Participation of intergovernmental organizations (IGOs) and international non-governmental organizations (NGOs)

1.17 The Chairman informed the Meeting that in addition to the international organizations which the Twelfth Consultative Meeting had decided to invite, the Secretariat, after consultation with the Chairman and the Vice-Chairmen, had invited the Association of Pacific Island Legislatures (APIL). In noting that this invitation had been issued on a provisional basis, subject to confirmation by the Consultative Meeting, the Meeting agreed that APIL might attend the present Meeting.

1.18 The Meeting noted that the Secretariat had received several resolutions from APIL pertaining to its application for observer status (LDC 13/11/3) the texts of which, together with APIL's position statement to the present Meeting, had been circulated (LDC 13/11/3/Add.1/Rev.1). After due consideration, the Meeting agreed that APIL should be invited as an observer to the Fourteenth Consultative Meeting.

1.19 The Consultative Meeting was informed by the Secretariat at the closure of this Meeting (2 November 1990) that an application for observership status had been received during the meeting week from the Central Dredging Association (CEDA). After due consideration of the background material submitted by that association, the Consultative Meeting agreed that CEDA should also be invited as an observer to the Fourteenth Consultative Meeting.

1.20 The observer from the Association of Maritime Incinerators (AMI) informed the Meeting that the sole remaining incineration ship ("Vulcanus II") would cease operation before the end of 1990 and its owners would terminate their business in early 1991, at which time AMI would also cease to exist. AMI would not, therefore, be applying to renew its observer status with the Consultative Meeting.

1.21 The Chairman, on behalf of the Meeting, thanked AMI for the important contribution it had made to the work of the Consultative Meeting, the Scientific Group and the special group of experts on incineration at sea, which had greatly assisted the deliberations of Contracting Parties.

1.22 The Consultative Meeting decided that the following international non-governmental organizations should be invited to attend, in an observer capacity, the Fourteenth Consultative Meeting of Contracting Parties to the London Dumping Convention and the fourteenth meeting of the Scientific Group on Dumping:

INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
EUROPEAN COUNCIL OF CHEMICAL MANUFACTURERS' FEDERATIONS (CEFIC)
FRIENDS OF THE EARTH INTERNATIONAL (FOEI)

GREENPEACE INTERNATIONAL
INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL
RESOURCES (IUCN)
PERMANENT INTERNATIONAL ASSOCIATION OF NAVIGATION CONGRESSES (PIANC)
OIL INDUSTRY INTERNATIONAL EXPLORATION AND PRODUCTION FORUM (E & P FORUM)
ADVISORY COMMITTEE ON POLLUTION OF THE SEA (ACOPS)
INTERNATIONAL MARITIME BUREAU
ASSOCIATION OF PACIFIC ISLAND LEGISLATURES (APIL)
CENTRAL DREDGING ASSOCIATION (CEDA)

Heads of delegation meeting

1.23 On the opening day of the Meeting, a special meeting of heads of delegation was called by the Chairman. Upon resumption of the Consultative Meeting the Chairman disclosed the reason for the meeting.

1.24 The Chairman explained that press cuttings had been brought to his attention that questioned the integrity of a head of delegation to this Meeting. The statements had been made by a representative of a non-governmental organization having observership status at this Meeting.

1.25 The Chairman explained that this issue had been discussed at the meeting of heads of delegation where all of them had expressed regret about what had happened. The Chairman expressed the sentiments of the delegates that it was important that all delegates be able to hold and express widely disparate views and still be respected. Mention was made of the need for a "code of behaviour" for Contracting Parties and observers that would give guidance in this regard.

Statement by Canada on the behaviour of non-governmental organizations

1.26 Later in the Consultative Meeting, the Canadian delegation noted the concern that it and other delegations had felt early in the Meeting, with the nature of other information made available to the news media. Informal discussions during the week had led to a more clear understanding of the situation and the sensitivities. The Canadian delegation indicated that it was satisfied that the problem was an isolated event and expected that it would not be repeated.

2 STATUS OF THE LONDON DUMPING CONVENTION

Contracting Parties to the Convention

2.1 The Consultative Meeting was informed of the report of the Secretary-General (LDC 13/2/Rev.1) concerning the current status of the London Dumping Convention, and of the 1978 and 1980 amendments thereto. The Meeting noted that as at 4 August 1990, sixty-five Governments had ratified or acceded to the Convention.

2.2 The Chairman welcomed the delegations of Cyprus and Malta which had become Contracting Parties to the London Dumping Convention during the intersessional period.

2.3 The Meeting noted, however, that with effect from 3 October 1990 the German Democratic Republic had acceded to the Federal Republic of Germany, thus reducing the number of Contracting Parties to sixty-four.

2.4 The Meeting noted with appreciation the efforts of the Secretariat to increase awareness and support for the London Dumping Convention, particular reference being made to IMO Circular letter No.1454/Rev.1 dated 11 October 1990. The Secretary-General was requested to continue to urge Governments that had not yet ratified or acceded to the Convention to do so as soon as possible and to indicate any specific problems that they may have, and assistance they may require, in implementing the provisions of the Convention.

2.5 The Nigerian delegation made a statement emphasising that it was participating in the Consultative Meeting of Contracting Parties to the London Dumping Convention for the first time, having followed, however, for many years the accomplishments of the London Dumping Convention and hoped that this Consultative Meeting would take far-reaching decisions on the agenda items for the sustainability of the marine environment. The Nigerian delegation fully supported many of the proposals submitted to the Meeting, in particular the phasing out of the dumping of industrial wastes at sea.

2.6 The Nigerian delegation further informed the Meeting that the following actions had been taken:

- a law has been put into operation which prohibits the dumping of harmful wastes within Nigerian borders;
- an autonomous body - the Federal Environmental Protection Agency - has been established for the protection of the environment; and
- an integrated and comprehensive national policy on the protection of the environment has been developed. The objective of this policy is the achievement of sustainable development.

2.7 Nigeria drew further attention to the Council of Ministers of the Organization of African Unit (OAU) which adopted a series of resolutions for the protection of Africa and the marine environment. A legal working group has been convened to draft an African convention for the purpose of banning the import of hazardous wastes and radioactive wastes as well as adopting measures to protect the marine environment. Of relevance to the London Dumping Convention, the draft Convention prohibits all dumping of hazardous wastes, including radioactive wastes, in internal waters, territorial seas, exclusive economic zones and the high seas. It also prohibits the disposal of such wastes into the sea-bed (see also paragraph 8.1 below).

2.8 Finally, the Meeting was assured that the Nigerian Government will continue to ensure compliance with the London Dumping Convention. That delegation also expressed its desire that the Meeting would look seriously into ways and means of involving more African countries in the work of the Convention.

Publication of a booklet on the requirements of the Convention and decisions made within that Convention

2.9 The Meeting noted that the Secretariat had updated and revised document LDC 9/INF.2 on the London Dumping Convention: The First Decade and Beyond (LDC 13/INF.9). An English language publication based on this document would be available from IMO in March or April 1991, with French and Spanish versions following six to nine months later.

List of focal points

2.10 The Meeting noted that the Secretariat was updating the list of national administrations of Contracting Parties responsible for waste disposal at sea (LDC.2/Circ.264) and delegations were invited to notify the Secretariat of any amendments or additions.

3 CONSIDERATION OF THE REPORT OF THE SCIENTIFIC GROUP ON DUMPING

Introduction

3.1 The Chairman of the Scientific Group on Dumping, Mr. R. Engler (United States), provided a comprehensive review of the activities carried out by the Scientific Group since the Twelfth Consultative Meeting, highlighting the major discussions and recommendations of that Group (LDC/SG 13/14 and summarized in LDC 13/3). The Chairman of the Scientific Group noted the limited participation by Contracting Parties (only 18 out of 65) in the Scientific Group meetings and, after describing the importance of their deliberations to the London Dumping Convention, urged Contracting Parties to participate more actively in future meetings.

3.2 The subsequent discussions of the Meeting on issues raised by the Scientific Group are summarized in the paragraphs 3.12 to 3.37 below, together with actions taken thereon by the Meeting. Actions related to incineration at sea appear in section 4 of this report.

Presentation of documents

3.3 The observer from Greenpeace International presented its view on the role of the "precautionary action" approach in regard to the terms of reference of the Scientific Group and the role of clean production in reducing waste production (LDC 13/3/2). The observer noted that the precautionary approach has been widely adopted by a number of environmental fora as well as governments with a view to its implementation through clean production methods. The observer noted that the submission reviews traditional environmental policy in contrast to an approach based on precaution. The submission also discusses the relevance and implications of the precautionary action approach for the London Dumping Convention with a recommendation for adoption by the Consultative Meeting.

3.4 The observer from the International Association of Ports and Harbors (IAPH) expressed support for the work of the ad hoc Group of Experts on the Annexes to the Convention and for the new approaches proposed in the draft New Assessment Procedure (NAP) (LDC 13/3/4) (see also paragraph 3.12 below). IAPH

stated that the emphasis upon the considerations set forth in the NAP, particularly when considered in conjunction with the Special Guidelines for Dredged Material adopted at the Tenth Meeting, forms a sound basis for assessing the impacts from the disposal of dredged material at sea.

3.5 IAPH has also noted the different views concerning the role of the precautionary approach under the Convention. IAPH agreed with the conclusion reached by the Scientific Group that the draft NAP contains technical components of such a precautionary approach which, IAPH believes, is consistent with the goals and purposes of the Convention. The sea disposal option is of vital importance to the continued operation of many IAPH ports. Where dredged material may be safely disposed of at sea, IAPH believes that it must have a proper place - and receive equal consideration - in an overall waste management strategy that would assure the least detriment to man's environment.

3.6 Finally, IAPH expressed support for the view that any definition for the use of the precautionary principle should be based upon a sound technical foundation. The adoption of Special Guidelines for Dredged Material at the Tenth Consultative Meeting was based upon such a technical foundation and reflected the finding of the Scientific Group and the Consultative Meeting that use of the guidelines in assessing the suitability of dredged material for disposal at sea is consistent with the underlying purposes and principles of the Convention.

3.7 With regard to the use of tributyl tin (TBT) compounds in anti-fouling paints, the Secretariat summarized the results of the Third International Organotin Symposium (Monaco, 17-20 April 1990) (LDC 13/3/3). Recommendations from the Symposium will be presented to the thirtieth session of the Marine Environment Protection Committee (MEPC) (12-16 November 1990) and include establishment of release rate limits for vessels, establishment of uniform industrial processes, establishment of a public information process, and establishment of an IMO record system to register vessels as to type of anti-fouling paint. The Consultative Meeting took note of this information.

3.8 The Australian delegation described national actions regarding the use of TBT in Australian States/Territories. The use of TBT on vessels with hull lengths of less than 25 metres is prohibited. TBT paints used should also have a leaching rate of not greater than 5 ug/cm²/day.

3.9 The Meeting recalled that the Scientific Group had been requested to review the hazards related to alternative anti-fouling paints containing copper and copper compounds, and that one of the GESAMP Working Groups has also been tasked by the Secretariat to evaluate potential hazards to the marine environment. The Meeting was informed that the Secretariat has recently issued a circular (LDC.2/Circ.267 of 16 October 1990) requesting all Contracting Parties to submit information pertinent to the hazard evaluation to the IMO Technical Secretary of GESAMP.

3.10 The Secretariat also drew attention to a statement made by GESAMP regarding the "Review of Potentially Harmful Substances - Carcinogens" (LDC 13/INF.21). GESAMP, in 1984, had been requested by the Consultative Meeting to evaluate substances with known carcinogenic, teratogenic and

mutagenic properties with regard to their impact on the marine environment. The Meeting noted that a study on mutagenic substances is in preparation by GESAMP; it is doubtful as to whether GESAMP will prepare a study on teratogenic substances.

3.11 The Meeting was informed that GESAMP has adopted a report on coastal modelling which will be published as Reports and Studies No.43 (LDC 13/INF.22). The purpose of this report is to recommend modelling techniques to determine the dispersion, transport and fate of materials discharged into coastal environments. The representative of IAEA noted that the report would be distributed in the first quarter of 1991.

Report of the ad hoc Group of Experts on the Annexes to the Convention and consideration of the draft New Assessment Procedure

3.12 The Chairman of the Scientific Group reviewed the past activities of the ad hoc Group and noted that the Group had met three times to give a deliberate and comprehensive review of the technical structure of the Annexes to the London Dumping Convention, to discuss proposals to restructure the Annexes, if appropriate, and to recommend an assessment procedure for the implementation of the Annexes and technical portions of the Convention. A procedure for the implementation of the Annexes known as the draft New Assessment Procedure (NAP) was adopted on a review and trial basis by the thirteenth meeting of the Scientific Group on Dumping and distributed for initial review (LDC.2/Circ.266 of 19 June 1990) by the Contracting Parties. It was also noted that a number of policy issues related to the work of the London Dumping Convention were presented to the Thirteenth Consultative Meeting (LDC 13/3/1, annex). The Chairman of the Scientific Group noted that the NAP reflects a comprehensive waste management strategy and presents a complete framework for waste prohibition, consideration of alternatives, waste prevention audit, waste management options, waste characterization, action lists, disposal site assessment, optimization of disposal techniques, impact assessment, and monitoring considerations. In LDC.2/Circ.266 Contracting Parties were asked to give a preliminary review of the NAP and to provide information on whether the NAP constitutes an improvement to current approaches and whether the NAP would prove difficult to administer under existing laws and regulations. The Chairman of the Scientific Group proposed a future schedule to include a one year trial application, where appropriate, and thorough review of the NAP by Contracting Parties. A fourth meeting of the ad hoc Group could then be scheduled after the Fourteenth Consultative Meeting in 1991 to discuss input from the Contracting Parties and to report to the fifteenth meeting of the Scientific Group in 1992, with a final report and recommendation to the Fifteenth Consultative Meeting in 1992.

3.13 The Meeting was informed that in response to circular LDC.2/Circ.266, six Contracting Parties (Denmark, Germany, Japan, the Netherlands, Norway and the United Kingdom) had provided comments (LDC 13/3/5). These reflect varied opinions on whether the draft NAP constitutes an improvement ranging from views that the draft NAP contains some notable improvements to current approaches, to views that the draft NAP has some significant drawbacks. Regarding whether implementation would prove difficult, one country had stated that implementation would not be feasible; another country noted that legislative changes would be required and another stated that no changes would be needed.

3.14 Contracting Parties entered into significant discussions on the NAP. Some delegations welcomed the NAP for providing an improvement in the control of marine pollution through a technically sound framework for waste management that integrated all aspects of the London Dumping Convention into one process. Other delegations stated that the NAP would justify continued ocean disposal, be less stringent than the existing London Dumping Convention constraints, and that the marine environment could be better protected through phasing out the dumping of industrial wastes and sewage sludge. Most delegations stated that the NAP could be applied to dredged material and that they could accept a trial run and further review on that basis. Several delegations noted that special legislative changes would be required before a trial use could be initiated, while others stated that a trial use could begin immediately. Some delegations stated that the NAP constituted an improvement over current approaches and provided for prohibitions at international, regional and national levels and welcomed the increased emphasis placed on land disposal. Others stated there were limitations in the NAP and that they could not apply the NAP because of more stringent national legislation, but they nevertheless would support a trial use by other Contracting Parties and further review by the ad hoc Group, the Scientific Group and the Consultative Meeting.

3.15 The Chairman of the Scientific Group expressed his opinion that the NAP would not take the place of the Annexes of the Convention, would not make the Convention less stringent, would not renew disposal of radioactive waste disposal, would not initiate disposal of any other waste where it does not occur, does not propose to regulate internal waters, and does not propose to perpetuate dumping at sea. The NAP does, however, represent a scientifically valid sequence of events to ensure protection of marine waters, reflect established principles of waste management, is no less stringent than existing prohibitions, consists of components that represent results of discussions on major Scientific Group agenda items and presents an assessment sequence where prohibitions to sea disposal were given at the first procedural step. He further noted that the NAP is proposed only for a trial basis which could be conducted on the basis of existing data and, if data were not available, should be given a thorough technical and administrative review.

3.16 The Chairman of the Consultative Meeting noted that much effort and work of a high quality went into the development of the NAP. He further stated that the NAP must not be less stringent than existing requirements and that it has been difficult to distinguish technical and policy matters. The Chairman also noted the following questions posed to the Consultative Meeting by the Scientific Group:

- How will the NAP work in a regulatory context (e.g. to sewage sludge, dredged material or industrial waste)?
- How can the NAP procedure be approved?

3.17 After discussion of these questions the Chairman asked if the Meeting could accept the recommendations of the Scientific Group regarding the NAP. The Meeting agreed to the recommendations of the Scientific Group for a trial use of the NAP and/or a detailed review, as appropriate, for a one year period. The Contracting Parties will report their findings to the Secretariat

for input to a fourth meeting of the ad hoc Group of Experts, with subsequent review by the Scientific Group and Consultative Meeting in 1992. In this connection the Consultative Meeting also endorsed the work programme proposed by the Scientific Group (LDC 13/3, paragraph 2.7) as follows:

"In order for the procedure to become operational, national authorities would need to compile a list of wastes for the Prohibition List, and to develop limits or criteria for the Action List, taking into account the guidelines of the Convention. It is further proposed that, in accordance with Article VI (4) of the Convention, Contracting Parties should be required to notify the Secretariat of the specific criteria they had adopted within the context of the draft New Assessment Procedure. Subsequently, a further meeting of the Group of Experts could be convened to evaluate the notifications received and to report to the Scientific Group on Dumping and the Consultative Meeting on any necessary amendments to the procedure as well as any possibilities for the introduction of uniform assessment criteria. Experience gained in applying the procedure would be used to determine whether it should be adopted on a permanent basis. In the latter event, it would be possible to assess with confidence the advantages of supplementing or replacing the existing Annexes."

