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FOURTEENTH CONSULTATIVE MEETING OF
CONTRACTING PARTIES TO THE
CONVENTION ON THE PREVENTION
OF MARINE POLLUTION BY DUMPING
OF WASTES AND OTHER MATTER
25-29 November 1991

REPORT OF THE FOURTEENTH CONSULTATIVE MEETING

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1 INTRODUCTION

1.1 The Fourteenth 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 25 to 29 November 1991 under the chairmanship of Mr. D. Tromp (Netherlands). Mr. A. Sielen (United States) and Ambassador G.E. do Nascimento e Silva (Brazil) were Vice-Chairmen.

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

ARGENTINA	MOROCCO
AUSTRALIA	NAURU
BELGIUM	NETHERLANDS
BRAZIL	NEW ZEALAND
CANADA	NIGERIA
CHILE	NORWAY
CHINA	PANAMA
CYPRUS	PHILIPPINES
DENMARK	POLAND
FINLAND	PORTUGAL
FRANCE	SOLOMON ISLANDS
GERMANY	SOUTH AFRICA
GREECE	SPAIN
ICELAND	SWEDEN
IRELAND	SWITZERLAND
JAPAN	USSR
MEXICO	UNITED KINGDOM
	UNITED STATES

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

HONG KONG

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

CAMEROON
COLOMBIA
LEBANON
LIBERIA
PERU
REPUBLIC OF KOREA
SAUDI ARABIA
SYRIA
VENEZUELA

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

UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)
UNITED NATIONS CENTRE FOR HUMAN SETTLEMENTS (HABITAT)

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1.6 Observers from the following intergovernmental organizations attended the Meeting:

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT/NUCLEAR ENERGY
AGENCY (OECD/NEA)
COMMISSION OF THE EUROPEAN COMMUNITIES (EEC)
OSLO COMMISSION AND PARIS COMMISSION
BALTIC MARINE ENVIRONMENT PROTECTION COMMISSION
SOUTH PACIFIC REGIONAL ENVIRONMENT PROGRAMME (SPREP)

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

INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
EUROPEAN COUNCIL OF CHEMICAL MANUFACTURERS' FEDERATIONS (CEFIC)
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)
ASSOCIATION OF PACIFIC ISLAND LEGISLATURES (APIL)
CENTRAL DREDGING ASSOCIATION (CEDA)

Opening of the Meeting

1.8 In opening the proceedings the Chairman welcomed all participants to the Fourteenth Consultative Meeting.

1.9 The Chairman noted that the next year marks the twentieth anniversary of the adoption of the London Dumping Convention and briefly outlined the achievements made under the Convention. Since the Convention entered into force, Contracting Parties to the London Dumping Convention have made substantial progress in achieving the goal of the Convention of protecting the marine environment from the hazards of dumping. Unregulated dumping at sea that occurred before the Convention entered into force in 1975 has largely been halted. Stringent regulatory programmes to assess the need for and the impacts of disposal at sea have been implemented. The disposal at sea of certain wastes has been eliminated or is in the process of being phased out. The Chairman acknowledged that the progress achieved within the framework of the London Dumping Convention towards the protection of the marine environment had been due to the very active participation of Contracting Parties and to their willingness to work closely together in order to solve problems related to the control of waste disposal at sea. Despite many disagreements on certain issues the Consultative Meetings had always been able to come to some sort of agreement in support of the goal of the Convention, that is the protection of the marine environment.

Address of welcome

1.10 In his welcoming address, Mr. W.A. O'Neil, 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 continue in its efforts to provide every possible assistance in the future development of the Convention.

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1.11 The Secretary-General noted that many of the issues to be discussed by Meeting reflect the rapidly growing awareness in the international community for the need to protect and conserve the marine environment, and that the Organization accordingly has to keep its own role under review and be ready to respond to the new challenges. In this respect the Secretary-General informed the Meeting that IMO would continue its endeavours to ensure that the role of and the achievements made under the London Dumping Convention would be fully reflected in preparatory activities related to the United Nations Conference on Environment and Development (UNCED), 1992, and indeed in the deliberations and conclusions of the Conference itself.

Adoption of the Agenda

1.12 The agenda for the Meeting (LDC 14/1) 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 schedule for its work (LDC 14/1/1).

Participation of intergovernmental organizations and international non-governmental organizations

1.13 The Chairman informed the Meeting that in addition to the international organizations that the Thirteenth Consultative Meeting had decided to invite, the Secretariat, after consultation with the Chairman and the Vice-Chairmen, had invited the South Pacific Environment Programme (SPREP) to participate. In noting that this invitation had been issued on a provisional basis, subject to confirmation by the Consultative Meeting, the Meeting agreed that SPREP should be granted observership status for meetings convened within the framework of the Convention.

1.14 The Meeting agreed to invite intergovernmental organizations to the Fifteenth Consultative Meeting and to intersessional meetings of its advisory bodies, as follows:

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

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

INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
EUROPEAN COUNCIL OF CHEMICAL MANUFACTURERS' FEDERATIONS (CEFIC)
FRIENDS OF THE EARTH INTERNATIONAL (FOEI)
GREENPEACE INTERNATIONAL
INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES (IUCN)
PERMANENT INTERNATIONAL ASSOCIATION OF NAVIGATION CONGRESSES (PIANC)
EUROPEAN ATOMIC FORUM (FORATOM)

OIL INDUSTRY INTERNATIONAL EXPLORATION AND PRODUCTION FORUM (E & P FORUM)
ADVISORY COMMITTEE ON PROTECTION OF THE SEA (ACOPS)
INTERNATIONAL MARITIME BUREAU (IMB)
ASSOCIATION OF PACIFIC ISLAND LEGISLATURES (APIL)
CENTRAL DREDGING ASSOCIATION (CEDA)

2 STATUS OF THE LONDON DUMPING CONVENTION

Contracting Parties to the Convention

2.1 The Consultative Meeting was informed of the reports of the Secretary-General (LDC 14/2 and LDC 14/INF.27) on the status of the London Dumping Convention and of the 1978 amendments concerning the settlement of disputes. The Meeting noted that IMO had been notified of accessions to the Convention by Antigua and Barbuda, Jamaica and Luxembourg in the intersessional period, and that, as of 14 November 1991, a total of sixty-seven Contracting Parties had ratified or acceded to the Convention. The Meeting also acknowledged that during the intersessional period South Africa and Spain have deposited an instrument of acceptance for the 1978 amendments concerning the settlement of disputes, bringing the total number of Contracting Parties having ratified these amendments to fifteen. Contracting Parties were reminded that acceptance of two-thirds of all Contracting Parties (currently 45 of 67) were needed for the amendments to enter into force.

2.2 The Meeting recognized the efforts made by the Secretary-General to increase awareness of the London Dumping Convention by corresponding with the Permanent Representatives to IMO in London, requesting them to contact their respective Ministries concerning ratification of the Convention or acceptance of the 1978 Amendments. The Secretariat advised the Meeting that responses to the Secretary-General's invitations had been positive, with Officials indicating that efforts will be made to inform their Governments.

2.3 The Meeting urged the Secretary-General to continue his efforts to obtain wider acceptance of the London Dumping Convention. In this connection, it was emphasized that non-Contracting Parties should be asked to notify IMO of any problems they might have in implementing the requirements of the London Dumping Convention. The Secretary-General was further requested to draw the attention of Governments to the fact that support can be provided by Contracting Parties and IMO, pursuant to Article IX of the Convention, concerning training, supply of equipment and advice on waste management issues.

2.4 The Secretariat reviewed the different procedures for ratifying or acceding to the Convention (Articles XVII and XVIII) and for accepting amendments to the text of the Convention and Annexes thereto (Article XV). It was pointed out that instruments of ratification of and accession to the Convention are to be deposited with the Governments of Mexico, USSR, United Kingdom and United States, whereas instruments of acceptance of amendments to the text of the Convention (and declarations of objection) are to be deposited with IMO. It was further noted that, of the twenty-nine States that have ratified or acceded to the Convention after the 1978 amendments were adopted, only four States have notified IMO of their acceptance of the amendments. The Meeting concluded that, because the depositary procedures vary for ratification/accession versus acceptance of amendments, it was possible that some States may have accepted the 1978 amendments when they ratified or acceded to the Convention, but have not notified IMO. The Consultative Meeting recommended that the Secretariat, in conjunction with Governments to which ratifications and accessions are deposited, review the respective files to determine the presence of notifications of acceptance of amendments.

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2.5 The Meeting noted the list of national administrations of Contracting Parties responsible for waste disposal at sea, (LDC.2/Circ.289). Contracting Parties were invited to revise or complete the list by notifying the Secretariat of changes at their earliest convenience.

2.6 The Secretariat informed the Meeting that the publication "The London Dumping Convention: The First Decade and Beyond" had been published and was available for purchase at the IMO publications counter.

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 Thirteenth Consultative Meeting, highlighting the major discussions and recommendations of that Group (LDC/SG 14/12 and summarized in LDC 14/3). The Chairman of the Scientific Group noted the limited participation by Contracting Parties (only 19 out of 67) in the meeting of the Scientific Group and urged Contracting Parties to participate more actively in future meetings.