3.18 One delegation expressed its view that it could not endorse the trial application of the NAP unless it is confined to dredged material.

3.19 The Chairman of the Consultative Meeting initiated discussion on the policy issues and responses to the policy issues that had been raised at the third meeting of the ad hoc Group of Experts on the Annexes (LDC 13/3/1). The Meeting took note of the issues raised but did not attempt to resolve them. The Chairman pointed out that the lack of comments on the issues raised by the ad hoc Group of Experts on the Annexes and on the responses thereto prepared by that Group showed that these were to the satisfaction of the Consultative Meeting. The Chairman also confirmed that the Consultative Meeting was the appropriate body to consider policy issues related to the implementation of the London Dumping Convention.

3.20 The Meeting recalled the decision made at the Twelfth Consultative Meeting (LDC 12/16, paragraph 4.16) concerning participation of experts in meetings of the ad hoc Group of Experts on the Annexes to the Convention. It confirmed that participation in meetings of the ad hoc Group would include experts who had previously attended. However, a group member who would not be able to attend would be free to nominate a successor. Invitations would also be extended to those experts who had not previously attended but who had submitted papers on the topics under consideration, subject to consultation between the Secretariat and the Chairman of the Scientific Group.

Monitoring and control of dumping and incineration

3.21 The Meeting noted that the reporting of monitoring and dumping activities by the Contracting Parties has been especially sparse with only 23 countries submitting any information on dumping. There was little information available on monitoring activities. The Meeting endorsed the actions proposed by the Scientific Group to be carried out by the

Secretariat with a view to enhancing the quantity and quality of information and data on dumping and monitoring required from Contracting Parties as follows:

- .1 draft reports prepared by the Secretariat shall be sent to all Contracting Parties asking them for comments rather than being made available only to delegations attending meetings of the Scientific Group;
- .2 the Secretariat should contact national focal points on dumping, preferably by telephone or telefax to remind them of outstanding contributions, as appropriate;
- .3 the Secretariat through official channels should make an attempt to identify national focal points ("an appropriate authority or authorities" in accordance with Article VI(1)) of those Contracting Parties which have not yet submitted such information to the Secretariat; and
- .4 information on disposal at sea published in the scientific literature or in the grey literature, should be used as a basis for approaching Contracting Parties with a view to generating official reports under the Convention.

3.22 The Meeting was informed by the Chairman of the Scientific Group that UNEP had made the suggestion that the Consultative Meeting should consider contributing a set of guidelines for monitoring marine disposal sites to be issued under the UNEP series Reference Methods for Marine Pollution Studies (LDC/SG 13/14, paragraph 4.2.10).

3.23 The Chairman of the Scientific Group noted that significant discussions had taken place at the thirteenth and previous Scientific Group meetings on the need for specific monitoring guidance for use under the London Dumping Convention. The Scientific Group felt that sufficient guidance was available and that because monitoring is done on a site-specific basis a reference list of appropriate monitoring guidance would be more appropriate. In this connection the Meeting noted that the Scientific Group had recommended that Contracting Parties seeking generic advice and guidance on monitoring dumping sites should take into account advice contained in the 1988 report of the Advisory Committee on Marine Pollution (ACMP) of the International Council for Exploration of the Sea (ICES) on Monitoring Strategies, reproduced in LDC/SG 12/5/7 (LDC/SG 13/14, paragraph 4.2.14). For a more general review of monitoring objectives and design relating not only to specific dumpsites, but also to the general condition of the seas, the Scientific Group recommended that Contracting Parties take into account the following: U.S. National Academy of Sciences 1990. Managing Troubled Waters: The Role of Marine Environmental Monitoring. National Academy Press, Washington, D.C. 125pp. (LDC/SG 13/14, paragraph 4.2.15);

3.24 With reference to the request by UNEP for assistance in the preparation of monitoring guidelines (see paragraph 3.22 above), the Secretariat informed the Meeting that UNEP had very recently again contacted IMO with a view to obtaining its assistance in this field. The Secretariat noted that this issue

has been discussed informally with a number of Contracting Parties and that the respective advice could be provided.

3.25 The Meeting agreed that the Secretariat shall continue to update bibliographies on monitoring and that Contracting Parties should provide the Secretariat with copies of summary reports, together with detailed research and assessment reports (LDC/SG 13/14, paragraphs 4.2.16 and 4.2.17).

3.26 The Meeting also took note of the need to update the bibliography on the environmental impact of dredging operations and the disposal of dredged material. It urged Contracting Parties to submit relevant references to the Secretariat.

Field verification of laboratory tests

3.27 No submissions were made to the Scientific Group on the field verification of laboratory tests. Contracting Parties were urged to submit this very important information for detailed discussion by the Scientific Group. In this respect the Meeting confirmed that the field verification of hazard assessment procedures was necessary for a full understanding of the implications of the various tests in evaluating the requirements of the London Dumping Convention.

Management of wastes

3.28 The Meeting noted that dredged material is by far the largest quantity of material dumped at sea. It agreed to the recommendation of the Scientific Group that there was a need for an extensive discussion by the Scientific Group on the reduction of contaminants in dredged material.

The Precautionary Approach, technical and scientific considerations and their application

3.29 The Meeting was informed by the Chairman of the Scientific Group that a "precautionary approach" had several informal meanings ranging from waste management strategies to prohibition of disposal at sea of most waste materials, and that the term has not yet been defined by the Consultative Meeting. Although many delegations at the Scientific Group meeting felt that the London Dumping Convention implicitly takes a precautionary approach to the prevention and control of marine pollution, it could not be agreed that a suitable definition existed or that it was even necessary to establish a definition within the framework of the London Dumping Convention. The Scientific Group agreed that a definition should be based on a sound technical foundation. It was also agreed by the Scientific Group that a bridge between competing philosophies on sea disposal could be found and progress made if the London Dumping Convention reflected "a precautionary approach to the introduction of substances into the environment and actively pursued measures that would reduce contamination where there was reason to suspect that harmful effects may occur, even though stringent proof of a cause-effect relationship may be lacking". It was concluded by the Scientific Group that the New Assessment Procedure contained technical components of a precautionary approach and that this may form a basis for a future approach.

3.30 The observer from CEFIC supported the use of a precautionary approach, which should include a rigorous assessment of the relevant scientific facts and the application of Best Available Technology Not Entailing Excessive Cost (BATNERC) to the whole process of waste minimization and waste disposal.

3.31 The Consultative Meeting discussed various aspects of a precautionary approach taking into account the submissions on this issue introduced under paragraphs 3.3 to 3.6 above. Many delegations stated that a clear definition of a precautionary approach was needed and should be part of the legal framework of the Convention, while others felt that the London Dumping Convention currently reflected a precautionary approach. The Meeting agreed that a working definition was needed and that this should be discussed under item 5 of the agenda "long-term strategy for the convention" or at a future meeting of the Long-term Strategy Group with a view to final discussion at the Fourteenth Consultative Meeting. One delegation stated that initial discussions should be carried out by the Scientific Group; however, the Meeting was of the opinion that there was no need for further discussion by the Scientific Group for the time being. The Meeting also agreed that the Secretariat should prepare a detailed working paper on all aspects of a precautionary approach for deliberation on this subject at the Fourteenth Consultative Meeting (see also paragraph 5.38 below). It was further pointed out that if a definition of a precautionary approach was developed, it would be important to understand how it would be used and its status in regard to the Articles, Annexes and Guidelines of the London Dumping Convention.

Co-operation with other organizations

3.32 The Meeting noted that a significant number of activities relevant to the work of the Scientific Group were carried out or organized by other organizations, including seminars, symposia, workshops, training courses, preparation of activity and status reports, etc. The Chairman noted, as an example, the input of the Scientific Group on Dumping to the work of GESAMP, IOC and the Oslo Commission in particular.

3.33 The Meeting was informed of the IOC Workshop on the Biological Effects of Pollutants held in Bermuda. It also noted the third IOC Workshop in Bremerhaven in 1990, with results being available in late 1991.

3.34 The Meeting noted the GESAMP report on the State of the Marine Environment published as GESAMP Reports and Studies No.39. It was also noted that GESAMP had convened a working group on a "comprehensive framework for the assessment and regulation of waste disposal in the marine environment" in 1989. This effort should have an important contribution to the long-term strategy of the Convention.

3.35 The representative of the Oslo Commission reported its decision on the reduction and cessation of the dumping of industrial wastes in the North Sea, as well as the updated guidelines for dumpsite monitoring and for dredged material assessment (LDC 13/INF.32/Rev.1). It was also reported that SACSA is developing guidelines regarding the removal and disposal of platforms at sea. The Meeting took note of these activities.

3.36 The Meeting took note of the completed Eighth International Ocean Disposal Symposium (IODS) held in Dubrovnik, Yugoslavia in late 1989. This series of symposia has been renamed the "International Ocean Pollution Symposium (IOPS)" because of a broader range of scientific issues (LDC 13/INF.31). The first meeting of IOPS is planned to be held in Puerto Rico from 28 April to 2 May 1991 (see also paragraph 9.5 below).

Future work programme

3.37 The Scientific Group developed a three year programme identifying priority dates for reporting to the Consultative Meeting. The list of substantive items proposed for inclusion in the agendas for the fourteenth, fifteenth and sixteenth meetings of the Scientific Group was reviewed by the Consultative Meeting under agenda item 12.

4 MATTERS RELATING TO THE INCINERATION OF WASTES AND OTHER MATTER AT SEA

Work programme related to resolution LDC.35(11) on the status of incineration at sea

4.1 The Chairman of the Scientific Group on Dumping noted that his Group at its thirteenth meeting considered the programme adopted by the Twelfth Consultative Meeting for work to be carried out under resolution LDC.35(11) on the status of incineration at sea (LDC 12/16, annex 6). The Scientific Group had been asked by the Consultative Meeting to report in good time, bearing in mind the re-evaluation of incineration at sea scheduled for 1992.

4.2 The Scientific Group at its thirteenth meeting had been informed by several delegations that their countries would terminate incineration at sea by the end of 1990, and that only one incineration vessel was in operation. However, the Scientific Group recalled that a clear mandate had been given to it to, inter alia, evaluate on a worldwide basis the availability of safe and environmentally acceptable land-based alternatives. In this regard the Scientific Group agreed on issues to be included in a questionnaire which would be prepared by the Secretariat, adopted a detailed work schedule for implementing the work programme, and proposed the establishment of a steering group to:

- .1 consider the preparation of a survey on no-waste and low-waste technologies;
- .2 consider ways and means on how the effectiveness, environmental acceptability, and costs and benefits of alternative technologies could be evaluated; and
- .3 identify experts/groups/organizations to be contacted for information on incineration technologies and associated environmental implications on land and at sea including those derived from products of incomplete combustion, formation of harmful substances in the plume; contamination by residues, effects on the sea surface microlayer.

4.3 The Secretariat reported to the Meeting on the actions taken since the thirteenth meeting of the Scientific Group (LDC 13/4). A draft questionnaire had been prepared (LDC 13/INF.19) and discussed with the UNEP Industry and Environment Office which pointed out that:

- .1 the questionnaire as an initial questionnaire was rather detailed. Any response would require very specialized expertise which in many countries, in particular of the developing world, was difficult to find; and
- .2 a number of other agencies within certain regions have started to carry out surveys on hazardous wastes and it might be confusing for countries to receive different survey forms on similar or related issues from several United Nations agencies. There was interest in these agencies in using the experience gained to date to carry out a survey on a world-wide basis.

4.4 The UNEP Industry and Environment Office had proposed that in co-operation with other United Nations agencies (e.g. UNEP, WHO, FAO, UNIDO, ILO) a comprehensive waste management survey should be initiated in which specific questions on incineration could be incorporated. This exercise should start with an overview questionnaire on national hazardous waste situations and be followed by in-depth surveys which would comprise detailed questionnaires and visits of an experienced waste expert to government agencies, industry bodies and non-governmental organizations. A draft example of the overview questionnaire was noted by the Meeting (LDC 13/INF.20, annex 1).

4.5 The Meeting recalled the statement made by the representative of the Association of Maritime Incinerators (AMI), viz. that the incineration vessels Vesta and Vulcanus I ceased operations late in 1989 and early in 1990 respectively, and that Vulcanus II will cease operations by the end of December 1990 (see paragraph 1.20 above). Therefore, due to the decommissioning of these incineration vessels, the incineration at sea of noxious liquid wastes will effectively be terminated by Contracting Parties by the end of 1990.

4.6 The representative of the Oslo Commission stated that Contracting Parties to the Oslo Convention decided at their sixteenth meeting to terminate incineration at sea by 31 December 1991. After that date the common incineration site and the escape area in the North Sea will also cease to exist (LDC 13/INF.32/Rev.1).

4.7 The Meeting expressed its appreciation for the efforts made by Contracting Parties in identifying and developing practical land-based options for re-use, recycling or disposal for all of the wastes which until recently had been incinerated in the North Sea (LDC 13/INF.7). In this connection the Meeting noted in particular the steps taken by the Federal Republic of Germany for the avoidance and recycling of their wastes containing chlorinated hydrocarbons (LDC 13/INF.37).

4.8 The Meeting agreed that in the light of the above developments its resolution LDC.35(11) on the status of incineration of noxious liquid substances at sea should be reviewed.

decommissioning of all incineration vessels by the end of 1990, no additional research would be carried out on sea incineration. The Meeting accordingly revised the work programme as shown at annex 3.

4.16 In subsequent discussions of the phase out of industrial waste dumping under agenda item 10, it was noted that the survey of alternatives to industrial waste dumping could be conducted in conjunction with the evaluation of alternatives to incineration at sea (see paragraph 10.9 below).

4.17 The Italian delegation expressed its view that in light of the short time period available for the re-evaluation of incineration at sea, matters related to "no waste and low waste technologies" should not be included in a survey because these would be of no substantive relevance to the evaluation process. That delegation therefore proposed that this matter be dealt with under item 5 of the agenda (Development of a long-term strategy for the Convention). However, other delegations pointed out that in the light of experience gained within the Oslo Commission "no waste and low waste technologies" have shown to be important factors in the decision to cease incineration at sea in the Oslo Convention area.

Review of working schedule

4.18 The Meeting did not believe that it was necessary to formally establish a steering group at this stage. Instead a number of lead countries should be identified which would assist the Secretariat by correspondence in carrying out its work. It was also noted that the first step in a global survey on the availability of land-based alternatives would be to issue an overview questionnaire to gain information on general issues, such as responsible national administrations, types and quantities of wastes, methods of disposal and treatment of wastes, existing regulations and standards. This would be followed by more detailed questionnaires and combined with interviews to be carried out by a qualified waste specialist.

4.19 The Meeting agreed on the following schedule:

- | | |
|---|-------------------------|
| .1 Preparation of an overview questionnaire on national waste situations (with advice from lead countries) | <u>November 1990</u> |
| .2 Responses requested by | <u>March 1991</u> |
| .3 Hire waste consultant and issue follow-up questionnaires (as developed by IMO (with assistance of lead countries) and co-operating agencies) | <u>April 1991</u> |
| .4 In depth study by consultant to be carried out through interviews with industries, national administrations and non-governmental agencies | <u>May-October 1991</u> |

- .5 Preliminary report to the Fourteenth Consultative Meeting, including information on incineration technologies and associated implications on land and at sea as well as existing information from the Oslo Commission experience with the phasing out of incineration at sea

October/November 1991

- .6 Preparation of a report to be prepared by the secretariat (and consultant) in co-operation with other agencies and lead countries on the following:

.6.1 availability of safer and environmentally more acceptable land-based alternatives to incineration at sea;

.6.2 effectiveness, environmental acceptability, costs and benefits of alternative technologies;

March 1992

- .7 Review of the report by the Scientific Group (fifteenth meeting)

Spring 1992

- .8 Inclusion of additional aspects and comments

July 1992

- .9 Submission of the report to the Fifteenth Consultative Meeting

Autumn 1992

4.20 As concerns legal implications related to a future termination of incineration at sea, the Meeting agreed that the status of the 1978 amendments to Annexes I and II on incineration at sea and the addendum thereto should be considered by the ad hoc Group of Legal Experts on Dumping. In this connection it was pointed out that requirements on incineration at sea regarding safety and transportation aspects had been included in other legal instruments (e.g. the International Bulk Chemical Code (IBC Code) and MARPOL 73/78) and that these made particular reference to the London Dumping Convention.

4.21 The Belgian delegation reiterated its view that after the cessation of incineration at sea in the Oslo Convention area and the decommissioning of all incineration ships, the whole issue should be closed. Belgium would take part in the re-evaluation exercise as far as existing information was concerned, but it does not intend to invest in any new studies.

4.22 The delegation of the Solomon Islands expressed continuing concern about the incineration of hazardous wastes at sea, on platforms or small islands, which would affect the marine environment.

Incineration of garbage and other residues regulated by MARPOL 73/78

4.23 The Meeting was informed that the IMO Marine Environment Protection Committee (MEPC) at its twenty-ninth session had agreed that the potential hazards of emissions and ashes together with safety aspects require the

development of specific standards for the construction, installation and operation of the incineration equipment. The Committee had asked the Secretariat to provide relevant studies or data on the behaviour of atmospheric emissions from incineration vessels received from Contracting Parties to the London Dumping Convention (LDC 13/11/6).

4.24 The Consultative Meeting asked Contracting Parties to provide relevant information to the Secretariat for submission to the respective IMO bodies.

5 THE DEVELOPMENT OF A LONG-TERM STRATEGY FOR THE CONVENTION

Report of the Steering Group

5.1 The Steering Group on a Long-Term Strategy for the London Dumping Convention met at IMO Headquarters from 17-20 April 1990 under the chairmanship of Mr. G. Holland (Canada). Twenty-three Contracting Parties and many observers attended the meeting. As a basis for its work, the Steering Group had the instructions and results of the debate at the Twelfth Consultative Meeting (LDC 12/16, section 12; resolution LDC.38(12)) and many documents submitted by Contracting Parties and observers. The report of the Steering Group had been distributed to all Contracting Parties (LDC/STRAT 1/8/1).

5.2 The Steering Group had discussed the weaknesses and strengths of the Convention in providing an overall framework for the prevention of marine pollution by dumping as well as the control of other sources of marine pollution not presently covered by a global framework. It was recognized that environmental policies and perception had changed since the Convention was drafted and that, therefore, the discussion and action on a future long-term strategy was both necessary and timely.

5.3 The Steering Group recognized that several levels of action were called for. In particular, the Consultative Meeting could be expected to assign aspects of this work to the Secretariat and its subsidiary bodies, to decide on intersessional studies and to consider actions it wished to take on expanding the scope of the Convention. The various actions are listed in an overview summary paper prepared by the Secretariat (LDC 13/5, annex, section 4).

5.4 The Steering Group acknowledged that differing philosophies exist regarding the way in which the reduction and elimination of marine pollution can be achieved. However, there was a recognition that the gap between such philosophies can be narrowed by consideration of the regional and temporal variations involved in any actions directed towards termination of dumping practices.

5.5 The Steering Group stressed that dumping activities account for only a relatively small part of the sources of marine pollution and therefore an urgent need exists to address other major sources - especially land-based sources.

5.6 The Steering Group agreed that a future work programme should consider the need for a comprehensive global mechanism to co-ordinate activities undertaken by the various conventions relating to marine pollution,

particularly with the 1992 United Nations Conference on Environment and Development (UNCED) in mind.

Related activities

5.7 The Secretariat informed the Meeting of the work of the Preparatory Committee to the UNCED and the request to the International Maritime Organization to prepare, in co-operation with the Contracting Parties to the London Dumping Convention, a report for consideration at the Second Preparatory Committee Meeting (March/April 1991) (LDC 13/5/3 and LDC 13/INF.16).

5.8 The Meeting was informed of a resolution (Decision SS.II/4/B) adopted by the UNEP Governing Council at its fifth meeting on 3 August 1990 concerning a comprehensive approach to hazardous waste. The resolution, inter alia, appeals to governments to consider alternative clean production methods and to strengthen measures to ensure that those responsible for pollution should bear the cost of its clean-up. It also requests the Executive Director to strengthen the activities of the UNEP Industry and Environment Office related to the development of clean technologies in the field of hazardous wastes (LDC 13/INF.40).

5.9 The Secretariat further informed the Meeting of the UNEP Governing Council resolution (Decision SS.II/6) of 3 August 1990 on the need for effective global protection of ocean and coastal ecosystems. The resolution urges participants in the Preparatory Committee for UNCED to consider developing or strengthening measures that will facilitate improved protection and sustainable development of ocean and coastal resources, and will more effectively address the serious growing problem of land-based sources of marine pollution (LDC 13/INF.14).

5.10 In this regard the representative of UNEP stated that the control of land-based sources of pollution is now a critical priority for the protection of the oceans. The differences between regions in economic potential and environmental conditions mean that a regional approach is generally the most effective.

5.11 The UNEP representative further stated that UNEP is prepared to examine the feasibility and the possible scope of an international agreement providing a global framework for the protection of the oceans and a mechanism through which such protection could be effectively achieved. This could take the form of a global framework convention on the comprehensive protection of the marine environment from all sources of pollution, including land-based sources, along the lines of the regional seas conventions.

5.12 The UNEP representative noted that such an examination could lead to a decision by governments, possibly at the 1992 United National Conference on Environment and Development, as to whether to proceed with the negotiation and adoption of such an instrument. UNEP, as the body charged with a catalytic and co-ordinating role for the environment within the UN system, is prepared to serve as the secretariat for such a convention provided appropriate resources are made available.

5.13 The Canadian delegation drew attention to its plans to host an intergovernmental meeting of experts to develop principles for the protection of the marine environment from land-based sources (LDC 13/INF.41). The meeting will report to the third Preparatory Committee (PrepCom 3) for the 1992 UN Conference on Environment and Development (UNCED), and is being arranged in co-operation with the UNCED Secretariat, UNEP, IOC and the Office for Ocean Affairs and the Law of the Sea of the United Nations Secretariat. The objectives of the meeting which will be held in Halifax, Canada, 6 - 10 May 1991, are to:

- .1 develop principles for the protection of the marine environment from land-based sources of pollution;
- .2 study the scientific, social and legal elements to be addressed if there is to be a concerted global attack on the problem;
- .3 report on the scope of the problem and the various issues and options involved; and
- .4 recommend a strategy and a framework for action to the third UNCED Preparatory Committee meeting.

5.14 Denmark submitted a draft resolution on the protection of the oceans and all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas (LDC 13/5/2). The draft resolution recommended that the Preparatory Committee of UNCED should take a number of actions necessary for the improved protection of the marine environment.

5.15 The Danish delegation, in introducing the draft resolution, emphasized that a substantial input should be made from the Thirteenth Consultative Meeting to the UNCED Preparatory Committee meeting in March/April 1991. Any future development of the London Dumping Convention should be based on the principle of "precautionary action", which would demand the use of "best available technology", including the implementation of "cleaner technology". It was further pointed out that any new development should be aimed at the protection of the marine environment from all sources.

5.16 The observer from ACOPS introduced the resolution on dumping adopted by the Global Legislators Organization for a Balanced Environment (GLOBE) (LDC 13/11). He explained the aims and objects of GLOBE whose members include parliamentarians from the European Parliament, the Japanese Diet, the United States Congress and, from 1991, the Parliament of the USSR. He explained the rationale behind the issues raised in the Globe Resolution and emphasized the parliamentarians' concern with land-based marine pollution. As an expression of their concern and as their contribution to UNCED, the European Parliament had decided to sponsor an ACOPS high-level international conference on this issue to be held in the European Parliament in Brussels from 2 to 4 July 1991. He also undertook to see that the question of the implementation of Articles I and II of the London Dumping Convention was raised in forthcoming debates in the parliaments concerned.

Documentation

5.17 A number of documents were submitted under this agenda item which, in the interest of time, were not introduced or discussed. Brief synopses of these documents are given below.

5.18 The Netherlands submitted a paper (LDC 13/5/4) presenting some preliminary thoughts concerning the future of the London Dumping Convention. Because the London Dumping Convention is, together with MARPOL 73/78, one of the two global conventions setting standards for the protection of the marine environment, the Netherlands believes that the role of the London Dumping Convention, where possible, should be strengthened. A systematic analysis was provided on the role, functioning scope and implementation of the Convention.

5.19 FORI and IUCN jointly submitted a paper entitled "Third North Sea Seminar: Distress Signals/Signals from the environment in policy and decision-making" (LDC 13/11/1). The Netherlands environmental organization Werkgroep Noordzee organized its Third North Sea Seminar from 31 May to 2 June 1989. The Seminar focussed on the incorporation of scientific knowledge in policies regarding the North Sea environment and addressed scientists, decision-makers and representatives of interest groups. Amongst the topics discussed were the concepts of "precautionary principle" and "assimilative capacity".

5.20 A booklet containing the proceedings of the Seminar was also circulated (LDC 13/INF.2). More information about these proceedings can be obtained from Werkgroep Noordzee, Vossiusstraat 20, NL 1071 AD AMSTERDAM, the Netherlands (telephone 31 20 761477); copies of the Proceedings can be obtained from the same address.

5.21 The Meeting was informed of the Ministerial Declaration arising from the Third International North Sea Conference (The Hague, 7 and 8 March 1990) (LDC 13/INF.6). A number of declarations refer to the disposal and incineration of wastes and other matter at sea as well as to the disposal of offshore platforms and radioactive wastes. The Meeting also was informed of the progress in implementing the agreements of the Second North Sea Conference (London, 24 and 25 November 1987) (LDC 13/INF.7).

5.22 Norway provided the report of a conference organized by the Norwegian Government in co-operation with the United Nations Economic Commission for Europe (ECE) on "Action for a Common Future" (Bergen, 8-16 May 1990) (LDC 13/INF.27). The report includes a Ministerial Declaration presenting policies, objectives, principles and commitments relating to the goal of sustainable development on a global basis. The Declaration, inter alia, addresses waste disposal at sea and includes a Joint Agenda for Action that refers to the need for preventing marine pollution from industrial sources.

5.23 The Secretariat drew attention to the development within the UNEP Regional Seas Programme concerning the prevention of marine pollution resulting from exploration and exploitation of the continental shelf. Under the Mediterranean Action Plan an expert in May 1990 prepared an outline for a draft Protocol for the Protection of the Mediterranean Sea Against Pollution

Resulting from Exploration and Exploitation of the Continental Shelf and the Sea-bed and its Sub-soil (LDC 13/11/4). Within the framework of the Regional Organization for the Protection of the Marine Environment (ROPME) (Kuwait Regional Convention), a Protocol Concerning Pollution Resulting from Exploration and Exploitation of the Continental Shelf recently entered into force (17 February 1990) (LDC 13/INF.13). Sets of guidelines for the implementation of the Protocol have also been adopted.

5.24 The Consultative Meeting noted that GESAMP at its twentieth session (Geneva, 7-11 May 1990) had decided that each year it would issue a review of the state of the marine environment as follow-up to its "Report on the State of the Marine Environment" (GESAMP Rep.Stud.No.39). GESAMP reaffirmed that global climatic change may be the most important environmental issue facing humankind, and it noted with concern the uncertainties surrounding the role of the oceans in the global carbon cycle. GESAMP also stressed the fact that most of the current marine and ocean problems are concentrated in coastal zones. It is likely that without appropriate management measures these problems will become worse due to the increase of populations in coastal areas. The apparent increase in harmful algal blooms, eutrophication and associated regional anoxia, and fish diseases were highlighted as being of immediate concern (LDC 13/11/2).

5.25 A strategy paper on the protection and management of the oceans (LDC 13/INF.8) prepared by GESAMP in May 1990 considers elements for the protection and management of marine and coastal environments. The GESAMP strategy paper includes statements of principle, and sets forth several scientific and organizational elements that should be considered for formulating strategies for marine protection and management. Scientific elements include environmental and planning, cleaner technologies, impact prediction and assessment, classification of substances, comparison of disposal options and monitoring. Organizational elements include institutional arrangements, public awareness and participation, data and information management, and legal obligations and enforcement.

5.26 The German delegation disagreed with the view of GESAMP that application of the assimilative capacity concept does not necessarily conflict with the need for a precautionary approach to environmental management. The observer from Greenpeace took exception to GESAMP's opinion that, in making predictions, scientific uncertainties can be accommodated through precaution.

5.27 The Meeting was also informed of the progress of work achieved by GESAMP concerning the development of a comprehensive framework for the assessment and regulation of waste disposal in the marine environment (LDC 13/11/5). The Meeting recalled that in connection with studies and assessments required by resolution LDC.28(10) it had requested GESAMP to examine the parallels between the regulatory approaches to, and environmental assessments of, the dumping at sea of both radioactive and non-radioactive wastes to identify opportunities for developing a common, comprehensive and holistic framework for the regulation of dumping at sea of all wastes.

5.28 A table of claims of Contracting Parties to the London Dumping Convention concerning their maritime zones had been prepared by the

Secretariat (LDC 13/5/1) on the basis of material published by the United Nations Office for Ocean Affairs and the Law of the Sea, because this was felt to be relevant to the work of the Consultative Meeting in determining the rights and responsibilities of a coastal State in applying the Convention in a zone adjacent to its coast.

Discussion

5.29 The Consultative Meeting established a Working Group under the Chairmanship of Mr. G. Holland (Canada) to consider the report of the Steering Committee on the development of a long-term strategy for the Convention. Delegations from Australia, Barbados, Brazil, Canada, Chile, China, Denmark, Finland, Germany, Ireland, Italy, Japan, Mexico, Netherlands, Nigeria, Portugal, Solomon Islands, Spain, Sweden, USSR, United Kingdom and United States and observers from UNEP, IUCN, and ACOPS participated.

5.30 After consideration of the Working Group report (LDC 13/WP.3) the Consultative Meeting, as a priority, addressed the items related to the United Nations Conference on Environment and Development (UNCED), in particular, the drafting of a resolution to UNCED on marine pollution matters as proposed by Denmark (LDC 13/5/2), the report to UNCED on the London Dumping Convention and a consideration of any changes to the scope of the Convention for which the endorsement of UNCED might be sought.

Resolution to UNCED

5.31 In discussing the draft resolution prepared by Denmark (LDC 13/5/2), comments were made concerning the role of the United Nations Convention on the Law of the Sea for the protection of the marine environment, the suggested mechanism for a new global convention and the appropriateness of the draft resolution to address certain issues. In this connection the Meeting agreed that the London Dumping Convention represented a unique forum for Governments dealing with global marine pollution and waste management policies and that Contracting Parties collectively had a duty to share this experience. In summary, there was a consensus that the resolution should state why the Contracting Parties were tabling a resolution for UNCED, what they expected UNCED to do in order to assist the Consultative Meeting in its work, what the Consultative Meeting could expect to do for UNCED and what the Contracting Parties could collectively contribute by means of expressing their experienced and collective opinion. A statement describing the background and purpose of the resolution was agreed to and appears at annex 4. Resolution LDC.40(13), as adopted by the Consultative Meeting, is shown in annex 5.

Outline of a report on the London Dumping Convention for UNCED Prep.Com.2

5.32 The Meeting then turned its attention to the development of an outline for the proposed document on the London Dumping Convention that will be supplied to the Second UNCED Preparatory Committee meeting. It was agreed that:

- .1 the Secretariat should prepare the document in consultation with the Chairman of the Consultative Meeting;

- .2 much of the material exists in the Secretariat paper LDC 13/INF.9;
- .3 the text should make it clear that within the framework of the London Dumping Convention experience and knowledge has been gained on global waste management;
- .4 lessons learned by the Contracting Parties to the London Dumping Convention were valuable in a wider waste management context; and
- .5 the document should have a strong relation to the resolution from Contracting Parties to the UNCED as adopted above.

5.33 The approved outline of the report to be prepared by the Secretariat is as follows:

- .1 history of the Convention;
- .2 trends in activities related to the disposal of wastes and other matter at sea and the protection of the marine environment.
- .3 participation (Contracting Parties and international organizations);
- .4 accomplishments and achievements;
- .5 technical advice generated;
- .6 problems (membership, enforcement, monitoring, technology transfer);
- .7 current status, ongoing work and expectations; and
- .8 conclusions.

5.34 The Meeting then agreed that the Contracting Parties should collectively issue a statement from the Thirteenth Consultative Meeting, clearly expressing:

- .1 that the London Dumping Convention originated from the 1972 UN Conference on the Human Environment;
- .2 that Contracting Parties are charged under the Convention with a responsibility to protect the marine environment;
- .3 that Contracting Parties are concerned with the need to address all sources of marine pollution; and
- .4 what actions have been recommended to UNCED.

Actions to improve the implementation of the London Dumping Convention

5.35 The Meeting then addressed the outstanding items remaining from the report of the Steering Group. In particular it adopted the actions and priorities outlined in annex 6. In addition, there were several items considered in need of further elaboration.

Options to increase the scope of the London Dumping Convention

5.36 Under possible options for increasing the scope of the Convention the Consultative Meeting decided that:

- .1 the question of land-based sources of marine pollution has been adequately covered under resolution LDC.40(13) (see paragraph 5.31 above);
- .2 those Contracting Parties also party to the Helsinki and/or Oslo Commissions, be requested, in co-operation with the respective Secretariats, to provide a lead in preparing a paper for the Fourteenth Consultative Meeting with regard to the extension of the coverage of the Convention to "marine internal waters";
- .3 the Consultative Meeting itself would be dealing with the particular and significant items of the disposal of wastes into the sea-bed, and might consider at a later stage matters related to deep-sea mining of mineral resources;
- .4 those Contracting Parties also party to the Paris Commission be requested, in co-operation with the respective Secretariats, to provide a lead in preparing a paper for the Fourteenth Consultative Meeting on the matter of "discharges from offshore installations"; and
- .5 the Secretariat request all Contracting Parties to comment on the known or perceived problems related to polluted sites that have been caused by past intentional or accidental disposal of materials into the marine environment and the need for national and regional action in this regard.