3.2 The subsequent discussion of the Meeting on issues raised by the Scientific Group are summarized in the following paragraphs, together with action taken thereon by the Meeting.

New Assessment Procedure (NAP)

3.3 The Chairman of the Scientific Group reviewed the past activities of the ad hoc Group of Experts on the Annexes and noted that in its three previous meetings it had reviewed comprehensively the technical structure of the Annexes to the London Dumping Convention. These meetings discussed proposals to restructure the Annexes and had recommended a technical assessment procedure for their implementation, the draft New Assessment Procedure (NAP).

3.4 The observers from Greenpeace International and Friends of the Earth International presented their comments on the NAP (LDC 14/3/2 and LDC 14/INF.18 respectively). They noted that significant clarification and improvement of the NAP was necessary. They also noted that they would participate in the fourth meeting of the ad hoc Group of Experts on the Annexes to the Convention (see paragraph 13.4.3 below) and formally present their critiques and recommendations. Both organizations felt that the precautionary approach was not presented clearly in the NAP:

- .1 the waste prevention audit should have a more prominent role in forcing the reduction of waste;
- .2 the prohibition list should become a reverse listing of allowed waste categories; and
- .3 the action list should not include a system of allowable levels of persistent synthetic and toxic materials.

3.5 The USSR delegation compared the NAP with domestic legislation and found some basic differences (LDC 14/3/6). That delegation further noted that the NAP was useful and contained proper components for marine protection but cautioned that it could be time consuming to carry out and would require good organization for exchange of information.

3.6 The Secretariat asked the Meeting to take note of a recent joint UNIDO-UNEP/IEO publication "Audit and Reduction Manual for Industrial Emissions and Waste" in relation to NAP requirements for waste management audits (LDC 14/INF.19).

3.7 The delegation of China stated that a trial use of the NAP was being undertaken by its country for dredged material. That delegation noted that after the trial use China will develop a classification and analytical methodology related to environmental impacts. The importance of regional studies and co-operation (and the need for evaluation thresholds) were also noted in relation to environmental conditions.

3.8 The Danish delegation noted that it was prepared to report its findings to the fourth meeting of the ad hoc Group of Experts on the Annexes and stated that the NAP might be an improvement when used in connection with the dredged material guidelines. That delegation was not convinced that the NAP would be an improvement in general. It also believed that it might allow types of disposal presently not allowed for and urged the Meeting to consider carefully a decision on the NAP.

3.9 The delegation of France commented on its interest in applying the NAP to dredging and agreed with others on the importance of regional consideration and the need for threshold values.

3.10 The Canadian delegation stated that in its view the NAP was a major improvement in implementing the Convention and contained components of a precautionary approach. That delegation noted further that the application of the NAP would only allow disposal of non-toxic, non-harmful material and that Canada is revising its domestic legislation to be consistent with the NAP.

3.11 The Chairman emphasized the importance of the work of the next meeting of the ad hoc Group of Experts on the Annexes, urged Contracting Parties to respond to the Circular (LDC.2/Circ.266) and to participate in the meeting. The Meeting confirmed that participation in the next meeting, as in past meetings, will be limited to Contracting Parties or observers that have made a technical submission or have responded to the NAP review.

Dredged material guidance

3.12 The Secretariat advised the Group that the Dredged Material Guidelines adopted at the Tenth Consultative Meeting (resolution LDC.23(10)) were scheduled for a five-year review (LDC 14/3/3). It was noted that the NAP was nearing completion and the Meeting was asked to consider the role of the NAP in relation to the revision of the Guidelines.

3.13 There was significant discussion on the role of the NAP in the review of the Dredged Material Guidelines. The delegation of Nauru stated that application of the NAP to the Dredged Material Guidelines could only occur after acceptance of the NAP and that the Scientific Group on Dumping should focus on completion of the NAP. Canada, France and the Netherlands believed that both efforts could be done concurrently.

3.14 The Chairman summarized that the NAP and the Dredged Material Guidelines could not be reviewed in isolation and that the priority of the Scientific Group must be assigned to the NAP. The subsequent review of the Dredged Material Guidelines would take into account appropriate components of the NAP.

3.15 The representative of the Oslo Commission informed the Consultative Meeting that the Oslo Commission had adopted a Recommendation and associated guidelines on the Management of Dredged Material (LDC 14/3/3). These replace the earlier Guidelines on the Disposal of Dredged Material. Part A of the Guidelines is related to the assessment and management of dredged material and deals, amongst others, with:

- .1 conditions for granting permits;
- .2 assessment of characteristics and composition of dredged material;
- .3 guidelines on sampling and analysis;
- .4 characteristics of dumping site and the method of deposit;
- .5 management of physical impact of dredged material disposal; and
- .6 disposal management techniques.

Part B of the Guidelines is related to monitoring dredged material disposal operations. Technical Annexes to the Guidelines for the Management of Dredged Material dealing with analytical requirements are under preparation.

Dredged material survey

3.16 The observer from IAPH agreed to carry out, in co-operation with IMO, an update of the 1989 survey on the disposal of dredged material. IMO was requested to formally contact IAPH to update the 1989 survey of the IAPH member ports.

Bibliography on dredging

3.17 CEDA, PIANC, and IAPH, in co-operation with IMO, agreed to work on establishing bibliographic services on environmental aspects of dredging. CEDA will chair an intersessional working group with the goal of defining the purpose, scope and proposed audience of the dredging bibliography.

Sewage management issues

3.18 The Secretariat summarized the recommendations of the fourteenth meeting of the Scientific Group regarding the need for a global sewage management survey (LDC/14/3/1). The Secretariat noted that the Hong Kong Government had emphasized the need to include economic considerations in a survey as well as information on oceanic outfalls and monitoring requirements (LDC 14/3/7). Several groups (such as WHO, UNEP, HABITAT, FAO) have so far shown interest in carrying out or co-operating in the survey but were constrained by lack of funds. The Meeting agreed that the survey was necessary but that recommendations from the United Nations Conference on Environment and Development (UNCED) on this subject should be taken into account. Some delegations believed that a global review would be of limited use and that greater emphasis should be placed on regional considerations. It was agreed that some action should be taken recognizing the current work by UNCED and the need for regional emphasis. This item will remain on the Agenda of the Scientific Group with a view to advising the Fifteenth Consultative Meeting on how the survey could be carried out. The Secretariat will continue contacts with other United Nation agencies and regional bodies on this matter.

Categorization of industrial wastes and other matter

3.19 The Secretariat reviewed the reporting requirements of the Convention and noted that the definition of industrial waste was given in resolution LDC.43(13) and that the fourteenth meeting of the Scientific Group recommended that information on compliance with this resolution be submitted to the Secretariat in connection with notifications of dumping activities (LDC 14/3/5 and LDC 14/3/5/Corr. 1).

3.20 It was recalled that the Oslo Commission had adopted in 1989 a Decision on the Reduction and Cessation of Dumping Industrial Wastes at Sea. The representative of the Oslo Commission informed the Consultative Meeting that the Commission had addressed in June 1991 the question of permit requirements under this Decision for a number of wastes. The Commission concluded that the dumping of chemical wastes and drilling muds from oil and gas exploration and extraction activities would require a Prior Justification Procedure (PJP). Inert materials of natural origin were exempt from the Prior Justification Procedure, the dumping of bulky wastes, ships and offshore installations and structures for guidelines are being developed requesting under certain circumstances a Prior Notification of Prior Justification Procedure. Permit requirements for wastes from fish processing plants and offal from mariculture fish will also include a prior procedure.

3.21 Several delegations stated that resolution LDC.43 (13) provided sufficient guidance for Contracting Parties to indicate in the reports compliance with resolution LDC.43(13); while other delegations stated that the definition of industrial wastes in the resolution was weak and needed revising.

3.22 The Meeting agreed that Contracting Parties in their dumping activity reports shall indicate as to whether their wastes comply with resolution LDC.43(13) and that the categories of wastes and other matter to be used in the annual summary reports of the Secretariat should be as follows:

- Sewage sludge
- Dredged material
- Liquid chemical waste
- Solid chemical waste
- Mineral solid waste
- Bulky metallic waste
- Bulky non-metallic waste
- Natural organic waste
- Vessels and offshore platforms.

3.23 The Meeting further agreed that a more detailed consideration of categories of wastes and other matter should be referred to the fifteenth meeting of the Scientific Group.

Offshore installations

3.24 The Secretariat noted the Scientific Group's previous advice that the Annexes to the Convention and the guidelines thereto contained sufficient technical guidance to address related disposal issues (LDC 14/3/4). The Meeting recalled that the Scientific Group undertook to consider the results of the fourth meeting of the ~~ad hoc~~ Group of Legal Experts on Dumping and review its position accordingly at its fifteenth meeting, taking also into account disposal guidelines which were then under consideration by the Oslo Commission.