5.37 The Meeting welcomed the offer made by the delegations of Finland and the Netherlands to consider the respective tasks related to paragraphs 5.36.2 and 5.36.4 above.

Philosophical approaches to waste disposal at sea

5.38 The Meeting then considered the question of how the different philosophical approaches to waste disposal in the marine environment could be addressed. It was recognized that the adoption of a "precautionary principle" definition and approach by the Consultative Meeting was an inherent part of this discussion. The experience achieved through case studies, such as the German experience with alternative methods to deal with wastes previously incinerated at sea, and new studies that will result from trial use of the NAP, will be extremely valuable to the further resolution of this issue. It was accepted that a process that would allow for different regional and economic situations, and possible exceptions or extended time allowed for compliance, could assist in achieving consensus to actions banning certain practices. The Consultative Meeting decided that such considerations could be taken up by the Fourteenth Consultative Meeting and, in particular, that the Secretary should prepare a detailed working paper on all aspects of the precautionary approach and distribute it to Contracting Parties with a view to

taking a decision at the next Consultative Meeting (see also paragraphs 3.29 to 3.31 above).

5.39 The Secretariat was requested to follow the work of GESAMP on the establishment of a comprehensive framework for the assessment and regulation of waste disposal in the marine environment (see paragraph 5.27 above), and to keep the Consultative Meeting fully informed.

5.40 The Meeting recognized the importance of regional dumping protocols or similar arrangements and concluded that, for reasons of economy, transfer of technology, monitoring and effectiveness of implementation, such protocols or arrangements were very important and their promotion should be encouraged. The UNEP representative suggested that the Consultative Meeting may wish to develop a draft protocol on dumping that could be used in the future by Regional Seas Agreements. The Meeting agreed to keep this matter under review and requested the Secretariat to discuss the possibility further with colleagues in UNEP.

5.41 Finally, the Meeting considered the important question of scientific, technical and administrative assistance. All participants agreed that activities in this area needed to be improved. It was noted that such assistance could be on a bilateral, regional or global basis and that the lack of finances was a major constraint. The Consultative Meeting urged Contracting Parties, in particular those from developed countries, to provide scientific, technical and administrative assistance to States needing advice in the fields of waste management, disposal at sea, land-based alternatives, clean technologies, monitoring dumpsites, etc.

6 MATTERS RELATED TO THE DISPOSAL OF RADIOACTIVE WASTES AT SEA

6.1 The Consultative Meeting received a number of documents under this agenda item, which are recorded as they were introduced in the following paragraphs.

Report of IGPRAD 3

6.2 The third meeting of the Inter-governmental Panel of Experts on Radioactive Waste Disposal at Sea (IGPRAD) was held from 22 to 25 October 1990. The Vice-Chairman of IGPRAD, Mr. D.F. De Stoop (Australia), acted as the Chairman of the Meeting because of the death late last year of Mr. A. Voipio (Finland). Ambassador G. Nascimento-Silva (Brazil) was elected Vice-Chairman of the Meeting. Mr. De Stoop introduced the interim report of the Panel (LDC/IGPRAD 3/WP.1/Rev.1) as reflected in paragraphs 6.3 to 6.18 below.

6.3 The Panel continued the work entrusted to it by the Tenth Consultative Meeting (resolution LDC.28(10)), which is to examine or undertake studies and assessments on:

- .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; and

- .3 the question of whether it can be proven that dumping of radioactive wastes and other radioactive matter at sea will not harm human life and/or cause significant damage to the marine environment.

6.4 The third meeting of IGPRAD was attended by 21 Contracting Parties to the London Dumping Convention, one State which is not yet a Contracting Party and three inter-governmental organizations: the International Atomic Energy Agency (IAEA), the Nuclear Energy Agency of the Organisation for Economic Co-operation and Development (OECD/NEA) and the Commission of the European Communities (EEC). In response to an invitation by the Twelfth Consultative Meeting to non-governmental organizations, Greenpeace International submitted a statement (LDC/IGPRAD 3/INF.7) which it introduced during the opening of the Inter-Governmental Panel meeting (see paragraph 6.31 below).

6.5 The Panel re-convened its two working groups: Working Group 1 to examine the wider political, legal, economic and social aspects of radioactive waste disposal at sea; and Working Group 2 to examine scientific and technical issues. Ambassador G. Nascimento-Silva (Brazil) chaired Working Group 1 and Mr. J. M. Bowers (Canada) Working Group 2.

6.6 Twenty-six new papers were submitted for discussion and a number of papers submitted to the previously convened second meeting of IGPRAD were re-examined.

6.7 The work on legal issues is almost completed. In 1988 Finland, as the "lead country" on this issue, prepared a paper on the International Law of Ocean Dumping. The paper which was revised in 1989 and will require further revision in the light of proposals and comments that have been made. The Panel hoped that the paper would be finalized at the next meeting. In this connection, the Panel noted that only 16 States Parties responded to the questionnaire to determine the extent to which the sea disposal of high- and low-level radioactive waste is prohibited or regulated by a permit system in individual countries (LDC.2/Circ.252/Rev.1 of 2 February 1990). The Secretariat was requested to re-issue the respective circular.

6.8 With regard to the political aspects of dumping, no new papers were submitted except for the material introduced by Greenpeace at the opening of the meeting. The Panel again examined the papers that had been submitted to its previous meeting. The Spanish delegation invited other delegations to carry out systematic opinion surveys along the lines of its own survey. The Chairman stated that, in his opinion, there was still work to be done on the political aspects of dumping and appealed to all members of the Panel to consider making a contribution on this important subject for the next meeting. Some participants stated that they will undertake to prepare papers for the next meeting of the Panel. The Secretariat was requested to prepare in 1991 a summary paper covering the contents of previous submissions, as well as the comments made thereto.

6.9 In contrast, there were six new papers considered on the social and economic aspects of radioactive waste disposal. Norway agreed to update its conceptual cost-benefit model based on further comments and additional data. France, which acts as "lead country" on several issues in the social and economic field, re-affirmed its commitment to review the respective issues

(LDC/IGPRAD 2/2/3) in the light of technical and scientific studies scheduled for completion in 1991 and additional responses to a questionnaire, originally circulated by France, which the Secretariat was requested to re-distribute to Contracting Parties.

6.10 Thanks largely to the work of the International Atomic Energy Agency (IAEA), the scientific and technical working group had a number of documents to review as partial fulfilment of the tasks undertaken in response to resolution LDC.21(9). The first document (LDC/IGPRAD 3/INF.5: relevant to Paragraph 3 of resolution LDC.21(9)) was a technical document prepared by IAEA (TECDOC-562) containing an evaluation of five separate comparative assessments of land and sea disposal options for different types of radioactive waste. This evaluation confirmed the validity of previous IAEA advice on comparative assessment methodologies (IAEA Safety Series No.65) and suggests that an international consensus already exists that such comparisons should be based on a wide variety of factors, not just on radiological impact.

6.11 The second IAEA document (LDC/IGPRAD 3/INF.4: TECDOC-557) comprised an explanation of the basic principles of radiological protection, in particular an explanation of the bases of the assumption of a linear dose/response relationship at low doses and why there exists no basis for defining radiation doses below which no deleterious effects are likely to occur. This was found to be an excellent explanatory guide that was believed to fulfil the request of the Consultative Meeting to the IAEA on this issue.

6.12 The draft of an inventory of dumped radioactive wastes prepared by IAEA was also presented and discussed (LDC 13/INF.23). This document is the first part of a complete inventory of artificial radioactive material entering the marine environment. Other documents on radioactive material entering the marine environment through land-based sources and through accidents are under preparation and will be presented to the Fourteenth Consultative Meeting.

6.13 IAEA is expected to finalize during 1991 a review of risks to human health posed by the consumption of seafood containing natural radionuclides, dumped radioactive wastes, and carcinogenic contaminants possibly having stochastic health effects.

6.14 The Panel also discussed the terms of reference and plans of the GESAMP Working Group on a "Comprehensive framework for the assessment and regulation of waste disposal in the marine environment" (GESAMP Working Group No.29) (LDC 13/11/5) in order to assess the extent to which this work may fulfil, in part, the objectives for establishing IGPRAD (see also paragraph 5.27 above). In this connection the Panel noted that the GESAMP Working Group would finalize major parts of its report by early 1991. A complete study carried out by GESAMP would probably be available early 1992.

6.15 The Panel finally considered its working schedule and the format of a final report for the Consultative Meeting. A number of delegations expressed the view that the target date for the completion of the various studies and assessments requested by the Tenth Consultative Meeting should be 1993, as mentioned at the Twelfth Consultative Meeting (LDC 12/16, paragraph 6.21). The 1993 timetable was also perceived by several delegations as giving the Panel the opportunity of including any policy and strategy considerations that

may be adopted by the 1992 United Nations Conference on Environment and Development. The Panel also discussed some proposals concerning the format of the final report, which it would examine in greater detail at its next meeting.

6.16 The Panel also decided to recommend to the Thirteenth Consultative Meeting that its fourth meeting should be held with interpretation in late 1991, if possible immediately before or after the Fourteenth Consultative Meeting.

6.17 The Panel concluded its third meeting by electing Mr. De Stoop as Chairman for the intersessional period and its next meeting and Ambassador Nascimento-Silva as Vice-Chairman for the same period.

6.18 The observer from Greenpeace noted that it was regrettable that international non-governmental organizations are excluded from the Panel process (see also paragraph 6.31 below).

Radioactive waste dumping at sea

6.19 The delegation of Nauru presented a document (LDC 13/6), containing three publications, which in its view supported concerns regarding radioactive waste dumping at sea. Nauru noted its early proposal to amend the Annexes of the Convention so as to prohibit radioactive waste dumping at sea (LDC VII/7). The delegation of Nauru recalled that at the Ninth Consultative Meeting it had reserved the right to re-table the draft resolution giving effect to its proposed amendment upon completion of the deliberations of the Inter-Governmental Panel of Experts on Radioactive Waste Disposal at Sea, should this be believed necessary and appropriate. That delegation wished to place on record that it still reserved this right.

6.20 The United States delegation pointed out that one of the publications presented above on "Preliminary Natural Resource Survey - Farallon Islands Radioactive Waste Dumps", issued by the US National Oceanic and Atmospheric Administration (NOAA), was a report on the old dump site not used since 1970 and that the site would not meet the present criteria for the selection of a dump site. Therefore, citation of this instance has no relevance to the adequacy of current IAEA recommendations. The delegation of Nauru was of the view that packaging methods at that time were almost comparable to those recommended by OECD/NEA and therefore the NOAA report was still relevant.

Protocol for the Protection of the South-East Pacific against Radioactive Pollution

6.21 The Secretary informed the Consultative Meeting that under the aegis of the Permanent Commission for the South Pacific (CPPS) a Protocol for the Protection of the South-East Pacific against Radioactive Pollution had been adopted (LDC 13/INF.4). By the Protocol, the Parties agreed to prohibit all dumping of radioactive wastes and other radioactive substances in the sea and/or on the sea-bed or burial in marine subsoil within the area to which the Protocol applies. Radioactive wastes or other radioactive substances are those considered in line with the recommendations of the competent international organization, which is at present IAEA.

IAEA submissions

6.22 The representative of IAEA presented a number of documents which were either of particular importance to the current work of the Panel (and had indeed been considered at the third meeting of the Panel), had been requested by the Consultative Meeting, or which were believed to be of interest to Contracting Parties. One of these documents (LDC 13/INF.11) contained the status reports of the Convention on Early Notification of a Nuclear Accident and the Convention on Assistance in Case of a Nuclear Accident or Radiological Emergency which entered into force on 27 October 1986 and 26 February 1987 respectively. The Agency's Emergency Response System (ERS) (LDC 13/INF.10) was formally put into operation on 18 January 1989. A copy of IAEA Bulletin, Vol.31, No.4 was also submitted to the Consultative Meeting (LDC 13/INF.12). The Bulletin contains articles focusing on nuclear wastes and their management.

Estimation of radiation risks at low dose

6.23 In 1987, the Consultative Meeting requested that IAEA "develop, as appropriate in terms understandable to the layman:

- an explanation of the basis of the assumption of a linear dose-effect relationship which underlies an assessment of radiological risks;
- an opinion as to whether it is possible to define radiation doses below which no deleterious effects can be demonstrated in man and other organisms".

In response to this request a document entitled "Facts about Low-Level Radiation" was submitted to the Twelfth Consultative Meeting (LDC 12/INF.16) and "Estimation of Radiation Risks at Low Dose" (IAEA TECDOC-557 under cover of LDC/IGPRAD 3/INF.4) was submitted to the third meeting of the Panel (see paragraph 6.11 above).

Low-level radioactive waste disposal: An evaluation of reports comparing ocean and land-based disposal options

6.24 In 1987, the Consultative Meeting also requested that IAEA evaluate the comparative assessments of the disposal on land and dumping at sea options for the management of low-level radioactive wastes submitted by Contracting Parties. Such an evaluation should, inter alia, examine the extent to which they follow relevant international guidance on this topic (particularly IAEA Safety Series No.65) and identify similarities and differences which exist between the approaches adopted, the nature and the results of the component assessments and the criteria for drawing conclusions. Five reports of such studies were made available to the IAEA and reviewed by a group of experts. Results of the review - IAEA TECDOC-562 was submitted to the third meeting of the Panel (LDC/IGPRAD 3/INF.5) (see paragraph 6.10 above).

Global inventory of radioactive material entering the marine environment

6.25 In response to a request made by the Consultative Meeting several years ago that the IAEA develop an inventory of radioactive materials entering the

marine environment from all sources, a provisional document entitled "Inventory of Radioactive Material Entering the Marine Environment - Part I: Sea Disposal of Packaged Low-Level Radioactive Waste" was now available (LDC 13/INF.23). Other parts of the inventory on discharges of liquid radioactive wastes from land-based sources and on accidents at sea involving radioactive substances are being prepared. With regard to accidents at sea, it was noted that during the first quarter of 1990, a first compilation of accidents was performed and an official request for information had been sent to the Agency's Member States. Unfortunately, only a few Member States have answered so far and some have only done so partially. The IAEA representative stressed that such an inventory could only be set up with active participation on the part of the Member States and in this respect requested the assistance of the Contracting Parties.

6.26 In presenting the above results of activities conducted by his Agency, the IAEA representative stressed that documents issued by the IAEA are under no circumstance to be construed as an encouragement to dispose of radioactive wastes at sea. It is for Member States only, under the sole responsibility of their national authorities to take such decisions in keeping with their waste management policy, but also taking fully into account the IAEA recommendations in the issue of special permits for dumping at sea of low-level radioactive wastes.

Resolutions of the IAEA General Conference

6.27 The IAEA representative also informed the Meeting that the 34th regular session of the IAEA General Conference (17-21 September 1990) adopted two resolutions on subjects of particular interest to the Contracting Parties to the London Dumping Convention.

6.28 In a first resolution, the General Conference adopted the Code of Practice on the International Transboundary Movement of Radioactive Waste (LDC 13/INF.3), and requested Member States to include the Code's provisions, as appropriate, in their national legislation, and in their bilateral and multilateral co-operation agreements. The resolution expresses the General Conference's decision to keep the subject under active review, including the desirability of concluding a legally binding instrument under IAEA auspices. The Code was prepared and previously adopted by a Working Group of Experts established in response to a request by the General Conference in 1988 following concerns about the possibility of unauthorized movement and disposal of radioactive waste in developing countries. The Code should be seen in conjunction with the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

6.29 A second resolution on nuclear safety guidelines for nuclear-powered vessels expresses concern that nuclear accidents involving any reactor, wherever located, can have potentially harmful consequences, and requests the IAEA Director General to consult with the International Maritime Organization concerning the international maritime community's plans regarding civilian nuclear-powered ships, the need to review the IMO Code of Safety for Nuclear Merchant Ships in light of existing nuclear safety technology, and whether the Code now applies to all existing and projected civilian nuclear-powered ships and, if not, the implications of extending the Code to them.

CRESP Activity Report 1986-1990

6.30 The Secretary informed the Consultative Meeting of the results achieved during the period 1986-1990 by the Co-ordinated Research and Environmental Surveillance Programme (CRESP) concerning sea disposal of radioactive waste (LDC 13/INF.29) which have been summarized by the OECD/NEA Secretariat in a draft five year Activity Report (CRESP II).

Political and social aspects of radioactive waste dumping at sea

6.31 The observer from Greenpeace International informed the Consultative Meeting that Greenpeace International presented to IGPRAD a paper in which Greenpeace International examined "what would/may be the political reaction to the resumption of dumping of low-level radioactive wastes" (LDC/IGPRAD 3/INF.7). In this connection the observer from Greenpeace International expressed his dismay that non-governmental organizations were not allowed to fully participate in IGPRAD meetings but could only make statements during the opening of meetings.

6.32 The observer from Greenpeace International drew the attention of the Consultative Meeting to a recent publication of a book entitled "A Fragile Power: Scientists and the State", by Chandra Mukerji, Princeton University Press (1989) (LDC 13/INF.39). The author depicts a complex interdependence between science and state, using examples from the heavily funded field of oceanography, including deep seabed burial of nuclear wastes, to raise questions about science as it is practised and financed today. Greenpeace pointed out that Contracting Parties might wish to review and consider the information as part of the Panel's studies and assessments of wider political, legal and economic and social aspects of radioactive waste dumping at sea.