3.25 The representative of the Oslo Commission informed the Consultative Meeting that his Commission in June 1991 adopted Guidelines for the Disposal of Offshore Installations at Sea (LDC 14/3/4). These Guidelines for the Disposal of Offshore Installations at Sea are complementary to the IMO Guidelines and Standards for the Removal of Offshore Installations and Structures on the Continental Shelf and in the Exclusive Economic Zone. One Contracting Party to the Oslo Convention had entered a waiting reservation pending further examination.

Future work programme

3.26 The Scientific Group had developed a three-year programme identifying priority dates for reporting to the Consultative Meeting. The list of substantive items proposed for inclusion in the agenda for the fifteenth, sixteenth and seventeenth meetings of the Scientific Group was reviewed by the Consultative Meeting under agenda item 13 and appear at annex 11.

4 THE APPLICATION OF A PRECAUTIONARY APPROACH IN ENVIRONMENTAL PROTECTION WITHIN THE FRAMEWORK OF THE CONVENTION

4.1 The Meeting recalled that at its thirteenth meeting it had agreed that the Secretariat should prepare a detailed working paper on aspects of a precautionary approach for consideration at this meeting.

4.2 The Secretariat informed the Meeting that, pursuant to the Meeting's request and with the generous financial assistance of a Contracting Party, it had retained the services of Dr. Ellen Hey, Erasmus University, Rotterdam, the Netherlands, who had prepared a study entitled "The Precautionary Approach and the LDC" (LDC 14/4).

4.3 The Meeting noted with appreciation that the study provided, inter alia, a comprehensive analysis of the different definitions and description of the precautionary approach and identified specific elements of a definition of the precautionary approach for the London Dumping Convention which would greatly facilitate consideration of this matter by the Meeting.

4.4 The observer from Greenpeace International presented a study "The Principle of Precautionary Action: Definition and Implementation" which included a proposed action programme for implementing the precautionary principle and clean production which the Contracting Parties were urged to adopt and implement (LDC 14/4/1). Greenpeace International pointed out that the principle of the precautionary approach was a new policy based on the recognition of the failure of past approaches to environmental protection e.g. the "assimilative capacity" approach which therefore required new measures to be adopted, inter alia, by the Contracting Parties in order to effectively implement the new policy or approach.

4.5 The Meeting took note of an OECD study "Dealing with Uncertainty" (LDC 14/INF.9) which, inter alia, described two decision-making strategies, i.e. "precaution" versus "research" and assessed the degree to which they are compatible with one another.

4.6 The observer from IAPH pointed out (LDC 14/INF.20) that it has always been IAPH's position that the current approach for regulation of dredged material under the Convention - through the application of the Special Guidelines for Dredged Material in conjunction with appropriate parts of the draft New Assessment Procedure (NAP) and the Annex III Guidelines - is fully consistent with the precautionary approach which IAPH supported.

4.7 The delegation of the United States emphasized that the Convention and its annexes incorporated a precautionary approach to waste disposal at sea, and that the development of the draft NAP would further underscore commitments of Contracting Parties to prudence and caution (LDC 14/INF.23). It was further pointed out that it was essential to clarify the purpose and goal of the Meeting's discussion of the application of the precautionary approach to the Convention i.e., whether proponents of a precautionary approach in fact seek to modify or amend the Convention or whether the aim was to reconfirm the principles already embodied in the Convention.

4.8 The delegation of Finland drew the attention of the Meeting to its proposed definition of the principle of precautionary action and urged the Meeting to take it into account when considering this matter (LDC 14/INF.32).

4.9 The Meeting noted the recommendation of the Seventh Ordinary Meeting of Contracting Parties to the Barcelona Convention relating to the introduction of the precautionary approach in the land-based sources and disposal at sea Protocols to the Barcelona Convention (LDC 14/INF.15). The Brazilian delegation drew attention to the need, that when implementing the proposed precautionary approach within the framework of the London Dumping Convention, to consider the facilitation of access to, and transfer of, environmentally sound technologies to developing states.

4.10 Many delegations expressed the view that it was indeed timely for the Contracting Parties to agree on the means by which the application of the precautionary principle could be given explicit recognition and effect within the framework of the Convention.

4.11 Several delegations pointed out that the precautionary principle had been adopted in several other international fora and incorporated into national environmental law and policy and as such represented an increasingly accepted basis for environmental protection policy and a shift in emphasis in decision-making in favour of a bias towards safety and prevention of release of contamination.

4.12 Several delegations also expressed the view that recent decisions of the Contracting Parties with respect to, for example, the improvement of the operational procedures related to the implementation of the Convention, were consistent with the precautionary approach. It would however be useful for the Contracting Parties to agree on a definition of the precautionary approach as a guide to future consideration of matters relating to the implementation of the Convention.

4.13 The Chairman noted that there was widespread recognition that the Convention and its implementation generally took account of the precautionary approach. Nevertheless, there was also an expressed need to spell out in greater detail what this approach meant in the context of the Convention and to agree on the modalities of its implementation.

4.14 The Meeting established a Working Group under the Chairmanship of Mr. A. Sielen (United States). Delegations from Australia, Brazil, Canada, China, Denmark, Finland, France, Germany, Japan, the Netherlands, Spain, Sweden, the United Kingdom, and the United States and observers from IAPH, CEFIC, FOEI, Greenpeace International, IUCN and CEDA participated in the Working Group which was instructed to consider the elaboration of a definition or description of the precautionary approach in the context of the Convention and suggest the means by which such an approach could best be implemented (e.g. by resolution, amendment of the Convention, etc.).

4.15 The Meeting noted that the Working Group had four themes emerged on which it could build a consensus (LDC 14/WP.3 and LDC 14/WP.3/ Corr.1). First, it was felt that inherent in the concept of the precautionary approach was the recognition of the utility and limitations of science. In this respect, the precautionary approach was seen as an essential tool for policy makers in taking decisions in the face of scientific uncertainties. Second, it was recognized that the work of the Scientific Group and other bodies, as well as the decisions of the Consultative Meeting, contributed to the application of a precautionary approach. Third, there was a strong commitment to the prevention of pollution at source through the application of clean production technologies and waste minimization and a recognition that it made more sense environmentally and economically to prevent a problem from occurring than to deal with it after the fact. Finally, it was considered necessary that a comprehensive ("holistic") or integrated approach to waste management be applied which, inter alia, stressed the need to assess the overall and comparative detriment to the environment when considering different disposal options.

4.16 The Meeting also noted that in considering a definition of the precautionary approach in environmental protection, due account has to be taken of developments in other fora, in particular the work underway in the Oslo/Paris Commission. It was felt that notwithstanding the adoption of a form of words for the precautionary principle, policy, approach, etc., in other fora, it was necessary for the Meeting to make its own recommendations in the context of the Convention.

4.17 Finally, there was agreement that it would be most appropriate at this stage to incorporate the application of the precautionary approach in environmental protection in a resolution which simply and clearly defined this concept and indicated specific actions which Parties should take to implement it, recognizing that such a resolution could at some later stage provide the basis for an amendment of the Convention, if so desired.

4.18 The Meeting adopted resolution LDC.44(14) proposed by the Working Group with some amendments as shown in annex 2.

4.19 The delegation of Germany stated that, in view of the fact that the discussions were underway in the Oslo and Paris Commissions on the definition and implementation of the precautionary approach, the Meeting's adoption of the resolution should not be interpreted as prejudicing decisions taken by these bodies.

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

5.1 In the absence of the Chairman of the ad hoc Group of Legal Experts on Dumping, Mr. A. Bos (Netherlands), the Vice-Chairperson, Ms. M. Chandler (United States), presented a summary of the report of the fifth meeting of the ad hoc Group of Legal Experts on Dumping (LDC/LG 5/10 and summarized in LDC 14/5), held at IMO Headquarters, London, from 8 to 11 July 1991.

5.2 The Consultative Meeting approved in general the report of the fifth meeting of the ad hoc Group of Legal Experts on Dumping, with comments as noted below and under sections 6 and 8 of this report.

Control of dumping activities from ships flying the flag of a Contracting Party in waters of a non-contracting party

5.3 The Meeting noted that all known cases concerning dumping activities from ships flying the flag of a Contracting Party in waters of non-Contracting Parties (LDC 14/WP.2) were related to dredging operations, and that in order to properly address the issue, more relevant factual information was needed on the extent and nature of the dumping operations involved. In this regard, the Meeting approved a questionnaire prepared by the Secretariat in co-operation with the chairmen of relevant expert groups for the collection of information on the extent and nature of such dumping operations. A copy of the questionnaire as approved is shown at annex 3.

Consideration of the relationship between the London Dumping Convention and the Antarctic Treaty

5.4 The German delegation informed the Meeting of developments at the Sixteenth Antarctic Treaty Consultative Meeting held in Bonn from 7-18 October 1991 (LDC 14/INF.34). The Meeting also noted the adoption in Madrid on 4 October 1991 by the Antarctic Treaty Parties of a Protocol on Environmental Protection including an Annex to the Protocol on prevention of marine pollution.

5.5 The Meeting noted the discussion of the ad hoc Legal Groups and endorsed its conclusions (LDC/LG 5/10, paragraph 4.11) as follows:

- .1 the application of the requirements of the London Dumping Convention among the Antarctic Treaty Parties is not within the exclusive competence of the Antarctic Treaty;
- .2 increased efforts should be made to promote membership in the London Dumping Convention among Antarctic Treaty Parties that are not yet Contracting Parties to the Convention;
- .3 the fact that no mention of the London Dumping Convention is made in the recently established Protocol on Environmental Protection of the Antarctic Treaty and the Annexes thereto (XI ATSCM/2 of 21 June 1991) was not viewed as a problem in light of the obligations of Antarctic Treaty Parties that are also Contracting Parties to the London Dumping Convention and the intention of Antarctic Treaty Parties to develop rules for the prevention of pollution from dumping at sea which would have to be based on international law;
- .4 the development of rules for the protection of the Antarctic Treaty area from dumping of wastes at sea should be welcomed and supported by the Contracting Parties to the London Dumping Convention;
- .5 in light of the requirements of Article VIII of the London Dumping Convention, Contracting Parties should endeavour to act consistently with the objectives and provisions of such regional rules to be developed within the Antarctic Treaty framework; and

- .6 questions concerning dumping at sea in the area south of 60° South latitude should be brought to the attention of the Consultative Meeting of Contracting Parties to the London Dumping Convention; it is beyond the competence or scope of the ad hoc Legal Group or the Contracting Parties to the London Dumping Convention to decide whether questions concerning dumping at sea in the area south of 60° South latitude should be addressed to the Antarctic Treaty Consultative Meeting.

5.6 Australia stressed the commitment of Antarctic Treaty Parties to marine pollution prevention through, e.g., domestic legislation to implement the Protocol and voluntary implementation of the provisions of the Protocol pending its entry into force. The delegation encouraged accession to both the London Dumping Convention and the Antarctic Treaty (and its Protocol) by any nations that had shipping or other operations in the Antarctic Treaty area.

Consideration of the ongoing work within other organizations concerning the assessment of liability

5.7 The Meeting accepted the recommendation of the ad hoc Legal Group that the draft IMO Convention on liability and compensation in connection with the carriage of hazardous and noxious substances by sea (HNS Convention) should not cover waste disposal at sea as defined under the London Dumping Convention. The Meeting noted that this recommendation had already been considered by the IMO Legal Committee at its sixtieth session in October 1991 (LDC 14/5/1), at which the Committee concluded that deliberate authorized dumping should not be included in the draft HNS convention. The Meeting further noted discussions in the Legal Committee as to the potential applicability of the draft HNS convention to unauthorized dumping as well as to spillage in transit of wastes destined for dumping.

5.8 The IMO Legal Committee had agreed that unauthorized dumping should be a matter to be addressed within the framework of the London Dumping Convention should the Contracting Parties choose to develop a liability regime, but that the question of waste transport per se was not a matter governed by the London Dumping Convention.

5.9 The Meeting took note of information provided by the ad hoc Legal Group on developments within other fora relating to liability and compensation and other relevant considerations (LDC/LG 5/10, annex 3).

5.10 Several delegations stressed that the development of a regime of responsibility and liability constitutes an obligation according to Article X of the Convention and point 7 of resolution LDC.21(9) concerning the suspension of sea disposal of radioactive wastes. The Meeting agreed, however, not to embark upon the development of a liability and compensation regime within the London Dumping Convention at this time.

Interpretation of the exemption in Article III(1)(b)(ii) regarding "placement of matter for a purpose other than mere disposal thereof . . ."

5.11 The Meeting noted that the ad hoc Group of Legal Experts had confirmed that it would be the responsibility of a coastal state to conduct a case by case assessment of whether the placement at sea of materials for purposes other than disposal would be contrary to the aims of the Convention (LDC/LG 5/10, section 7.4).

5.12 The Meeting considered sources of information relating to materials that have been used for the building of artificial reefs (LDC 14/5/2). Greenpeace International pointed out that this issue should be considered in a broader context, and cited a recent publication indicating that Japanese companies have developed plans for the use of radioactive and other forms of toxic wastes in conjunction with the building of artificial offshore islands. The representative from the E & P Forum referred to an FAO guide for fishermen on the construction of artificial reefs, noting that in that guide no advice has been provided concerning the potential hazards of reef building material to the marine environment.

5.13 The delegation of Nauru expressed concern over the possible impact of materials mentioned above in the context of the mandate of the London Dumping Convention to protect the marine environment.

5.14 With respect to the publication cited by Greenpeace International, the delegation of Japan stated that it did not permit such a practice, it would nevertheless ascertain whether or not plans for such a practice have actually been developed.

5.15 Several delegations expressed great concern over the information referred to above and observed that the clause in Article III(1)(b)(ii) could appear to create a loophole allowing the disposal of materials otherwise prohibited by the Convention.

5.16 The Meeting agreed to refer the issue to the Scientific Group on Dumping for its advice on which wastes may be appropriate for use in the construction of artificial reefs and islands and under which conditions these wastes may not be appropriate. In this regard the Secretariat was asked also to seek advice from FAO and to request Contracting Parties to submit information to the Scientific Group that would be relevant to its deliberations. The Meeting further agreed that the issue could be referred back to the ad hoc Group of Legal Experts on Dumping after completion of the review by the Scientific Group.

Abandonment of pipelines

5.17 The Meeting noted that the ad hoc Legal Group had considered whether pipelines could be viewed as structures under Article III(1)(c)(ii) and thus be included under the agreed interpretation that abandoned platforms should be considered as "dumped" under the terms of the Convention. The Meeting noted that there had been a diversity of views within the ad hoc Group of Legal Experts on this issue. Some argued that abandonment of pipelines should be included citing the intent of the Convention to promote the effective control of all sources of pollution, the plain meaning of "deliberate disposal" and "man-made structures", and reasoning parallel to that used for concluding that abandonment of platforms is dumping. Others argued that pipelines and structures are treated differently under customary international law as reflected in the United Nations Convention on Law of the Sea and therefore did not believe that abandonment of pipelines constitutes dumping within the definition of Article III(1)(a)(ii).

Guidance on emergency cases (Article V(2))

5.18 The Meeting requested the Secretariat to issue a circular letter clarifying differences between Article V(1) concerning dumping in cases of force majeure and Article V(2) concerning issuance of special permits in emergency situations and reminding Contracting Parties of the obligation for consultation under Article V(2).

6 TRANSBOUNDARY MOVEMENT OF HAZARDOUS WASTE

6.1 The Meeting noted the Decision-Recommendation of the OECD Council on the Reduction of Transfrontier Movements of Wastes (LDC 14/INF.6), and the status of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (LDC 14/INF.22).

6.2 The Meeting considered the draft resolution on the Control of Transboundary Wastes for Disposal at Sea prepared by the ad hoc Legal Group and adopted this resolution with some amendments as shown in annex 4. The Meeting directed the Secretariat to transmit results of work undertaken by the Consultative Meetings as well as the above resolution LDC.45(14) to the Executive Director of UNEP for future consideration by the first meeting of the contracting parties to the Basel Convention.

6.3 The Meeting also noted that under the Basel Convention, technical guidelines will be developed in accordance with resolution 8 of the Basel Conference concerning the environmentally sound management of wastes. The Meeting emphasized that close co-operation between Contracting Parties of both Conventions is required to ensure consistency between the technical standards of the London Dumping Convention with those to be developed under the Basel Convention. The Meeting requested the Secretariat to fully co-operate in the preparation of such standards and to report the results of these developments to the Fifteenth Consultative Meeting.

7 LONG-TERM STRATEGY FOR THE CONVENTION

7.1 The Chairman emphasized the importance of this agenda item and its implications with regard to the preparation for the 1992 UN Conference on Environment and Development (UNCED). He recalled the list of intersessional and future work items which had assigned a number of actions and priorities to the Secretariat and future meetings of Contracting Parties and their expert groups (LDC 14/13).

GESAMP

7.2 The Meeting took note of GESAMP Reports and Studies No.45: "Global Strategies for Marine Environmental Protection" (LDC 14/7). The paper originally prepared by the GESAMP Working Group on a "Comprehensive Framework for the Assessment and Regulation of Waste Disposal in the Marine Environment" had been requested by the Consultative Meeting in connection with studies and assessments required by resolution LDC.28(10). This document advocates the formulation and adoption of a comprehensive global framework for enhancing the effectiveness of environmental protection initiatives. It describes the basic principles and goals and analyzes the scientific and management elements of such a framework. The Meeting was informed that this publication was intended to cover broader aspects of strategies for waste environmental protection than those identified by IGPRAD; a specific response to the question posed by IGPRAD is being prepared by GESAMP in early 1992.

7.3 Greenpeace International introduced a "Critical Review of GESAMP Report No.45 on 'Global Strategies for Marine Environmental Protection' 1991" (LDC 14/INF.29) and a "Critical Review of GESAMPs 'State of the Marine Environment' Report No. 39 (1990)" (LDC 14/INF. 30). Greenpeace International's submissions address its views concerning deficiencies in the scope and content of those two GESAMP reports.