Decommissioned nuclear installations and nuclear naval vessels

6.33 The Icelandic delegation drew the attention of the Consultative Meeting to the fact that there is a widespread concern that plans are being developed to dispose of decommissioned nuclear installations and decommissioned nuclear naval vessels at sea. Iceland, as a Contracting Party to the London Dumping Convention, accepts and respects that all dumping of decommissioned nuclear installations and decommissioned nuclear naval vessels is globally regulated under the London Dumping Convention, and it trusts that all Contracting Parties adhere to the respective requirements. Iceland, as a country dependent upon the living resources of the sea, would protest against any suggestion to use the marine environment and the sub-seabed as a repository for any nuclear waste or other hazardous wastes.

Draft resolution on the disposal of radioactive wastes into subsea-bed repositories accessed from the sea

6.34 The Spanish delegation re-introduced its draft resolution submitted to the Twelfth Consultative Meeting (LDC 12/16, annex 5). The Twelfth Consultative Meeting had charged its ad hoc Group of Legal Experts on Dumping to determine whether the disposal of low-level radioactive wastes into a subsea-bed repository accessed from the sea was regulated under the London Dumping Convention. The Meeting noted that the ad hoc Group of Legal Experts

was unable to reach a consensus view (LDC/LG 4/7, paragraph 3.2.4). Therefore the Spanish delegation re-submitted the draft resolution to this Meeting.

6.35 The Spanish delegation explained that in its view disposal of low-level radioactive waste into the sub-seabed accessed from sea constituted a form of dumping now suspended by resolution LDC.21(9). Any form of access from the sea to the sub-seabed must use the water column as a form of penetration and both the ocean waters and the sub-seabed are part of the sea, geographically as well as legally. Spain further noted that Article I of the Convention refers to the protection of the "marine environment" from all sources of pollution and based its argument on both the Vienna Convention on the Law of Treaties and the United Nations Convention on the Law of the Sea.

Action taken by the Consultative Meeting

Report of the Inter-Governmental Panel of Experts on Radioactive Waste Disposal at Sea

6.36 The Consultative Meeting welcomed the progress made by the Panel and, in particular, noted that the target date for completion of various studies and assessments remained 1993. Noting the plea of the Chairman of the Panel that all Contracting Parties consider making a significant contribution to the study and assessment of political aspects and other areas so that progress can be made at the next meeting, the Consultative Meeting urged the Contracting Parties to do so.

6.37 The Consultative Meeting urged Contracting Parties to inform the IAEA of any additional information or comments on the draft of an inventory of dumped radioactive wastes and information on accidents at sea referred to above (see paragraph 6.12 and 6.25 above).

6.38 The Consultative Meeting expressed its appreciation to the Chairman, the Vice-Chairman and all the Members of the Panel for work done during the third meeting as well as intersessionally and for their dedication to this important subject.

Report of the ad hoc Group of Legal Experts on Dumping

6.39 The Consultative Meeting reviewed the report of the fourth meeting of the ad hoc Group of Legal Experts relating to the disposal of radioactive waste (LDC/LG 4/7, Section 3).

Repository accessed from land

6.40 With regard to the disposal of low-level radioactive wastes into a repository, constructed in bedrock either totally or partially beneath the sea and accessed from the shore, the Consultative Meeting noted that the Group reviewed the responses to LDC 2/Circ.222 as well as responses from delegations at the meeting. The Consultative Meeting further noted that the Group had concluded that the additional responses did not change the conclusion drawn at the Twelfth Consultative Meeting that a substantial majority of the responses indicated that such disposal would not constitute "dumping" under the terms of the London Dumping Convention.

6.41 In this connection, the Danish delegation shared the majority view. On the other hand, the delegation was instructed to work towards a regulation under the London Dumping Convention and other relevant Conventions either by broadening the definition of dumping or by setting up additional regulations to cover this kind of activity. The delegation of the Netherlands supported the view of the Danish delegation.

6.42 The Swedish delegation stressed that there is from a scientific, constructional and operational point of view, no principal difference between an underground rock repository located on land and such a repository under the sea bottom close to land and accessible from shore via a tunnel. The design and operation would be the same in both cases. The control measures necessary to achieve a competent repository from a safety point of view could be performed in the same way irrespective of its location. This included for example controls of the rock and the engineered barriers as well as control of the waste disposed of; in both cases the repository should be built to isolate the wastes from the environment.

6.43 In the view of the Swedish delegation, therefore, the possible escape of any radionuclide from such a repository, or other construction in the bedrock beneath the sea with direct access from the shore via a tunnel, should rather be seen as pollution from a land-based source and should be regulated in accordance with conventions established for the prevention of marine pollution from land-based sources, e.g. Paris Convention.

6.44 The observer from Greenpeace International cautioned the Consultative Meeting that the Convention could legally be interpreted both ways. Disposal in such a repository in the end should be judged on the impact it would make on the marine environment. In such a manner of disposal, the sea has been considered an additional barrier and, as such, relies upon the concept of a multibarrier safety design, indicating that the threat to the marine environment exists. This could be considered a circumvention of the Convention. Attention was also drawn to the fact that plans exist for the development of such repositories for toxic wastes.

Repository accessed from sea

6.45 The Consultative Meeting noted that there were divergent views in the ad hoc Group of Legal Experts with regard to whether disposal of low-level radioactive wastes into a subsea-bed repository accessed from the sea would constitute "dumping" under the terms of the London Dumping Convention (LDC/LG 4/7, paragraph 3.2.4).

6.46 The Consultative Meeting noted in the ensuing discussion of the draft resolution proposed by Spain (LDC 12/17, annex 5), that there were no such activities being conducted although there have been efforts to commercialize such activities. It was also re-affirmed that the Consultative Meeting was the appropriate body to address the issue. The majority of delegations were prepared to support the Spanish draft resolution. However, other delegations felt that such activities do not fall under "dumping" in terms of the London Dumping Convention and that therefore the draft resolution was for them not acceptable. Some delegations felt it premature to vote on an activity which is not even envisaged.

6.47 The Nauru delegation pointed out that there have been recent efforts to commercialize radioactive waste emplacement schemes based upon insertion of low-level radioactive wastes into the sea-bed from land and from platforms at sea. This would justify action by the Consultative Meeting on this issue.

6.48 An effort by a small group to develop a text of a resolution acceptable to all delegations was unsuccessful. The draft resolution as originally proposed by Spain was put to vote by a show of hands and was carried with 29 voting for the resolution, 4 against and 4 abstentions. The resolution as adopted (resolution LDC.41(13)) is shown in annex 7.

6.49 The statements on the vote for the Spanish resolution are recorded in the following paragraphs.

Against

6.50 The United States delegation thanked the Spanish delegation and the participants in the small group (see paragraph 6.48 above) for their efforts to achieve a compromise. However, the United States delegation could not accept the position expressed in the second paragraph of the draft resolution, viz. that disposal of low-level radioactive waste into sub-seabed repositories accessed from the sea constitutes a form of disposal subject to resolution LDC.21(9) and was therefore suspended at present. The United States delegation asked that its vote be made part of the record.

6.51 The United Kingdom delegation explained that the second operative paragraph of the draft resolution included a legal interpretation which was not shared by that delegation. The United Kingdom delegation wished to make it clear that the United Kingdom had no plans to construct a subsea-bed repository accessed from the sea. The United Kingdom's concern with the draft was therefore simply a point of legal interpretation of the present text of the London Dumping Convention.

6.52 The French delegation pointed out that it took part in the small working group to find a compromise on the text of the draft resolution but was unfortunately unable to vote for the resolution for legal reasons: it could not accept the reference to resolution LDC.21(9) which, in effect, equates this mode of disposal to dumping. On the other hand, France had undertaken a commitment, which was still valid, not to dispose of radioactive wastes in future years by burial in the sea-bed.

6.53 The USSR delegation explained that in principle it did not object to the idea of including in the London Dumping Convention the disposal of wastes into the sea-bed. However, in its opinion, this could only be done after adoption of the relevant amendments to the existing Convention. Therefore, the USSR delegation could not accept the interpretation given by some delegations, and as reflected in the draft resolution proposed by Spain, viz. that the sea-bed disposal of wastes is already covered by the London Dumping Convention. The USSR wished to underline that disposal of wastes into the sea-bed was not included in the sphere of application of that Convention when it had been developed and, in accordance with the United Nations Convention on the Law of the Sea, it could not consider the sea as a whole, ignoring different legal

regimes in different maritime areas including territorial waters, continental shelf, EEZ, high seas, etc., as provided for by that Convention.

Abstentions

6.54 The Belgian delegation abstained because, in its view, it was not appropriate to vote on the subject of an activity which did not exist and which nobody intended to undertake in the short or medium term.

6.55 The Japanese delegation concurred with the Belgian delegation. The Japanese delegation abstained because disposal of low-level radioactive wastes into a subsea-bed repository accessed from the sea was not conducted at present and, in its view, it was not appropriate to vote on suspending non-existent, and not even envisaged, disposal methods.

7 CONSIDERATION OF THE REPORT OF THE AD HOC GROUP OF LEGAL EXPERTS ON DUMPING

7.1 The Chairman noted that the fourth meeting of the ad hoc Group of Legal Experts on Dumping was held at IMO Headquarters in London from 22-26 October 1990. The Chairman also noted that the ad hoc Group has been chaired by Mr. A. Bos (Netherlands) who was unable to attend the Thirteenth Consultative Meeting. In his absence, the Chairman called upon Ms. M. Chandler (United States) to act as representative of the ad hoc Group of Legal Experts and to present the report of the ad hoc Group.

7.2 Ms. Chandler expressed the appreciation of the Group for the leadership of Mr. Bos in the productive work of the ad hoc Group and for the advice and participation of the Secretariat. Ms. Chandler then presented a summary of the Report of the Fourth Meeting of the ad hoc group of Legal Experts on Dumping (LDC/LG 4/7).

7.3 The Consultative Meeting adopted the Report of the ad hoc Group of Legal Experts on Dumping, with comments as noted below and under agenda items 6 and 8.

Legal questions related to the disposal at sea of offshore installations and structures

7.4 The Consultative Meeting noted that four documents submitted to the Thirteenth Consultative Meeting which contained responses to LDC.2/Circ.228 (legal questions related to disposal at sea of offshore platforms) had been reviewed by the ad hoc Group of Legal Experts (LDC 13/7, LDC/INF.17, LDC 13/INF.18 and LDC 13/INF/25). The Meeting accepted the conclusions of the ad hoc Group in that abandonment of offshore platforms and toppling of platforms at site for no purpose other than disposal should be considered "dumping" within the meaning of Article III(1)(a)(ii) of the Convention.

7.5 For the case where a platform was converted to another use by either toppling or placement on the sea bottom (e.g. as an artificial reef), the Meeting concluded that such disposal could fall within the exception clause of Article III(1)(b)(ii) and such disposal be considered "placement of matter for a purpose other than the mere disposal" as long as it would not be contrary to

the aims of the Convention. It would thus be the responsibility of a coastal State to conduct a case by case assessment of whether such an activity would be contrary to the aims of the Convention. A few delegations expressed their concerns that while this may be a legally correct interpretation, the interpretation of the aims of the Convention should not be left to a single coastal State but should be the responsibility of all Contracting Parties. Therefore further guidance of the Contracting Parties would be necessary in this respect in order to avoid a loophole in the Convention. The Chairman noted that the Netherlands, in cooperation with Germany, is preparing draft guidelines for the sea disposal of decommissioned offshore platforms and structures for the purpose of the Oslo Convention.

7.6 The Nauru delegation noted that although not within the remit of the London Dumping Convention at present, possible leakage from abandoned oil wells and liability for such leakage, was also a matter of continuing concern. Nauru expressed the hope that the Consultative Meeting could take up this problem in the future.

Procedures for the assessment of liability and compensation for damage from dumping at sea

7.7 The Meeting considered a proposal that a small group of experts be tasked, on an informal basis, to follow the developments in other fora (including the International Atomic Energy Agency, the Nuclear Energy Agency, the Council of Europe, the International Law Commission, the European Community, the Basel Convention, and IMO) concerning the establishment of liability and compensation systems. Several delegations, however, expressed interest in a more formal, open-ended process. After discussion it was decided to ask experts from the Netherlands, Spain, Sweden, and the United States to follow developments, coordinate their efforts, and to report the results of their work to the Fourteenth Consultative Meeting.

Disposal of radioactive waste

7.7 The Meeting noted that substantive discussion of the legal issues associated with disposal of radioactive waste in repositories constructed in bedrock accessed from land and disposal into sub-seabed repositories accessed from sea, had been discussed under item 6 of its agenda (see section 6 above).

Review of provisions of the Convention in light of the requirements of the Basel Convention

7.8 The Meeting agreed that consideration of the work of the ad hoc Group of Legal Experts concerning a review of the Convention in light of the requirements of the Basel Convention on the Transboundary Movement of Hazardous Wastes and their Disposal be reflected under agenda item 8 (see section 8 below).

8 TRANSBOUNDARY MOVEMENT OF HAZARDOUS WASTE

8.1 The Consultative Meeting took note of submissions by the United States (LDC 13/8), Japan (LDC 13/8/1), Greenpeace (LDC 13/8/2), UNEP (LDC 13/8/3), and the Secretariat (LDC 13/8/4). The Meeting also noted papers prepared by

the Secretariat on the Code of Practice on International Transboundary Movement of Radioactive Waste (LDC 13/INF.3), the United Nations General Assembly resolution 44/20 of 14 November 1989 on Zone of Peace and Coordination of the South Atlantic (LDC 13/INF.5), and the Draft African Convention on the Ban on the Import of All Forms of Hazardous Wastes into Africa and the Control of Transboundary Movement of Such Wastes Generated in Africa (LDC 13/INF.33).

8.2 The Consultative Meeting took note of the Report of the ad hoc Group of Legal Experts on Dumping (LDC/LG 4/7) with respect to the review of the provisions of the London Dumping Convention in light of the requirements of the Basel Convention.

8.3 The representative from UNEP posed the following question to the Consultative Meeting:

As UNEP understands resolution XV-3 of the report of the fifteenth consultative meeting of the Antarctic Treaty, the parties to the Antarctic Treaty are implementing the provisions of the London Dumping Convention concerning dumping at sea whether they are parties to it or not. That leads UNEP to understand that the application of the London Dumping Convention among the Antarctic Treaty parties is within the exclusive competence of the Antarctic Treaty and does not fall within the competence of the London Dumping Convention. The question addressed to this Meeting is whether or not this understanding is correct.

8.4 The Consultative Meeting took note of the question posed by UNEP and referred its consideration to the next meeting of its ad hoc Group of Legal Experts on Dumping.

8.5 The representative from UNEP further stated that he could not agree with the United States' interpretation of Article 11(2) of the Basel Convention in relation to the London Dumping Convention (LDC 13/8), because Article 11 was linked to Article 4(5) of the same convention. UNEP explained that as a general matter, the Basel Convention does not permit the export of hazardous waste to or import from countries not party to the Basel Convention. UNEP noted that Article 11 recognizes two exceptions to this general prohibition. The first allows parties to enter into agreements that do not derogate from environmentally sound management of waste, and the second exception recognizes prior obligations that relate to the transboundary movement of waste if they are compatible with environmentally sound management of waste within the meaning of the Basel Convention. UNEP noted that the definition of environmentally sound management of waste in Article 2(8) of the Basel Convention was linked to the definition of "management" in Article 2(2). Taking into account all these considerations, UNEP's view was that the London Dumping Convention, for the time being, does not fall within the exception recognized by Article 11(2) of the Basel Convention.

8.6 The Consultative Meeting noted that the ad hoc Group of Legal Experts could not reach agreement on this issue and that the Group had decided that additional consideration should be given to the applicability of Article 30 of the Vienna Convention on the Law of Treaties and the question of compatibility of the two Conventions.

8.7 The Consultative Meeting accepted the recommendation of the ad hoc Group of Legal Experts that the Secretariat, in co-operation with UNEP, compile a table comparing the provisions of the London Dumping Convention against the provisions of the Basel Convention.

8.8 The Consultative Meeting adopted by consensus a resolution on the export of wastes for disposal at sea which had been proposed by Mexico at the Twelfth Consultative Meeting (LDC 12/16, annex 7) and had subsequently been revised by the Netherlands and the ad hoc Group of Legal Experts. The resolution, inter alia, calls upon Contracting Parties to prohibit or not to permit the export of wastes for dumping at sea to States not party to the Convention and requests the ad hoc Group of Legal Experts on Dumping to further elaborate standards compatible to those imposed by the Basel Convention. The resolution as adopted (resolution LDC.42(13)) is shown at annex 8.

9 INFORMATION EXCHANGE ON WASTE PRODUCTION AND WASTE DISPOSAL TECHNIQUES

Seminars, symposia, workshops

9.1 The Government of France, in cooperation with the Oslo Commission, IMO, IOC, ICES and UNEP/MEDAP had organized in Nantes, France (27 November - 1 December 1989) an International Seminar on Environmental Aspects of Dredging Activities with the objective of drafting technical recommendations to improve the regulation and management of dredging operations, for the benefit of the Oslo and London Conventions (LDC 13/INF.24).

9.2 The Seminar concluded, inter alia, that:

- .1 there will be a continued economic necessity to dredge harbours and port channels;
- .2 dredging in channels does not normally pose environmental problems;
- .3 special attention must be given to the relatively small number of cases of dredging in confined areas receiving industrial discharges;
- .4 while international guidelines for the management of dredged materials were generally adequate, they should be kept under continuing review.

9.2 The West and Central African Seminar on Waste Management and Waste Disposal at Sea (Abidjan, 28 May - 1 June 1990) was organized by the Secretariat in collaboration with the Côte d'Ivoire Government and with the support of UNEP, IOC, SIDA and the World Bank. The main objective was to provide an opportunity for west and central African countries to learn of the progress achieved within the framework of the London Dumping Convention concerning the reduction of marine pollution through control and management of waste disposal at sea (LDC 13/INF.38).

9.3 The Chinese delegation described (LDC 13/INF.47) the IOC/IOA Workshop on "The Use of Marine Sediments in Marine Pollution Research and Monitoring" which had been held at the Institute for Marine Environment Protection, Dalian, China, from 10 to 20 April 1990 with the purpose of bringing together

scientists from the western Pacific Region to discuss strategies on the use of sediments in pollution monitoring.

9.4 Under its Cleaner Production Programme UNEP had organized a Seminar on the Promotion of Cleaner Production, Canterbury, United Kingdom (17-20 September 1990)(LDC 13/INF.30). The UNEP Cleaner Production Programme comprises:

- .1 industrial sector working groups of recognized specialists in the fields of tanning, textiles, halogenated solvents, electroplating technologies, data exchange and government policies;
- .2 a computerized information exchange system, covering case studies, meeting calendar, expert directory and bibliography; and
- .3 a newsletter covering cleaner production technology.

9.5 Information was provided on the upcoming First International Ocean Pollution Symposium (Mayaguez, Puerto Rico, 28 April - 2 May 1991). This Symposium is a re-named sequel of the International Ocean Disposal Symposia. The change in name reflects a broadening in the scope of topics to be covered by the Symposia (LDC 13/INF.31).

9.6 The International Seminar on the Protection of Particularly Sensitive Sea Areas (Malmö, Sweden, 25 - 28 September 1990) organized in cooperation with HELCOM and the support of several Swedish Government bodies, NOAA (USA), FINIDA, SIDA and WWF and the World Bank. It covered a wide range of aspects of the main theme in five technical sessions and provided an opportunity to review several case studies from tropical to northern zones. Over 100 participants from about fifty countries attended. The seminar reviewed, in the context of maritime activities, the preconditions, strategy and consequences of establishing Particularly Sensitive Areas, and considered related regulatory and management requirements (LDC 13/INF.36).

9.7 The adopted recommendations, directed to governments and to international governmental and inter-governmental organizations covered, inter alia, "the polluter pays principle", the "precautionary principle", monitoring coastal areas, effects of activities outside protected areas, and enforcement of marine environmental quality standards.

Public relations

9.8 The Meeting was informed that the World Press Centre (WPC) is in the process of developing a computerized system providing a link between the news media and these sources of news material in the field of development and environment. The sources are, in particular, governmental and inter-governmental bodies and corporate entities. End users include journalists, the sources themselves and the educational sector.

9.9 For this purpose the WPC has contacted, and is negotiating support with, UN bodies and other organizations concerned with the environment. Of particular interest is the "Ocean Service" under development. It will provide information and reports on meetings, news items and news-background such as

statistics, briefings and discussion papers, thereby offering policy makers, scientists and advisory agencies a menu of seventeen ocean-related subjects with a bearing on UNCED 1992.

9.10 Contracting Parties to the London Dumping Convention were invited to support this service (LDC 13/INF.26).

9.11 With reference to this agenda item "Information Exchange on Waste Production and Waste Disposal Techniques", Greenpeace International stated that given the wide acceptance of the need to move away from an emphasis on end-of-pipe measures and disposal options in favour of waste prevention solutions, a suitable new title for this agenda item could be "Information Exchange on Waste Prevention and Clean Production Methods, Waste Production and Disposal".

10 SEA DISPOSAL OF INDUSTRIAL WASTES

10.1 On behalf of the Nordic countries, Spain and Brazil, the delegation of Denmark introduced a draft resolution regarding the phasing out of dumping industrial wastes at sea (LDC 13/10). The draft resolution was submitted in response to the revised Nordic Action Plan of March 1990 and many similar decisions at the national, regional and international level to phase out sea disposal of industrial wastes. It was argued that there was substantial support from developed and less developed countries which are Contracting Parties to the London Dumping Convention to now take this decision. In this connection it was further noted that a decision to phase out sea disposal of industrial wastes would serve to enhance the image of the Convention and would make a positive contribution to the 1992 UN Conference on Environment and Development (UNCED).

10.2 The delegation of Brazil proposed that the resolution should also address the need for technology transfer and this was widely supported.

10.3 The delegation of Germany proposed that a firm date of 1995 was needed to catalyse phase-out actions and it added that a five year period was considered adequate to adopt land-based alternatives which were environmentally preferable.

10.4 Several delegations expressed concern that they could not fully foresee the consequences of a prohibition on the disposal at sea of industrial wastes in the global context. It was felt that a global survey would help to provide needed information on waste production, waste management problems and environmental conditions to ascertain the consequences of such a prohibition.

10.5 Several delegations noted concern that the proposed definition of industrial wastes would create problems for several wastes that are dumped at sea but which are considered to be environmentally acceptable. The disposal at sea of fish offal and scrap metal were cited as examples.

10.6 The delegation of Portugal raised legal questions regarding amending the Convention, in light of the requirements set out in articles XIV and XV of the Convention.

10.7 The Consultative Meeting established a working group under the Chairmanship of Mr. J. Lassig (Finland). Delegations from Australia, Brazil, Canada, China, Denmark, France, Germany, Ireland, Japan, the Netherlands, New Zealand, Nigeria, Norway, Solomon Islands, Spain, Sweden, United Kingdom and United States and observers from UNEP and Greenpeace International participated in the working group.

10.8 The Group was instructed to consider the following issues in relation to the draft resolution:

- .1 an amendment proposed by the delegation of Brazil regarding technology transfer and an amendment proposed by the delegation of Germany regarding the phase out date;
- .2 how to assess the global availability of safer and environmentally more acceptable land-based alternatives;
- .3 the definition of industrial waste;
- .4 legal questions regarding amending the Convention in contravention of the requirements of articles XIV and XV; and
- .5 whether an annex to the draft resolution concerning notification procedures was necessary.

10.9 In reporting the outcome of the Working Group (LDC 13/WP.2), the Chairman of the Working Group mentioned that the Group had adopted an approach that would retain a date by which the dumping of industrial waste would be phased out in conjunction with a survey to better determine the potential effects of a phase out and the availability of land-based alternatives. The Group believed that the date would act as a catalyst to force permit holders to consider safer and environmentally more acceptable waste management options. The survey, which would be linked to the global waste survey envisioned for the re-evaluation of incineration at sea (see paragraph 4.16 above), would be used to assess what problems might be faced in implementing the phase out, and what solutions could be employed to overcome the problems in order to meet the phase out date.

10.10 The Meeting adopted the draft resolution including the following proposed elements:

- .1 a revised definition of industrial waste;
- .2 a revision regarding technology transfer;
- .3 a phase out date of 31 December 1995 at the latest; and
- .4 an evaluation of the consequences of this decision by 1992.

10.11 The resolution on the phasing out of sea disposal of industrial waste, as adopted, (resolution LDC.43(13)) is shown in annex 9.

10.12 Regarding legal questions, the Meeting noted that a resolution could be considered as a policy statement and thus an amendment to the Convention was not required at this time but could be considered at a later stage.

10.13 Regarding notification procedures, the Meeting agreed that reports on sea disposal of industrial wastes should be submitted to the Secretariat immediately upon issuance and that the permits would then be reviewed by the Scientific Group.

10.14 The Meeting agreed not to include reference to the "precautionary approach" in a preambular paragraph of the resolution. Some delegations recalled that the Consultative Meeting had put aside this issue until the Fourteenth Consultative Meeting and that it would therefore not be appropriate to discuss this matter at this stage (see paragraph 5.38 above). Others were of the view that this was important, but in the interest of consensus were willing to forego debate on the issue.

10.15 The Meeting also agreed not to refer in the resolution to "the need for further measures regulating the dumping of sewage sludge and dredged material". Some delegations expressed their difficulty in accepting the term "further measures" since it was not clear what these further measures might be. It was understood that this issue would be discussed at future meetings.

10.16 For technical reasons, the Meeting was unable to agree on completely satisfactory examples of "inert materials" and "materials of a natural origin" which could be included in the definition of industrial wastes. Nevertheless, the Group did agree that for purposes of interpretation "industrial wastes" would not include inert materials such as vitreous slag and scrap metallic wastes and uncontaminated organic materials of natural origin such as fish offal.

10.17 The Meeting decided not to address in the resolution the incorporation of matters related to article 4(6) of the Basel Convention regarding the export of hazardous wastes or other wastes for disposal within the area south of 60° South latitude because the limited time available did not allow for a comprehensive discussion of this complex issue.

10.18 The delegation of Canada noted that certain requirements of the resolution on the Sea Disposal of Industrial Wastes (resolution LDC.43(13)) require financial support, in particular with regard to the planned global waste survey. In this connection Canada and the Netherlands offered to contribute to the costs of the survey. The Chairman expressed the Meeting's appreciation and strongly encouraged other Contracting Parties to also provide financial assistance. The Finnish delegation would investigate, on behalf of the other Nordic countries, the possibility of financial support and would inform the Secretariat on this matter in early 1991.

11 RELATIONS WITH OTHER ORGANIZATIONS

Marine Environment Protection Committee of IMO

11.1 The Consultative Meeting noted that the Marine Environment Protection Committee (MEPC) at its twenty-ninth session approved Revised Criteria for Designating Special Areas and Identification of Particularly Sensitive Areas (MEPC 29/22, annex 8) (LDC 13/INF.15).

11.2 MRPC in preparing the criteria had noted that criteria for identification of areas to be protected from activities related to waste disposal at sea are implicitly covered by Annex III to the London Dumping Convention and by the Guidelines thereto. Therefore MRPC in its criteria did not consider the protection of particular sensitive areas from waste disposal at sea. Revised MRPC Guidelines for Designating Special Areas and Identification of Particularly Sensitive Areas will be considered, with a view to adoption, at the thirtieth session of the Committee in November 1990.

11.3 As regards coastal sensitivity mapping, MRPC considered the possible need for a basic set of symbols to simplify the preparation of regional or global thematic or synoptic maps on coastal sensitivities.

11.4 To avoid variability in the presentation of such material, it was felt that coastal sensitivity maps, at least when developed on a regional basis, should use a standard set of symbols such as that adopted by the International Hydrographic Organization.

Organisation for Economic Co-operation and Development (OECD)

11.5 The Consultative Meeting took note of the Programme on Technology and Environment as approved in March 1990 by the OECD Council. This programme is part of a strengthened environmental mandate for the Organization's Environment Directorate to anticipate and respond to the new environmental challenges of the 1990s. In particular, the mandate will seek ways to foster the goal of "sustainable development" (LDC 13/INF.28).

11.6 The OECD Council meeting at Ministerial level has noted that technology innovation and transfer will be essential if governments are to cope effectively with future environmental programmes, and attain the goals of sustainable development. Accordingly, incentives and barriers to the innovation and transfer of environmental technologies will be examined and measures will be pursued to promote cost-effective "clean" (pollution-preventing) technologies designed to conserve raw materials and energy and reduce wastes and emissions in industrial and other operations. Close co-operation and possible joint projects are being sought with international organizations engaged in related activities (LDC 13/INF.28).

Helsinki Commission

11.7 The Consultative Meeting was informed (LDC 13/INF.34) of activities related to dumping of dredged materials and removal of abandoned offshore oil and gas installations.

11.8 It was noted that while all Contracting Parties have instituted appropriate national procedures for issuing dumping permits under Article 9 of the Convention, no common criteria for issuing dumping permits had yet been established. The Federal Republic of Germany as lead country will summarize responses received from the Contracting Parties on the "Draft HELCOM Guidelines for Dumping of Dredged Spoils" prior to their being discussed by the Environment Committee in 1991.

11.9 As regards the removal of abandoned offshore oil and gas installations, the Commission decided that in 1991 a comprehensive discussion will be held to develop more stringent guidelines and standards for removal of offshore installations and structures.

11.10 It was noted that Article 10 of the Helsinki Convention requires each Contracting Party to take all appropriate measures in order to prevent pollution of the marine environment of the Baltic Sea Area resulting from exploration or exploitation of its part of the sea-bed and its subsoil or from any associated activities thereon. It shall also ensure that adequate equipment is at hand to deal immediately with pollution incidents.

11.11 The Helsinki Commission decided at its 11th meeting to establish an ad hoc Group for Revision of the Convention including, inter alia, its possible extension to cover internal waters and an amendment to prohibit incineration and dumping activities at sea.

Oslo Commission

11.12 The representative of the Oslo Commission presented a synopsis of the Commission's activities for the period 1989 to 1990 (LDC 13/INF.32/Rev.1). Items of particular interest were the extension of the Oslo Convention to cover internal waters, the adoption of a decision on the Cessation of Dumping Sewage Sludge at Sea to take effect before the end of 1998 and agreement to allow international non-governmental organizations to attend meetings of the Oslo and Paris Commissions. Other activities of the Commission are referred to elsewhere in this report under the appropriate agenda items.

12 FUTURE WORK PROGRAMME AND DATE OF NEXT SESSION

Future work programme of the Consultative Meeting

12.1 The Meeting agreed on the substantive items to be included in the provisional agenda of the next Consultative Meeting, as shown at annex 10.

Date of the Fourteenth Consultative Meeting

12.2 The Meeting agreed that the Fourteenth Consultative Meeting should be convened from 25 to 29 November 1991.

Future work programme of the Scientific Group on Dumping and other subsidiary bodies

12.3 The Meeting took note of the three year work programme of the Scientific Group on Dumping (LDC/SG 13/14, annex 4 and LDC 13/12, annex 2). The significance of the various items for the fourteenth, fifteenth and sixteenth meetings of the Scientific Group was discussed. It was agreed to increase emphasis on matters dealing with waste management issues, with special emphasis on cleaner technology, case studies and source reduction applicable to wastes and waste categories disposed of at sea. Due to the outcome of discussions on sea disposal of offshore installations and structures at this meeting, the Meeting agreed that it was no longer necessary to include this topic in the work programme for 1991. It was further agreed that due to

intersessional activities initiated by this Meeting, the discussions on incineration and industrial waste should be re-scheduled for the fifteenth meeting of the Scientific Group in 1992.

12.4 The Meeting adopted the work programme for the fourteenth, fifteenth and sixteenth meetings of the Scientific Group on Dumping as shown at annex 11.

12.5 The Meeting also agreed to re-convene its ad hoc Group of Legal Experts on Dumping. The list of items to be included in the provisional agenda of its fifth meeting is shown in annex 12.

Dates of meetings of subsidiary bodies

12.6 The Consultative Meeting agreed that:

- .1 the fourth meeting of the Inter-governmental Panel of Experts on Radioactive Waste Disposal at Sea (IGPRAD 4) should be scheduled for 18 to 22 November 1991;
- .2 a meeting of the Scientific Group on Dumping should be held from 2 to 5 April 1991; and
- .3 a meeting of the ad hoc Group of Legal Experts on Dumping should be held in late June 1991.

Budgetary provisions for 1991

12.7 The Meeting welcomed the information that budgetary provision had been made by IMO for convening two meeting weeks with interpretation in 1991.

12.8 Expressing appreciation to the Secretary-General of IMO for having provided the necessary support for carrying out secretariat duties with regard to the London Dumping Convention during the intersessional period, the Meeting requested the Secretary-General to make every endeavour to provide a similar level of support in 1991. This would include the scientific advice provided by GESAMP on many issues related to waste disposal at sea as well as any additional costs associated with representing the interests and views of the Consultative Meeting at meetings of the Preparatory Committee for the 1992 United Nations Conference on Environment and Development (UNCED), and its relevant Working Parties.

Budgetary provisions for the 1992/1993 biennium

12.9 Reviewing its work for the 1992/93 biennium, the Meeting requested the Secretary-General to ensure that the necessary provisions are included in the budget for the next biennium (1992/1993) to carry out all activities within the framework of the London Dumping Convention, including the convening of two Consultative Meetings and two meetings of the Inter-governmental Panel of Experts on Radioactive Waste Disposal at Sea.

12.10 Budgetary provisions should also be allocated to the IMO Marine Environment Protection Fund for advisory and consultancy services related to co-operation with other bodies working in the field of marine pollution

prevention from dumping at sea and to promote the effective implementation of the London Dumping Convention. Provisions should also be made available for the work related to the 1992 United Nations Conference on Environment and Development (UNCED).

12.11 The Consultative Meeting expressed its appreciation when being informed by the Secretariat that the level of staff support provided for the work related to the London Dumping Convention will be reviewed by the Secretary-General of IMO in his current plans for re-organizing the Marine Environment Division of that Organization (LDC 13/12/1).

13 ANY OTHER BUSINESS

13.1 The Consultative Meeting took note of an information paper by the Secretariat (LDC 13/INF.35) entitled "Evaluation of national dumping instruments" which had been prepared by a post-graduate research student attached to IMO comparing the instruments, language and provisions adopted by a sample of the Contracting Parties to the requirements detailed in Convention articles.