UN General Assembly

7.4 The Secretariat presented the Meeting with an extract from "Protection and Preservation of the Marine Environment: Report of the UN Secretary-General to the General Assembly, 1989" (LDC 14/INF.10). The report includes a discussion of areas for possible further action under Part XII of UNCLOS and notes the progress of the Convention in combating marine pollution by dumping.

Offshore installations

7.5 In the context of consideration of options to increase the scope of the Convention under a long-term strategy, the Meeting considered discharges from offshore installations based on a paper prepared by the Netherlands (LDC 14/7/6). The paper focused on managerial rather than legal aspects; and, based on the experience in the Paris Commission, included a general survey of those discharges of contaminants from offshore oil and gas activities that are of primary importance for the protection of the marine environment. Items addressed were the discharge of hydrocarbons, cuttings, production water, the use and discharge of chemicals offshore, guidance on monitoring, and options under the regime of the Convention. The Meeting agreed to revisit this issue after UNCED has been held.

7.6 Nauru noted that the issue of long-term leakage from abandoned and sealed oil wells was apparently unregulated by any Convention. It expressed the belief that this posed a potentially serious and unregulated threat to the marine environment which could be fruitfully addressed by Contracting Parties.

7.7 The E & P Forum noted that no such leakage had occurred to date, as far as is known, and that abandoned wells are sealed with concrete plugs to prevent leakage. The representative noted that the issue had been raised at three earlier Consultative Meetings by the delegate of Nauru, but that so far no written proposals on the topic had been submitted.

Past dumpings of chemical warfare ammunition

7.8 The Meeting was informed of past dumping of chemical warfare and conventional ammunition at sea (LDC 14/7/3) recalling that at the Thirteenth Consultative Meeting it had considered what national or regional action, if any, was required in this regard (LDC 13/15, paragraph 5.36.5). The Meeting noted the conclusions of the Oslo Commission and Helsinki Commission that there have so far been no technical solutions found to problems caused by the sea disposal of chemical warfare containers following immediately World War II (see also paragraph 12.2, below). Some delegations expressed the view that this example carries lessons for other forms of dumping including radioactive waste.

Deep seabed mining

7.9 The Meeting noted the response of the UN Office for Ocean Affairs and the Law of the Sea to a request from the Secretariat to consider possible plans for establishing prevention measures covering offshore and seabed activities (LDC 14/7/1). The UN Office for Ocean Affairs and the Law of the Sea noted that Parts IV, XI, XII, XIII and XIV of UNCLOS all addressed protection of the marine environment. With regard to deep seabed mining, the Meeting was informed of the status of work by the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law

of the Sea. In this connection the Meeting was informed of "Draft Regulations on Prospecting, Exploration and Exploitation of Polymetallic Nodules in the Area" submitted by the UN Office for Ocean Affairs and the Law of the Sea (LDC 14/INF.11).

UNCED

7.10 The Secretariat submitted a paper concerning the UNCED Preparatory Committee's discussion under the topic "Protection of the oceans, all kinds of seas including semi-enclosed seas, coastal areas, and the protection, rational use and development of their living resources" (LDC 14/7/2). The paper summarized activities of the third session of the Preparatory Committee and included as an annex a selected extract from A/CONF.151/PC/WG II/L.18 addressing "General Objectives" and "Proposed Programme Areas" on ocean dumping. In addition, the Secretariat submitted a paper summarizing UNCED Preparatory Committee activities regarding international co-operation and co-ordination (LDC 14/7/2/Add.1). The Meeting was also informed of the structure and organization of UNCED Agenda 21 (LDC 14/INF.8).

7.11 With regard to the environmental sound management of solid waste and sewage related issues the Meeting was informed of options on that issue discussed by UNCED for inclusion in Agenda 21.

7.12 The Meeting took note of an IMO Assembly resolution adopted at its 27th Session (LDC 14/INF.24) expressing the need for delegations at the UNCED Conference to be informed of the important role played by IMO in its sphere of competence and recommended continual active participation of the IMO Secretariat in Preparatory Committee activities.

Participation in the London Dumping Convention and other Conventions

7.13 The Meeting was provided information on the level of participation in the activities of the Convention (LDC 14/7/4 and LDC 14/INF.31). The Meeting noted that approximately one half of Contracting Parties have never responded to the notification and reporting obligations under Article VI of the Convention. About one third of Contracting Parties report on a routine basis. The remainder report intermittently. The largest level of participation and submission of documents is from developed countries, in particular those in Europe and North America. The Meeting also noted that the majority of documents for consideration at and information of meetings held within the framework of the London Dumping Convention was prepared by the Secretariat, and that since the early 1980's there has been increased participation and submissions from several non-governmental organizations. The Meeting further noted that the overall return rate was about 25 per cent for requests for information contained in circular letters.

7.14 The Secretariat introduced a study comparing States that are associated with the London Dumping Convention and States that are associated with either regional agreements for controlling dumping at sea or regional agreements for the protection of the marine environment (LDC 14/7/5). The Meeting noted the following:

- .1 of the 60 States that signed the Final Act adopting the London Dumping Convention, 22 have not yet become Contracting Parties to the Convention.
- .2 all regional agreements that have been developed to protect the marine environment against pollution contain general provisions to control dumping of wastes and other matter. However, some

agreements are specifically designed to control dumping activities (i.e. the Oslo Convention) or contain explicit provisions or protocols to control dumping activities (i.e. Barcelona, Helsinki and Noumea Conventions);

- .3 of the 67 Contracting Parties to the London Dumping Convention, 61 are involved in one or more regional agreements. The level of involvement varies. Several States participate in regional agreements although they have not ratified or acceded to a regional convention. For six of the States (Argentina, Brazil, China, South Africa, Switzerland and Japan), the Antarctic Treaty is the only regional agreement in which the State is involved at the present time;
- .4 six Contracting Parties are not involved in a regional agreement at this time (Afghanistan, Byelorussian SSR, Canada, Hungary, Luxembourg and Ukrainian SSR). However, Canada has bilateral agreements with the United States on protection of the marine environment; and Ukrainian SSR, through USSR, has participated in the drafting of a draft Convention on the Protection of the Black Sea against Pollution. The remaining four Contracting Parties are land-locked;
- .5 a total of 75 States that are involved with a regional agreement have not ratified or acceded to the London Dumping Convention.

Working Group

7.15 The Consultative Meeting established a working group on the long-term strategy for the Convention with the following terms of reference:

- .1 review the status of the activities listed in LDC 14/13 and consider whether further action needs to be taken by the Secretariat, Contracting Parties, the Consultative Meeting and its subsidiary bodies;
- .2 consider what information is to be transmitted to the UNCED Secretariat and to Governments that will participate in the June 1992 Conference;
- .3 provide guidance on how to encourage States that participated in the development of the London Dumping Convention to ratify the Convention;
- .4 provide guidance to the Secretariat and UNEP on how to harmonize policies of Contracting Parties to the London Dumping Convention and other States regarding the prevention of marine pollution by dumping;
- .5 provide guidance on whether it is indeed advantageous, in terms of economy, transfer of technology, monitoring and effectiveness of implementation, to encourage additional States to accede to the London Dumping Convention given the large number of States that are involved in regional agreements;
- .6 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;

7.21 The Meeting also approved information prepared by the Working Group related to the UNCED preparatory work with a view to assisting the UNCED Secretariat and Contracting Parties in relating the work of the London Dumping Convention to the elements of the draft UNCED Agenda 21 (annex 6). The Meeting requested the Secretariat to forward this information to the UNCED Secretariat together with details of relevant decisions and actions taken at the Fourteenth Consultative Meeting.

7.22 The Meeting decided that both the statement for the Chairman (paragraph 7.19 above) and the additional information (annex 6 of this report) should be transmitted to Contracting Parties for their use in the preparation of national positions for UNCED.

7.23 The Consultative Meeting considered action necessary to improve the co-ordination between regional programmes of UNEP on marine pollution and the London Dumping Convention (LDC 14/WP.1). The draft resolution was amended by the Meeting and adopted as resolution LDC.46(14) as shown in annex 7

7.24 The Consultative Meeting reviewed the status of activities (LDC 14/13) as well as other activities related to future work on the long-term strategy of the Convention as agreed at the Thirteenth Consultative Meeting. It approved an updated list as shown in annex 8.

Amendment Conference for the Convention

7.25 The Consultative Meeting considered the joint proposal for an amendment conference for the Convention submitted by twelve delegations.

7.26 The delegation of Nauru, in introducing the respective proposed draft resolution on behalf of other supporting Contracting Parties, noted that in view of the decision of the Consultative Meeting to consider the final IGPRAD report in 1993 (see paragraph 11.10 below), a proposed meeting to amend the Convention in 1993 could take into account the results of IGPRAD.

7.27 The proponents of the draft resolution further noted that the London Dumping Convention had shifted in the past decade from a permissive to a precautionary approach. The proposed draft resolution would commit the Contracting Parties to implement this approach, amending the Convention at a future Consultative Meeting designed as an amendment conference. The purpose of this conference would be to codify resolutions adopted over the last decade into the wording of the Convention.