13.2 The Meeting noted that this exercise had been initiated by a recommendation of the Steering Group on a Long-term Strategy for the Convention that an administrative review of the statutory instruments be conducted on the basis of which measures could be taken concerning the harmonization of policies as required by Article II.

13.3 Subject to the incorporation of any corrections that may be communicated by Contracting Parties, the Meeting commented positively on the value of such analysis in identifying possible areas for harmonization of national legislation.

13.4 The Meeting accordingly invited the Secretariat to continue its efforts in this regard, subject to the availability of resources, and recommended that the governments of Contracting Parties enter into the spirit of such analysis by responding positively to requests from the Secretariat for copies of relevant national legislation.

14 ELECTION OF CHAIRMAN AND VICE-CHAIRMEN

In accordance with Rule 19 of the Rules of Procedure, the Meeting re-elected Mr. D. Tromp (Netherlands) as Chairman for the intersessional period and the Fourteenth Consultative Meeting. Mr. A. Sielen (United States) was elected First Vice-Chairman and Mr. G. Nascimento-Silva (Brazil) was elected Second Vice-Chairman.

15 CONSIDERATION AND ADOPTION OF THE REPORT

The report of the Thirteenth Consultative Meeting of Contracting Parties to the London Dumping Convention, including the resolutions of the Meeting as set out in the annexes to the report, was considered and adopted on the final day of the meeting (2 November 1990).

ANNEX 1

AGENDA FOR THE THIRTEENTH CONSULTATIVE MEETING

- 1 Adoption of the Agenda
 - LDC 13/1 - Secretariat
 - LDC 13/1/1 - Secretariat
- 2 Status of the London Dumping Convention
 - LDC 13/2/Rev.1 - Secretariat
 - LDC 13/INF.9 - Secretariat
- 3 Consideration of the report of the Scientific Group on Dumping
 - LDC 13/3 - Secretariat
 - LDC 13/3/1 - Secretariat
 - LDC 13/3/2 - Greenpeace International
 - LDC 13/3/3 - Secretariat
 - LDC 13/3/4 - IAPH
 - LDC 13/3/5 - Secretariat
- 4 Matters relating to the incineration of wastes and other matter at sea
 - LDC 13/4 - Secretariat
 - LDC 13/INF.19 - Secretariat
 - LDC 13/INF.20 - Secretariat
 - LDC 13/INF.37 - Germany
 - LDC 13/WP.1 - Working Group
- 5 The development of a long-term strategy for the Convention
 - LDC 13/5 - Secretariat
 - LDC 13/5/1 - Secretariat
 - LDC 13/5/2 - Denmark
 - LDC 13/5/3 - Secretariat
 - LDC 13/5/4 - Netherlands
 - LDC 13/INF.14 - Secretariat
 - LDC 13/INF.16 - Secretariat
 - LDC 13/INF.27 - Norway
 - LDC 13/INF.40 - Secretariat
 - LDC 13/INF.41 - Canada
 - LDC 13/WP.3 - Working Group
- 6 Matters related to the disposal of radioactive wastes at sea
 - LDC 13/6 - Nauru
 - LDC 13/INF.23 - IAEA
 - LDC 13/INF.29 - Secretariat
 - LDC 13/INF.39 - Greenpeace International

7 Consideration of the report of the ad hoc Group of Legal Experts on Dumping

LDC 13/7	-	Secretariat
LDC 13/INF.17	-	Canada
LDC 13/INF.18	-	South Africa
LDC 13/INF.25	-	Germany

8 Transboundary movement of hazardous wastes

LDC 13/8	-	United States
LDC 13/8/1	-	Japan
LDC 13/8/2	-	Greenpeace International
LDC 13/8/3	-	UNEP/ISBC
LDC 13/8/4	-	Secretariat
LDC 13/INF.3	-	Secretariat

9 Information exchange on waste production and waste disposal technologies

LDC 13/INF.24	-	France
LDC 13/INF.26	-	Secretariat
LDC 13/INF.30	-	Secretariat
LDC 13/INF.31	-	Secretariat
LDC 13/INF.38	-	Secretariat
LDC 13/INF.42	-	China

10 Sea disposal of industrial wastes

LDC 13/10	-	Nordic countries
LDC 13/WP.2	-	Working Group

11 Relations with other organizations*

LDC 13/11	-	ACOPS
LDC 13/11/1	-	FOEI & IUCN
LDC 13/11/2	-	Secretariat
LDC 13/11/3	-	Secretariat
LDC 13/11/3/Add.1/Rev.1	-	Secretariat
LDC 13/11/4	-	Secretariat
LDC 13/11/5	-	Secretariat
LDC 13/11/6	-	Secretariat
LDC 13/INF.2	-	FOEI & IUCN
LDC 13/INF.4	-	Secretariat
LDC 13/INF.5	-	Secretariat
LDC 13/INF.6	-	Secretariat
LDC 13/INF.7	-	Secretariat
LDC 13/INF.8	-	Secretariat

* A number of documents listed hereunder were considered by the Meeting under other agenda items.

LDC 13/INF.10	-	IAEA
LDC 13/INF.11	-	IAEA
LDC 13/INF.12	-	IAEA
LDC 13/INF.13	-	Secretariat
LDC 13/INF.15	-	Secretariat
LDC 13/INF.21	-	Secretariat
LDC 13/INF.22	-	Secretariat
LDC 13/INF.28	-	Secretariat
LDC 13/INF.32/Rev.1	-	Oslo Commission Secretariat
LDC 13/INF.33	-	Secretariat
LDC 13/INF.34	-	HELCOM Secretariat
LDC 13/INF.36	-	Secretariat

12 Future work programme and date of next session

LDC 13/12	-	Secretariat
LDC 13/12/1	-	Secretariat

13 Any other business

LDC 13/INF.35	-	Secretariat
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14 Election of Chairman and Vice-Chairmen

Not documents were submitted

15 Consideration and adoption of the report

LDC 13/15	-	Report
LDC 13/WP.4	-	Secretariat
LDC 13/WP.4/Add.1	-	Secretariat

LDC 13/INF.1	-	List of Participants
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ANNEX 2

RESOLUTION LDC.39(13)

STATUS OF INCINERATION OF NOXIOUS LIQUID WASTES AT SEA

THE THIRTEENTH CONSULTATIVE MEETING,

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

REAFFIRMING that incineration at sea is an interim method of waste disposal, and RECOGNIZING that Contracting Parties should give priority to no waste and low waste technology within the hierarchy of waste management,

ACKNOWLEDGING that the Scientific Group on Dumping has considered the report of the Joint LDC/OSCOM Group of Experts on Incineration at Sea (LDC/OSCOM/IAS 2/9) and advised the Eleventh Consultative Meeting that the information available provides an adequate basis to assess the environmental acceptability and safety of incineration at sea, and recognizing the need to continue to improve the controls and environmental safeguards in the use of incineration at sea,

RECOGNIZING ALSO the concerns of several Contracting Parties that incineration at sea, as a means of disposal of noxious liquid wastes which may contain highly toxic substances, is considered to represent subsequent risks of marine and atmospheric pollution,

RECOGNIZING FURTHER the potential risk of interference with other legitimate uses of the sea which could arise from incineration operations at sea,

NOTING the need to urge States, which have not previously carried out incineration operations at sea, that instead of starting such operations alternatives to incineration at sea should be considered and that particular attention should be given to developing land-based alternatives, providing they are safer and environmentally more acceptable,

RECOGNIZING that Contracting Parties to the Oslo Convention decided at their sixteenth meeting to terminate incineration at sea by 31 December 1991 and that since practical land-based options for re use, recycling or disposal have already been identified for all of the noxious liquid wastes incinerated in the North Sea, the practice will effectively cease by 31 December 1990,

NOTING ALSO that the incineration at sea of noxious liquid wastes will effectively be terminated by Contracting Parties by the end of 1990 due to the decommissioning of all incineration vessels,

TAKING INTO ACCOUNT resolution LDC.35(11) on the status of incineration of noxious liquid wastes at sea,

RECOGNIZING ALSO that there is a need to review resolution LDC.35(11) in the light of recent decisions made within other fora concerning incineration at sea,

AGREES:

- 1 that Contracting Parties shall re-evaluate incineration at sea of noxious liquid wastes as early in 1992 as possible with a view to proceeding towards the termination of this practice by 31 December 1994. The re-evaluation shall take into account the scientific and technical aspects of incineration at sea and the practical availability of safer and environmentally more acceptable land-based alternatives. The re-evaluation shall also take into account any other related information that may be brought forward, with particular attention given to the Oslo Commission experience while phasing out incineration at sea;
- 2 that Contracting Parties shall not export noxious liquid wastes intended for incineration at sea, nor allow their disposal in other ways harmful to the environment;
- 3 that it is preferable that noxious liquid wastes from coastal States which are to be incinerated at sea be loaded in a harbour of the country from which they originate, and under full control of such a country, instead of being exported to another country;
- 4 to employ the revised interim technical guidelines on incineration at sea (resolution LDC.33(11)), reflecting the most recent scientific advice in this field, and the new Guidelines to Annex III C4 (resolution LDC.32(11)) setting out the necessary consideration relevant to the use of incineration at sea; and
- 5 to strongly urge Contracting Parties to refrain from initiating or resuming incineration at sea of noxious liquid wastes during the agreed re-evaluation period.

ANNEX 3WORK PROGRAMME ON MATTERS RELATED
TO INCINERATION AT SEA

1 Contracting Parties to the London Dumping Convention, in resolution LDC.35(11) adopted at the Eleventh Consultative Meeting, stated inter alia:

"that Contracting Parties shall re-evaluate incineration at sea of noxious liquid wastes as early in 1992 as possible with a view to proceeding towards the termination of this practice by 31 December 1994. The re-evaluation shall take into account the scientific and technical aspects of incineration at sea, and the practical availability of safer and environmentally more acceptable land-based alternatives. The re-evaluation shall also take into account any other related information that may be brought forward, with particular attention given to the Oslo Commission experience while phasing out incineration at sea".

2 In the light of the above decision the Twelfth Consultative Meeting agreed upon on a work programme. This was reviewed and revised by the Thirteenth Consultative Meeting in connection with resolution LDC.39(13) to cover the following:

- .1 to provide advice which might assist in conducting the re-evaluation requested by resolution LDC.39(13);
- .2 to review all available material on cleaner technology and the practical availability of land-based alternatives; and
- .3 to take into account all existing relevant information on specific aspects of incineration technology and associated environmental implications.

3 The Consultative Meeting agreed that the practical availability of safer and environmentally more acceptable land-based alternatives should form the basis of the re-evaluation. The most important issues to be addressed are as follows:

- .1 to identify liquid wastes containing organohalogen compounds, or other noxious liquid wastes (e.g. wastes containing mercaptans) which have to be managed in an environmentally safe manner;
- .2 to carry out an inventory to indicate the amounts and types of these wastes produced in countries around the world and the production processes from which these were derived in recent years (a distinction should be made between, for example, large scale processes and a variety of smaller production processes);

- .3 to evaluate on the basis of this inventory the present management of these wastes, if possible by addressing aspects such as:
 - relevant regulations applied or in preparation
 - control requirements and practice
 - application of a waste management hierarchy
 - prevention/product substitutes/cleaner technology
 - recycling/dechlorination
 - destruction technologies
 - containment and storage
 - dispersion
 - import/export, transportation, collection and surveillance of wastes containing organohalogen compounds
 - co-operation with other countries;
- .4 to survey no waste and low waste technologies, as well as alternative abatement technologies, including those that are currently available and those that are presently in the research and development phase;
- .5 to evaluate the effectiveness, environmental acceptability, costs and benefits of these alternative technologies, with special attention to the practical steps that would enable transition to these alternatives;
- .6 to evaluate where possible the administrative, financial, technical and institutional arrangements for dealing with waste management;
- .7 to draw upon the experience of countries that have already terminated or are in the process of phasing out incineration at sea of specified wastes, in particular Contracting Parties to the Oslo Convention, and to include case studies as well as the names and addresses of national contacts and groups having specialized knowledge and/or responsibilities in the field of clean technologies;
- .8 to make use of the experience and/or data bases from organizations such as United Nations Environment Programme (UNEP), Organisation for Economic Co-operation and Development (OECD), Commission of the European Communities (EEC), the Oslo Commission, etc., with regard to the production of wastes containing organohalogen compounds and their source reduction, and of national institutions for environmental waste management within Contracting Parties.

4 In preparing its report the Scientific Group should take into account all existing relevant information on specific aspects of incineration technology and associated environmental implications on land and at sea such as:

- the products of incomplete combustion;
- the formation of harmful substances in the plume;
- environmental contamination by residues from incineration; and
- effects of organic emissions by incineration on the sea-surface microlayer.

ANNEX 4

STATEMENT BY THE THIRTEENTH CONSULTATIVE MEETING OF
CONTRACTING PARTIES TO THE CONVENTION ON THE PREVENTION OF
MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER, 1972
London, United Kingdom, 29 October - 2 November 1990

The Contracting Parties and observers to the Thirteenth Consultative Meeting, being an informed gathering of governments and organizations deeply concerned with the health of the marine environment, issued the following statement as a result of their discussions.

1 In June, 1972, representatives of governments, inter-governmental agencies, non-governmental organizations and the private sector from around the globe came together in Stockholm, Sweden, for the United Nations Conference on the Human Environment. At that historic gathering, on a wide range of issues the conference called upon Governments and peoples to exert common efforts for the preservation and improvement of the environment, for the benefit of all the people and for their posterity.

2 For the oceans, a new impetus to the development of international rules applicable to ocean dumping resulted from the Stockholm Conference. Principle 7 of the Stockholm Declaration calls upon States to "take all possible steps to prevent pollution of the seas by substances that are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea". Among other recommendations emanating from the Stockholm Action Plan, special reference was made to the need (Rec. 88) for "an overall instrument for the control of ocean dumping".

3 Although the Stockholm principles and recommendations were not directly binding on States, they provided the backdrop and prelude to the adoption of the Convention on the Prevention of Pollution by Dumping of Wastes and Other Matter (the London Dumping Convention) in November of that same year. That agreement represented a significant step forward in the international protection of ocean resources. Having come into force in 1975, to date the London Dumping Convention has been ratified by 65 nations*.

4 The basic purpose of the London Dumping Convention is to encourage nations of the world to work together to ensure that the marine environment is protected from the hazards of dumping. Protection of the marine environment, broadly defined, is the foundation of the London Dumping Convention. Article I provides that "Contracting Parties shall individually and collectively promote the effective control of all sources of pollution of the marine environment", while also incorporating the commitments contained in Principle 7 of the Stockholm Declaration.

5 With fifteen years of operational experience, the Contracting Parties have faced an array of challenges in their efforts to protect the marine

* Although 65 States have ratified the Convention, the number of Contracting Parties is 64 due to the unification of Germany on 3 October 1990.

environment. There resides within the London Dumping Convention substantial expertise on matters related to ocean dumping specifically, and to broader marine pollution issues. Important refinements of allowable practices have been forged during discussions and debate in the London Dumping Convention's formal Consultative Meetings, with intersessional guidance from subsidiary bodies. Those refinements include: an indefinite moratorium on low-level radioactive waste dumping at sea, dating back to 1983, that is the subject of ongoing risk-related assessments; agreement in 1988 to proceed towards the termination of ocean incineration of liquid noxious wastes by 1994 or earlier; and a decision in November 1990 to phase out industrial waste dumping at sea by 1995. Substantial expertise also has been devoted to developing guidance on the Annexes to the London Dumping Convention to assist governments in assessing the impacts of, and need for, ocean disposal of wastes.

6 The Contracting Parties to the London Dumping Convention, as well as the intergovernmental agencies, international and non-governmental observers that have been involved in work under the London Dumping Convention, represent a powerful lobbying force for the oceans. Their collective skills have been brought to bear on matters directly related to the London Dumping Convention as well as to marine pollution concerns beyond its scope. In anticipation of the 1992 UN Conference on Environment and Development, special attention has been given to an examination of the London Dumping Convention, in particular its responsibility to "promote the effective control of all sources of marine pollution". Gaps and overlaps between the London Dumping Convention and other international agreements concerned with marine pollution have been considered.

7 As a result, the Contracting Parties at Thirteenth Consultative Meeting adopted resolution LDC.40(13) addressing the Preparatory Committee for the United Nations Conference on Environment and Development to be held in Brazil in 1992. This resolution adopted recommends the Conference to consider:

- .1 the creation of a global mechanism to co-ordinate the protection of the marine environment from all sources;
- .2 a global instrument and new and improved regional agreements to address land-based sources of marine pollution;
- .3 the need to address waste management issues by focusing, inter alia, on environmentally acceptable land-based alternatives to disposal of wastes into the ocean;
- .4 the need to pursue the elimination of marine pollution through such activities as the adoption, implementation and enforcement of more stringent national and regional controls and the establishment of such measures as clean production methods and technologies; and
- .5 the mechanisms required to provide co-operation, transfer of technology and other assistance to developing countries in order that they can fully participate in the above actions.