7.28 It was pointed out that resolution LDC.9(V) and resolution LDC.10(V) pertaining to the procedures for amending the Convention and its Annexes envisage a stepwise process by which proposed amendments to the Annexes could be accepted in principle prior to being formally adopted. The period of notification is six months prior to consideration for amendments to Articles and three months for amendments to Annexes. It was also pointed out that amendments to the Annexes, once adopted, would come into force in 100 days except for Contracting Parties depositing a declaration of objection within that time. Amendments to Articles enter into force 60 days after two-thirds of Contracting Parties have deposited an instrument of acceptance with IMO. For both cases, actions taken by consensus at Consultative Meetings were therefore preferable.

7.29 Several delegations supported the suggestion that a discussion on the subject could be held at the next Consultative Meeting and a decision subsequently taken for an "amendment Conference" that would then be based on a more logical consideration of the situation and on documents provided. While agreeing that this matter warranted attention, the delegation of the Netherlands noted that the scheduled finalization of IGPRAD's work in 1993 could mean that amendments should best be adopted in 1994.

7.30 After a substantial debate, the Meeting decided to place the subject matter of the proposed draft resolution, namely the amendment of the Convention and its Annexes, on the agenda of the Fifteenth Consultative Meeting. It also was decided that the action of the Consultative Meeting in addressing amendments to the Convention should be brought to the attention of the UNCED Secretariat, that the Secretariat would circulate a paper in advance of the Fifteenth Consultative Meeting explaining the procedures, schedule and potential costs of amending the Convention and that Contracting Parties would be invited to submit papers for discussion. The proposed draft resolution is shown in annex 9.

Query arising from the 66th session of the IMO Council

7.31 The Meeting was informed by the Secretary that a statement in the report to the IMO Council on the outcome of the Thirteenth Consultative Meeting (document C 66/10) in the context of development of the long-term strategy for the Convention had been queried by the Council. The wording in contention was as follows:

"The (Consultative) Meeting agreed that other sources such as offshore installations, deep sea mining, and coastal engineering should also be brought to the attention of UNCED, and that the London Dumping Convention would be the appropriate instrument to include requirements for the control and prevention of marine pollution from these sources."

7.32 The Council drew attention to the need for confirmation from the present Consultative Meeting as to whether it "does in fact regard the London Dumping Convention as the appropriate instrument to deal with questions relating from sources such as offshore installations, deep sea mining and coastal engineering" (C 66/D, paragraph 10.2).

7.33 The Meeting recalled the discussion of this matter at the Thirteenth Consultative Meeting, the decision of the Meeting on possible options for increasing the scope of the Convention having been recorded in subparagraphs 5.36.1 to 5.36.5 of the report (LDC 13/15).

7.34 The Meeting invited the Secretariat to inform the Council in answer to its expressed need for clarification on this matter, that the Consultative Meeting believed it could contribute to the debate on these matters. Any formal decision as to the adoption and placement of future international agreements will, of course, be dependent upon the outcome of the UNCED Conference and the acceptance of such actions by governments.

8 MATTERS RELATED TO THE INCINERATION OF WASTES AT SEA

8.1 The Meeting agreed that matters related to the incineration of wastes at sea should be discussed together with those related to the sea disposal of industrial wastes (agenda item 9), as these were closely linked.

Global waste survey

8.2 The Meeting recalled that the Thirteenth Consultative Meeting adopted Resolutions LDC.39(13) and LDC.43(13) concerning the re-evaluation of at-sea incineration of noxious liquid wastes as early in 1992 as possible with a view to proceeding towards termination of this practice by 31 December 1994 and the phasing out of the sea disposal of industrial wastes by 31 December 1995, respectively. It was further recalled that the Secretariat was requested to conduct a global waste survey aimed at assessing the implications of a total ban on both disposal of industrial wastes at sea and incineration at sea. In particular, the survey would assess impacts on those countries that are building up their industries and do not have access to alternative waste treatment, disposal and waste or avoidance technologies and might dispose of or discharge wastes into compartments of the environment not yet covered by international control mechanisms.

8.3 The Meeting was informed of the progress made to date by the Secretariat to initiate the global waste survey (LDC 14/8). The project has been designed to be implemented in five principal stages as follows:

- .1 global waste survey;
- .2 evaluation of existing waste management systems/techniques;
- .3 identification of clean technologies/processes for waste reduction;
- .4 evaluation of alternatives to sea disposal of industrial wastes; and
- .5 strategy development.

8.4 The Meeting was informed that the global waste survey portion of the project is underway. Phase 1, the preparation and distribution of an overview questionnaire, has been initiated to collect qualitative information on waste management practices and problems in countries around the world. The questionnaire is broadly focused on waste management legislation and regulations, industrial waste generation and other problem waste streams, existing waste disposal practices and waste reduction and recycling initiatives. A master mailing list of an estimated two hundred and sixty focal points in over one hundred countries around the world has been prepared by the Secretariat, with the co-operation of several international agencies. Over one hundred questionnaires, complete with explanatory notes and glossary of terms (LDC 14/INF.26), were posted to focal points in early November 1991. The Meeting was assured that the balance of the questionnaires would be posted before the end of November 1991. The deadline for return of the questionnaires has been identified as 15 December 1991.

8.5 The Meeting acknowledged the work completed by the consulting firm, Environmental Resources Limited, in the preparation of a draft report on a proposed work plan for Phase 1 of the global waste survey and subsequent phases of the project (LDC 14/INF.25). The Secretariat advised that portions of the consultant's report, namely the Overview Questionnaire (LDC 14/8) and the Explanatory Notes and Glossary of Terms (LDC 14/INF.26) had been revised by the Secretariat and only final versions of the two documents were being presented.

8.6 The Meeting was informed of the co-operation and collaboration that the Secretariat has received from international agencies with regard to the global waste survey, including UNEP, UNDP, ECE, ESCAP, FAO, WHO, UNIDO, the World Bank, OECD and CEC. Several agencies have provided lists of their contact points in various countries; others have informed the Secretariat of waste management activities and surveys in which they are involved; and many have indicated a desire to utilize the results of the global waste survey as a means to further develop and implement programmes and initiatives.

8.7 The Secretariat then suggested that details of the global waste survey could best be presented to Contracting Parties and observers in a discussion separate from the plenary session. The Meeting agreed that such a presentation would be useful.

8.8 Following the presentation, the Meeting reviewed and adopted the revised work schedule for the global waste survey. In reviewing the decision taken at the Eleventh Consultative Meeting that a re-evaluation of incineration at sea of noxious liquid wastes should take place in 1992, it was agreed that this re-evaluation should not await the final outcome of the global waste survey but should, as planned, proceed in 1992 on the basis of the information available at that time.

8.9 The Chairman advised the Meeting that the total estimated cost for the project was US\$ 865,000, and that with the current financial commitments (i.e., IMO US\$ 60,000 and Canada US\$ 200,000), the global waste survey was underfunded by US\$ 605,000. The Meeting was informed that the Nordic Council of Ministers had made a financial commitment on the order of US\$ 50,000 to the project and arrangements have been made to transfer the funds. The Netherlands delegation also apprised the Meeting that financial support for the project has been approved and that approximately US\$ 200,000 would be forwarded to the project account.

8.10 The Chairman thanked the delegations of the Nordic countries and the Netherlands for their generous backing and requested that other Contracting Parties consider financially supporting the global waste survey. It was suggested that, in lieu of financial support, some Contracting Parties may consider the possibility of volunteering their country as a potential site for the case study phase of the project (six case studies are to be completed). In-kind services provided by Contracting Parties would also reduce the estimated cost for the project and would ensure the transfer of knowledge and experience of Contracting Parties to, not only countries within the sphere of the London Dumping Convention, but to all countries within the United Nations system. The Meeting recommended that the Secretariat prepare a letter to Contracting Parties, requesting financial support for the project and identifying the nature of in-kind services that could be provided.

8.11 The delegation of Germany indicated to the Meeting that it would consider the possibility of participating in the case study phase of the global waste survey and would discuss the matter further with the Secretariat.

8.12 In closing the discussion, the Chairman reminded the Meeting that the eventual success of the global waste survey depended on the co-operation and assistance of Contracting Parties. The Chairman indicated that, in addition to ensuring that the overview questionnaire is completed and returned in a timely manner, Contracting Parties should forward to the Secretariat information on industrial waste surveys, reports on national waste management programmes and practices and documentation on waste avoidance and clean technology initiatives in their country or region of the world.

Status of the 1978 Amendments on Incineration at Sea
after termination of that practice

8.13 The Meeting noted that in early 1991 the sole remaining incineration ship (Vulcanus II) ceased operation and its owners terminated their business. The Meeting recalled that the Thirteenth Consultative Meeting had directed the Legal Group to review the status of the measures adopted by the Contracting Parties to the London Dumping Convention to control incineration operations as well as measures adopted by other bodies of the International Maritime Organization regarding construction of incineration ships, discharges into the sea of tank residues from incineration vessels, and requirements for the surveillance of cleaning operations.

8.14 The Consultative Meeting agreed with the conclusion of the ad hoc Legal Group (LDC/LG 5/10) that "at the present time there was no need to delete the control of measures for incineration at sea from the Annexes to the Convention", and that the better time to consider this issue in some detail would be after the completion of the on-going re-evaluation process with regard to incineration at sea of noxious liquid wastes.

Activities within the Barcelona Convention

8.15 The Meeting noted that the Seventh Ordinary Meeting of Contracting Parties to the Barcelona Convention met in Cairo on 8-11 October 1991 and discussed proposed amendments to the Dumping Protocol of the Barcelona Convention concerning the banning of incineration of wastes at sea and the dumping of industrial wastes in the Mediterranean (LDC 14/INF.15). It was further noted that the Seventh Ordinary Meeting authorized the Barcelona Convention Bureau to explore the feasibility of broadening the subject of an upcoming plenipotentiaries meeting to include discussions on amending the Dumping Protocol to ban incineration at sea and the dumping of industrial waste.

Activities within the Helsinki Commission

8.16 The representative from the Helsinki Commission informed the Meeting that there is an ongoing process within the Commission to amend the Helsinki Convention, including a ban on at-sea incineration of wastes in the Baltic Sea. The proposals are in drafting stage at present and agreement of amendments is expected next year.

Incineration of wastes on Johnston Atoll

8.17 The Association of Pacific Island Legislatures (APIL) expressed its view that the chemical incineration operation conducted at Johnston Atoll constitutes "dumping at sea" within the meaning of the Convention and should therefore be discontinued under resolution LDC.35(11) (LDC 14/8/1). In APIL's view, Johnston Atoll in its present configuration is essentially a "platform or other man-made structure at sea" within the meaning of Article III(1)(a)(i) of the Convention. It was also APIL's view that all low-lying atolls must be seen as inherent parts of the marine environment, and thus chemical incineration from Johnston Atoll should be viewed as dumping at sea whether or not Johnston Atoll is viewed as an artificial installation. Johnston Atoll could further be characterized as a "rare or fragile ecosystem" under Article 194(5) of the 1982 United Nations Law of the Sea Convention, which nations are required to protect and preserve. APIL invited the Consultative Meeting to refer these issues for consideration at the next meeting of the ad hoc Group of Legal Experts.

8.18 Some delegations supported the suggestion that the above questions be referred to the Legal Group.

8.19 The United States delegation strongly opposed referral to the Legal Group. It observed that no Government had ever contested that the United States exercised sovereignty over Johnston Atoll and exercises maritime jurisdiction around the island (i.e., a territorial sea and exclusive economic zone) in accordance with international law. The United States further observed that that Johnston Atoll is not an artificial island in accordance with the way in which that term is used in international practice, that incineration on the Atoll is undertaken in accordance with the stringent domestic law, and that concerns of Pacific island States with regard to incineration on the Atoll are being addressed by the United States bilaterally and multilaterally. For these reasons, the United States was of the view that the matter did not fall under the London Dumping Convention and thus it was not appropriate to refer it to the Legal Group.

8.20 After much discussion on the proposal by APIL and after different views were expressed by many delegations, the Chairman ruled that the request from APIL would not be approved by the Meeting. The objective of the request from APIL did not appear to be a legal opinion of whether Johnston Atoll was a natural island or man-made, but rather whether the incineration activity on the island should be allowed. The Chairman concluded that, when the activity in one country impacts on that of another, bilateral or multilateral negotiations are the routes of choice for resolving transboundary issues. This approach was already being followed in the case of Johnston Atoll. The Chairman confirmed that delegations may consider referring legal questions of a generic nature to the Legal Group as they desire.

9 SEA DISPOSAL OF INDUSTRIAL WASTES

The discussion concerning sea disposal of industrial wastes is reflected in section 8 above.

10 WASTE PRODUCTION AND DISPOSAL TECHNOLOGIES: INFORMATION EXCHANGE AND TECHNICAL CO-OPERATION

Workshop on hazardous wastes

10.1 The Meeting was informed of the UNEP/IMO Workshop on Hazardous Waste Policies and Strategies for East African countries, which had been organized in Mauritius, 3-7 June 1991, in co-operation with the Government of Mauritius and the International Solid Waste and Public Cleansing Association (ISWA) (LDC 14/INF.7). The Swedish International Development Authority (SIDA) and the Finnish International Development Agency provided financial support. The Workshop was attended by 46 participants from 19 countries of the region.

International Ocean Disposal Symposia

10.2 The First International Ocean Pollution Symposium (IOPS 1) was held in Mayaguez, Puerto Rico, from 28 April to 2 May 1991. It was a sequel to the series of International Ocean Disposal Symposia which had been supported by the Consultative Meeting over the years through the IMO/SIDA Programme for the Protection of the Marine Environment. At the recent symposium, the participation of seven experts from developing countries was supported. Some of the topics covered were:

- alternative ocean disposal techniques;
- dredged material disposal;
- hazard and risk assessment;
- land-based sources of marine pollution;
- eutrophication assessment; and
- marine litter, with emphasis on the Caribbean region.

10.3 The Meeting was informed by the Secretariat that negotiations were in progress regarding the convening of the Second International Ocean Pollution Symposium (IOPS 2) in China during 1993. The Chinese delegation confirmed that the IOPS 2 will be hosted by China in autumn 1993. This was noted with appreciation by the Meeting.

ACOPS Conference on Land-based Sources of Pollution, Brussels, 1991

10.4 The representative of ACOPS informed the Meeting of the successful outcome of the subject conference, and that financial support for attendance by participants from developing countries had been provided by IMO's Global Programme for the Protection of the Marine Environment.

IMO's Global Programme for the Protection of the Marine Environment

10.5 The Consultative Meeting was informed by a representative of the IMO unit responsible for the implementation of the Global Programme for the Protection of the Marine Environment, of the aims and purpose of the Programme. The Consultative Meeting noted that the Global Programme had been designed to build up the capacity of developing countries to prevent, control, combat and mitigate marine pollution from ships, the disposal of wastes at sea and related maritime activities.

10.6 The current three-year Programme runs from 1990 to 1992 at an annual average budget of some US\$ 1.3 million. Projects and activities are funded by the widest possible donor base and, preferably, implemented on a regional or subregional basis.

10.7 Activities carried out so far are related to:

- provision of expertise on institutional, technical, scientific and legal aspects;
- on-the-job training of personnel;
- development of policy and anti-pollution arrangements;
- seminars and workshops to stimulate understanding of IMO standards and LDC objectives, requirements, guidelines and their implementation;
- materials and equipment; and
- special studies which evaluate and assess the risks associated with marine pollution.

10.8 The 1992 programme of activities of relevance to the London Dumping Convention will include waste management, environmental impact assessment of port development, dredging problems in ports of developing countries and, possibly, the production of a video on control and prevention of marine pollution from waste disposal at sea. The 1993-1995 Programme will also take account of the decisions taken by this Consultative Meeting and also by the United Nations Conference on Environment and Development to be held in Rio de Janeiro in June 1992.

10.9 The Meeting expressed its appreciation for the support provided by the Global Programme for the Protection of the Marine Environment in promoting the aims of the London Dumping Convention. The Canadian delegation stated that the Global Programme offered an opportunity to further develop the Waste Management Survey. The representative from the Global Programme responded that this possibility would be given due consideration in-house and in discussions with donors when drawing up future lists of activities under the Global Programme.

Requests from developing countries for support

10.10 The Meeting was informed that a request for support for an advisory mission related to management of dredged material had been received from a Latin American country and Contracting Parties were invited to suggest names of a Spanish-speaking expert who might be available for such a mission.

10.11 In connection with the Mauritius Workshop a request had been made for sponsorship of a fellow for three months' on-the-job training in a developed country. This, and similar requests, will be considered during the further implementation of the Global Programme. Contracting Parties were invited to identify needs relevant to that Programme and transmit any requests to the Secretary-General of IMO.

Focus on agenda item

10.12 Greenpeace International proposed that this item "Waste production and disposal technologies: Information exchange and technical co-operation" be called "Information exchange on waste prevention and clean production methods, waste production and disposal". The Meeting undertook to take this into account when considering its future work programme (see paragraph 13.1 below).

11 MATTERS RELATED TO THE DISPOSAL OF RADIOACTIVE WASTES

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

Report of the fourth meeting of the Inter-Governmental Panel of Experts on Radioactive Waste Disposal at Sea (IGPRAD)

11.2 The fourth meeting of the Inter-Governmental Panel of Experts on Radioactive Waste Disposal at Sea (IGPRAD) was held from 18 to 22 November 1991. The Vice-Chairman of IGPRAD, Ambassador G.E. do Nascimento e Silva (Brazil) acted as Chairman of the meeting.

11.3 The Consultative Meeting reviewed the draft report of the fourth meeting of IGPRAD (LDC/IGPRAD 4/WP.1). In introducing the report, the Chairman of IGPRAD pointed out that the Consultative Meeting had decided to have IGPRAD complete its work in late 1993, i.e. prior to the Sixteenth Consultative Meeting. Accordingly, the two working groups established under IGPRAD have prepared their 1991 report with a view to the content and format of the final report of IGPRAD.