NOTING that regional conventions such as the Helsinki Convention for the protection of the Baltic Sea and the Oslo Convention for the protection of the North Sea and the North-east Atlantic have banned or are phasing out the dumping at sea of industrial wastes, sewage sludge and incineration of noxious liquid wastes at sea, and that other regional conventions such as those developed under the UNEP Regional Seas Programme, address waste disposal at sea,

REALIZING the need for international multilateral and bilateral co-operation and assistance, including the transfer of technology, the allocation of financial and other resources to developing countries, to implement the actions set out below,

STRESSING the important provisions concerning the preservation and protection of the marine environment contained in the UN Convention on the Law of the Sea, particularly Part XII,

RECOGNIZING ALSO the importance of the 1992 United Nations Conference on Environment and Development and the importance of making recommendations to national Governments and the appropriate international bodies responsible for the protection of the oceans,

NOTING FURTHER the resolution of the first meeting of the Preparatory Committee of the United Nations Conference on Environment and Development concerning the protection of oceans and all kinds of seas, including its reference to the need for an inter-governmental meeting of experts on land-based sources of marine pollution which will be hosted by Canada in May 1991,

RECOGNIZING FURTHER that it is important to adopt concrete, expeditious, action-oriented and far-reaching measures to achieve sustainable development before the ability to arrest and reverse environmental degradation is surpassed,

AGREES that Part XII of the UN Convention on the Law of the Sea dealing with the protection and preservation of the marine environment constitutes an appropriate global basis for a further elaboration of measures to protect the marine environment from pollution from all sources, through global, regional or bilateral arrangements,

AGREES FURTHER that the Preparatory Committee of the 1992 United Nations Conference on Environment and Development should recommend to the Conference that the following actions be taken:

- 1 That a global mechanism to co-ordinate the protection of the marine environment from pollution from all sources should be considered. Taking into account existing international agreements, co-ordination may embrace such matters as: accidental and operational pollution from vessels, dumping, pollution from land-based sources, atmospheric pollution, offshore industry, and disposal of wastes into the sea-bed as well as

liability, and mechanisms for transfer of technology and financial resources, and arrangements concerning liability and compensation;

- 2 That a global instrument, as well as new or improved regional agreements, for the prevention, reduction and control of land-based sources of marine pollution should be considered. At the global level, such an instrument could be in the form of a declaration of basic principles, a code of conduct for States or a convention. The Montreal Guidelines (UNEP 1985) for the Protection of the Marine Environment against Pollution from Land-based Sources would be an important component of this process. This should take into account, inter alia, a precautionary approach, encouraging the adoption of clean production methods that reduce the generation of hazardous substances;
- 3 That States and appropriate international fora should also pursue a precautionary approach in addressing waste management problems by, inter alia, focussing on environmentally preferable land-based alternatives to disposal of waste at sea, while ensuring that pollution is not transferred to other parts of the environment via other disposal routes;
- 4 That national, regional and global fora should actively pursue the elimination of marine pollution through, inter alia, the adoption, implementation and enforcement of more stringent national and regional controls and the active pursuit of such technological and economic measures as clean production methods, including raw materials selection, product substitution and clean production technologies and processes; and
- 5 That all States which have not yet done so should ratify or accede to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matters;

URGES the Preparatory Committee of the United Nations Conference on Environment and Development to address diligently the need for all States to be able to contribute in the pursuit of the objective of a clean marine environment. International agencies, governments and the private sector should be encouraged to take expeditious steps to strengthen the mechanisms for providing co-operation, transfer of technology and assistance that would improve the capacity of developing countries to implement the measures contained in this resolution.

ANNEX 6INTERSESSIONAL AND FUTURE WORK ON THE LONG-TERM STRATEGY
OF THE LONDON DUMPING CONVENTION

1 The Thirteenth Consultative Meeting, in considering the work necessary to improve and make more effective the future implementation of its Articles and to enhance the status and membership of the Convention, approves the following actions and priorities (L - low; M - medium; H - high):

- | | <u>Priorities</u> |
|--|-------------------|
| .1 Requests the Secretariat, if possible during the intersessional period, to: | |
| .1 provide information to non-Contracting Parties on the aims and objectives of the London Dumping Convention, as well as on its achievements and the possibilities it provides with regard to technical assistance and development; | M |
| .2 prepare an information package, for distribution to non-Contracting Parties, written in layman's terms; | M |
| .3 prepare plans on how to bring LDC expertise to developing countries possibly through visits by the Secretariat and/or experts; | M |
| .4 re-issue relevant articles of the 1978 amendments relating to procedures for the settlement of disputes for distribution to Contracting Parties which have not yet ratified the amendments; | L |
| .5 invite all Contracting Parties to provide national laws for the protection of marine pollution from sources other than waste disposal at sea and maritime transport. In compiling the material the Secretariat should closely co-operate with UNEP; | H |
| .6 carry out an "administrative review" of the statutory instruments of Contracting Parties on the basis of which measures could be taken with a view to harmonizing policies of Contracting Parties regarding the prevention of marine pollution caused by dumping; | L |
| .7 report to the Fourteenth Consultative Meeting the continuing work of GESAMP concerning the establishment of a comprehensive approach for the assessment and control of sea disposal of all types of substances and wastes; | Ongoing |

- .8 complete its list of national authorities of Contracting Parties responsible for the implementation of the Convention; H
- .9 submit a list of Contracting Parties which are not complying with the reporting requirements to the Consultative Meetings; H
- .10 maintain close contact with UNEP, as well as with FAO, WHO, Unesco and UNDP, with a view to exchanging lists of experts who could provide advice on waste management strategies, disposal techniques, treatment of wastes and clean technologies, as well as effects from land-based discharges and offshore activities; Ongoing
- .11 contact UNEP when appropriate with a view to using its communication network for the distribution of information relevant to all national authorities dealing with environmental concerns; Ongoing
- .12 closely follow the preparatory process for the establishment of the International Seabed Authority, particularly with respect to environmental guidelines on sea-bed mining; Ongoing
- .13 contact the United Nations Office for the Law of the Sea and the International Seabed Authority to consider possible plans for establishing marine pollution prevention measures covering offshore and sea-bed activities; and Ongoing
- .14 keep under continuing review the progress of the Preparatory Committee in developing plans for the 1992 UN Conference on Environment and Development and to report these as appropriate to Contracting Parties and the Consultative Meeting. Ongoing
- .15 prepare a survey on the state of the art of the application of no-waste and low-waste technologies with regard to waste streams currently, or in the recent past, dumped or incinerated at sea M
- .2 Agrees that the Fourteenth Consultative Meeting in the consideration of the more effective implementation of Articles of the London Dumping Convention should:

- .1 consider how the effective control of all sources of pollution of the marine environment could be achieved by Contracting Parties "individually and collectively"; M
- .2 clarify how the "harmonization of policies" can be carried out in practice to prevent pollution caused by dumping, beyond the guidance given already by the Consultative Meeting over the years; L
- .3 explore ways and means to improve the flow of information between Contracting Parties on techniques and practices that could help to meet the objectives of the Convention, e.g. information on new technologies and on analytical tools for evaluating and comparing various waste reduction/disposal alternatives; H
- .4 consider how financial support could be achieved from developed countries to improve and intensify assistance to those Contracting Parties from countries which are in a less developed state; H
- .5 consider the preparation of a resolution for better liaison with regional organizations and encouraging them to provide contributions to Consultative Meetings; H
- .6 review the status of the role of IAEA as the competent advisory body on radioactive waste disposal as set out in Annexes I and II; M
- .7 define the role of "scientific or technical considerations" for amending the annexes to the Convention, as well as consider how other considerations will have to be taken into account; and M
- .8 consider measures to improve the current notification and record keeping procedures; M
- .3 Agrees that the ad hoc Group of Legal Experts on dumping at future meetings should:
 - .1 continue work related to the development of procedures for the assessment of liability regarding dumping of wastes at sea; L

- .2 provide guidance on how to interpret the exemption contained in Article III(1)(b)(ii) with regard to "placement of matter for a purpose other than mere disposal thereof, provided that such placement is not contrary to the aims of this Convention"; M
- .3 provide guidance on what constitutes an "emergency" case where a special permit could be issued for the disposal at sea of wastes and other matter containing substances listed in Annex I; M
- .4 consider measures for improving the control of dumping activities from ships flying the flag of a Contracting Party in waters of a non-Contracting Party, in particular where dredging operations are involved; M
- .5 provide guidance for the implementation of Article VII(2) concerning measures that should be taken by Contracting Parties to prevent and punish conduct in contravention of the provisions of the Convention; L
- .6 consider the development "of procedures for the effective application of this Convention particularly on the high seas" as requested by article VII(3); and L
- .7 consider the establishment of amendments to Article VII with a view to clarifying the responsibilities and rights of coastal States to apply the Convention in a zone adjacent to their coasts as required by Article XIII. L

ANNEX 7

RESOLUTION LDC.41(13)

DISPOSAL OF RADIOACTIVE WASTES INTO SUB-SEA-BED
REPOSITORIES ACCESSED FROM THE SEA

THE THIRTEENTH CONSULTATIVE MEETING,

CONSCIOUS of the vital importance of the marine environment and the commitments made by the Contracting Parties for its protection, under the terms of the London Dumping Convention,

RECALLING that high-level radioactive wastes are listed under Annex I to the London Dumping Convention, and therefore cannot be dumped at sea, and that the disposal at sea of low- and intermediate-level radioactive waste is subject to resolution LDC.21(9), which establishes a suspension on the disposal at sea of radioactive wastes,

RECALLING ALSO that the Eighth Consultative Meeting agreed by consensus that the Consultative Meeting of Contracting Parties to the London Dumping Convention is the appropriate international forum to address the question of the disposal of high-level radioactive wastes into the sea-bed,

AGREES THAT:

- 1 The London Dumping Convention is the appropriate body to address the issue of low-level radioactive waste disposal into sub-sea-bed repositories accessed from the sea;
- 2 Disposal of low-level radioactive wastes into sub-sea-bed repositories accessed from the sea constitutes a form of disposal subject to resolution LDC.21(9), and is therefore suspended at present.

ANNEX 8

RESOLUTION LDC.42(13)

MATTERS RELATED TO THE BASEL CONVENTION ON THE TRANSBOUNDARY MOVEMENTS
OF HAZARDOUS WASTES AND THEIR DISPOSAL

THE THIRTEENTH CONSULTATIVE MEETING,

NOTING Resolution 2 of the Plenipotentiary Conference of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal,

- 1 URGES all Contracting Parties to the London Dumping Convention to also become Parties to the Basel Convention;
- 2 CALLS UPON Contracting Parties as much as possible to prevent the export of wastes for dumping at sea, particularly wastes containing substances referred to in Annexes I and II to the London Dumping Convention;
- 3 RECOMMENDS that Contracting Parties take appropriate measures to reduce to the minimum the generation of those wastes mentioned in paragraph 2 above;
- 4 FURTHER CALLS UPON Contracting Parties to prohibit or not to permit the export of wastes for dumping at sea, particularly those wastes containing substances referred to in Annexes I and II of the London Dumping Convention, to States not Party to the Convention;
- 5 FURTHER RECOMMENDS that Contracting Parties consider implementing paragraph 4 above with an amendment of or annex to the Convention;
- 6 RECOMMENDS ALSO that standards compatible to those imposed by the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, should be developed for the export for dumping at sea of wastes containing substances referred to in Annexes I and II of the London Dumping Convention where the transboundary movement is between Contracting Parties of the London Dumping Convention,;

7 REQUESTS the ad hoc Group of Legal Experts on Dumping to further elaborate the standards referred to in paragraph 6 above to report to the Fourteenth Consultative Meeting of the London Dumping Convention;

8 RECOMMENDS that Contracting Parties, after the outcome of the work of the ad hoc Group of Legal Experts on Dumping, consider including the agreed future standards in an amendment of or annex to the Convention.

ANNEX 9

RESOLUTION LDC.43(13)

PHASING OUT SEA DISPOSAL OF INDUSTRIAL WASTE

THE THIRTEENTH CONSULTATIVE MEETING,

ACKNOWLEDGING that States shall conserve and use the environment and natural resources for the benefit of present and future generations,

CONSCIOUS of the vital importance of the marine environment and the commitments made by the Contracting Parties for its protection under the terms of the London Dumping Convention,

RECOGNIZING that a high level of protection of the marine environment should be achieved, based on what is technically and economically feasible through the application of best available technology, including clean production,

ACCEPTING that the greater protection of the marine environment by cessation of dumping of industrial wastes should not result in unacceptable environmental effects elsewhere,

BEING AWARE of the limitations in determining consequences of waste disposal in a scientifically sound manner,

AGREES:

- 1 That the dumping of industrial wastes^{1/} shall cease by 31 December 1995 at the latest;
- 2 That Contracting Parties should endeavour to adopt individual or regional commitments to cease dumping of industrial wastes before 31 December 1995;
- 3 That, in addition to paragraph 1, Contracting Parties shall continue to respect regional agreements covering the dumping of wastes;

^{1/} For the purpose of this resolution, "industrial wastes" means waste materials generated by manufacturing or processing operations. It does not include inert materials and uncontaminated organic materials of natural origin. These inert materials or materials of natural origin may be dumped in such a way that they do not interfere with other legitimate uses of the sea, in accordance with Annex III to the Convention. The inclusion of radioactive matter in this definition will be considered when the current London Dumping Convention review of issues relating to radioactive waste dumping has been completed.

- 4 To conduct an evaluation^{2/} of the consequences of this decision by 1992 to determine any technical and social difficulties in the adoption of alternative methods of waste management, including waste avoidance, reduction, treatment and disposal options, and accordingly;
- 5 To commit themselves to take all necessary steps to enable all Contracting Parties to comply with paragraph 1, including the promotion of technical assistance to this end;
- 6 To facilitate access to, and transfer of, environmentally sound technologies particularly to developing countries to promote:
 - a. the modification of industrial processes in such a way as to reduce and eliminate the amount of waste generated;
 - b. the recycling of wastes or the reuse of them in other industries;
 - c. the treatment of wastes on land;
 - d. the further development of alternative and environmentally sound means of disposal (e.g., by promoting appropriate scientific and technical research; by economic incentives);
- 7 To apply the above measures in a manner that prevents any additional pollution of other parts of the environment. Furthermore, wastes currently being dumped must not be discharged into the sea via a pipeline, or from the shore, or via rivers and estuaries; and
- 8 To report details of the industrial wastes dumped at sea to the Secretariat immediately upon issuance of the permit for review by the Scientific Group on Dumping.

^{2/} The evaluation will be conducted in conjunction with that being carried out on incineration at sea in accordance with resolution LDC.39(13). The terms of reference should be broadened to include industrial wastes as defined above.

ANNEX 10

LIST OF SUBSTANTIVE ITEMS PROPOSED FOR INCLUSION IN THE
AGENDA OF THE FOURTEENTH CONSULTATIVE MEETING

- 1 Consideration of the report of the Scientific Group on Dumping
- 2 Long-term strategy for the Convention
- 3 Precautionary approach
- 4 Matters relating to the incineration of wastes at sea
- 5 Consideration of the report of the ad hoc Group of Legal Experts on Dumping
- 6 Transboundary movement of hazardous wastes
- 7 Sea disposal of industrial wastes
- 8 Matters related to the disposal of radioactive wastes at sea
- 9 Information exchange on waste production and waste disposal technologies:
 - .1 national and regional seminars
 - .2 international symposia and conferences
 - .3 public relations

ANNEX 11

FUTURE WORK PROGRAMME OF THE SCIENTIFIC GROUP ON DUMPING
 (fourteenth, fifteenth and sixteenth meetings)

		<u>Meetings</u>			<u>Target Completion Date</u>
		<u>1991 14th</u>	<u>1992 15th</u>	<u>1993 16th</u>	
1	Considerations of reports of the Annex Working Group	X	XX*	X	1992
2	Position of substances in the Annexes		X		Continuous
3	Field verification of laboratory tests	X	X	X	Continuous
4	Monitoring and disposal activities at sea: evaluation of dumping and monitoring reports	X	X	X	Continuous
5	Matters related to incineration at sea and phasing out sea disposal of industrial wastes		XX		1992
6	Waste management issues: comparative assessments; mitigation of the impact of dumping; source reduction; recycling; cleaner technologies (case studies, guidelines, manuals, bibliographies	XX	X	XX	Continuous**
7	Hazard assessment procedures	X	X	X	Continuous
8	Sea disposal of offshore installations and structures		X		1992
9	Co-operation, definitions and information exchange	X	X	X	Continuous

* XX denotes a higher level of presentation and debate

** 1991 beneficial uses and alternative disposal of sewage sludge
 1992 beneficial uses and alternative disposal of dredged material

ANNEX 12

LIST OF ITEMS PROPOSED FOR INCLUSION IN THE
PROVISIONAL AGENDA OF THE FIFTH MEETING OF
THE AD HOC GROUP OF LEGAL EXPERTS

- 1 Review of provisions of the Convention in light of the requirements of the Basel Convention:
 - .1 Analysis of the compatibility of the London Dumping Convention and the Basel Convention.
 - .2 Development of standards regarding the export of hazardous wastes for disposal at sea.
 - 2 Control of dumping activities from ships flying the flag of a Contracting Party in waters of a non-Contracting Party.
 - 3 Consideration of the relation between London Dumping Convention and the Antarctic Treaty.
 - 4 Status of the 1978 amendments on incineration at sea after termination of that practice.
 - 5 Consideration of the ongoing work within other Organizations concerning the assessment of liability.
-