11.4 Working Group 1 (wider political, legal, economic and social aspects of radioactive waste dumping) prepared papers on the issues before it, namely on political, legal, social and economic issues. Working Group 1 also tried to prepare a document on the lines that might be adopted for the final report (LDC/IGPRAD 4/WP.1, annex 3). Once again the issue on responsibility and liability was discussed and it was decided, taking into account the mandate of the Consultative Meeting, to present the positions of delegations as well as pointing out that it was the general opinion that these questions should preferably be dealt with by the ad hoc Group of Legal Experts.

11.5 Working Group 2 (scientific and technical issues) managed to reach consensus on all the issues allocated to it but time constraints prevented the presentation of the results of its discussions in the form of a final report.

11.6 The question of the range of options which the Consultative Meeting may take at the end of the IGPRAD deliberations would be considered at the next session. The United States delegation agreed to act as the lead country in drawing up a list of options.

Documentation

11.7 The Consultative Meeting noted that very few submissions were received by the Secretariat even a week before the meeting of IGPRAD although the Secretariat managed to issue those that had arrived during the week immediately prior to the meeting. However, it had been impossible for the delegations of IGPRAD to receive and consider them at home. The question of submission deadlines for documents is further discussed in paragraphs 14.5 to 14.8, below.

Responsibility and liability

11.8 The delegation of Spain felt that, if the ad hoc Group of Legal Experts on Dumping did not do so, IGPRAD itself should address the issue of liability. A number of delegations, while recognizing the importance of the issue, felt that the ad hoc Group of Legal Experts was the appropriate body to consider this matter. It was noted that the question was under consideration in many other international fora, including the IAEA (see related discussion in paragraphs 5.7 to 5.10, above).

Acceleration of the work of IGPRAD

11.9 The delegation of Nauru, referring to the communique of the sixteen Member States of the 22nd South Pacific Forum Meeting calling for amending the London Dumping Convention in 1992, requested that the work of IGPRAD be accelerated and its interim report submitted to the next Consultative Meeting. Some delegations expressed their support; however, a number of delegations noted that it was unlikely that all scientific and technical studies would be completed by 1992 and if IGPRAD was to prepare an

authoritative report by 1992, the acceleration of the process might impair the quality of the report. They therefore felt that if an interim report were to be prepared, it would have to be issued by summer 1992 for Contracting Parties to consider at home before the Fifteenth Consultative Meeting. It would however be difficult to prepare the draft for approval by IGPRAD within the time available and the feasibility of producing an interim report would have to be left open for the present.

11.10 The Consultative Meeting agreed to retain 1993 as the target date for completion of the tasks assigned to IGPRAD.

Participation of NGO's in the meetings of IGPRAD

11.11 In response to the request of Greenpeace International, the Consultative Meeting agreed that observers from non-governmental organizations that submit scientific and technical papers to a meeting may participate in the meetings and working groups of IGPRAD.

Date of the next meeting of IGPRAD

11.12 The Consultative Meeting discussed whether the fifth meeting of IGPRAD should be held well before or back-to-back with the next Consultative Meeting. Some delegations preferred to have the meeting convened separately from the Consultative Meeting so that the report of IGPRAD could be received and considered by Contracting Parties before the Fifteenth Consultative Meeting. Other delegations, especially those from developing countries, preferred a back-to-back meeting with the Consultative Meeting. The Consultative Meeting therefore decided that the fifth meeting of IGPRAD should be held in conjunction with the Fifteenth Consultative Meeting. However, it was also agreed that the sixth meeting of IGPRAD, envisaged in 1993, should be convened separately from the Sixteenth Consultative Meeting. In this connection, the Consultative Meeting discussed ways and means of preparing the final report of IGPRAD.

11.13 The Consultative Meeting agreed that the fifth meeting of IGPRAD should consider how best to prepare the final report, for example by appointing rapporteurs or forming small drafting groups. The Consultative Meeting noted that IGPRAD is finalizing its tasks, and it therefore agreed that new issues, which might delay the accomplishment of its work, should not be considered.

United Nations Conference on Environment and Development (UNCED) Preparatory Committee - draft decision proposed by the Bureau on Environmentally Sound Management of Radioactive Wastes

11.14 The Consultative Meeting was informed that, at the third session of the Preparatory Committee for the United Nations Conference on Environment and Development (UNCED) (Geneva, August/September 1991), a draft decision on environmentally sound management of radioactive wastes had been prepared by the UNCED Bureau for consideration by the UNCED Working Group II (LDC 14/11/1). A final decision on this issue would be made at the fourth session of the Preparatory Committee (March/April 1992).

11.15 The Meeting also noted that, with regard to further development of international regulations, the above draft decision included an invitation to the Consultative Meeting either to set a legally binding ban on the disposal of low-level radioactive waste at sea or to expedite the work to complete

studies on replacing the current voluntary moratorium on the disposal of low-level radioactive wastes at sea, taking into account the precautionary approach with a view to taking a well-informed decision on this issue. Another draft decision was that Governments and international organizations should not allow disposal of high, intermediate or low-level radioactive wastes into, under and "next" to the seabed.

11.16 The Consultative Meeting decided that the Secretariat should prepare a note, in co-operation with the Chairman and Vice-Chairman of IGPRAD, reflecting that the second option was a more realistic reflection of present considerations within the London Dumping Convention, and submit it to the fourth session of the UNCED Preparatory Committee.

National programmes and policies

11.17 The Consultative Meeting noted the update of information on national nuclear waste management policies and programmes contained in the Nuclear Waste Bulletin No.6, March 1991, published by NEA/OECD (LDC 14/INF.3).

Decommissioned and demolished nuclear weapons and military nuclear vessels

11.18 The Consultative Meeting noted the following statement made by Iceland, Sweden, Norway, Finland and Denmark:

"The international thawing of the cold war and the resulting risk that decommissioned and demolished nuclear weapons or military nuclear vessels will be disposed of at sea has given rise to concern on how the nations involved intend to dispose of those articles.

There is a growing concern among several nations that plans are being made to dump decommissioned or demolished nuclear weapons or naval vessels into the sea.

The moratorium on dumping of medium and low-level radioactive wastes into the sea which was imposed nearly a decade ago by the Contracting Parties to the London Dumping Convention is still in force. The Nordic countries re-emphasize the conclusion of the Twelfth Consultative Meeting (LDC 12/16, paragraph 6.48) regarding Article III and VII, paragraph 4 as follows:

'Accordingly, the principles contained in the above Articles of the Convention apply to the disposal at sea of any vessel, whether military or non-military, nuclear-powered or non-nuclear-powered, commissioned or decommissioned.'

The nations giving this statement, which are dependent upon the living resources of the sea, protest against any suggestion of using the marine environment as a repository for nuclear waste or other hazardous waste. The disposal of these wastes should be carried out on land in order to secure total isolation from the marine environment.

Consequently, the Nordic countries deem and respect that all dumping of naval vessels or weapons with nuclear contamination or nuclear material is globally regulated by the decisions mentioned above, and urge all States, whether Contracting Parties to the Convention or not, to adhere to it."

Noumea Convention and Protocols

11.19 The representative of the South Pacific Regional Environment Programme (SPREP) informed the Consultative Meeting that the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, 1986 (Noumea Convention) and the Protocol for the Prevention of Pollution of the South Pacific Region by Dumping had been ratified or acceded to by eleven States which include France and the United States and had entered into force. Referring to Article 10 of the Noumea Convention which prohibits the dumping of radioactive wastes, the representative urged the Consultative Meeting to take early action to ban the dumping of radioactive wastes so that areas outside the Noumea Convention area, e.g. part of the North Pacific, would also be covered.

11.20 The SPREP representative further pointed out that one country planned to dump low-level waste in the north of Marshall Trench, which is outside the Noumea Convention area, subject to the consent of the people of the nearby islands. He considered that the desire of the island people to protect the ocean which provides natural resources is such that this consent would never be given.

PARCOM Recommendation 91/5

11.21 The Consultative Meeting was informed that the Paris Commission established under the Convention for the Prevention of Marine Pollution from Land-based Sources, 1974, had noted the decision of the Thirteenth Consultative Meeting that the disposal of radioactive waste in repositories constructed in bedrock under the seabed and accessed from land did not constitute dumping under the terms of the London Dumping Convention. The Paris Commission agreed that such disposal constitutes a potential land-based source of marine pollution and therefore the Paris Commission has the competence to consider such developments (LDC 14/11).

11.22 The observer from Greenpeace International welcomed the action taken by the Paris Commission and expressed his view that, since the Paris Commission covers only the North-East Atlantic States, should any other Contracting Parties have plans to use the seabed accessed from land for the disposal of radioactive waste, they should inform the Consultative Meeting and consideration should be given to the possible control and prevention of marine pollution that might be caused by such activities.

IAEA: Comparison of risks associated with other activities

11.23 In 1987, the Consultative Meeting requested the IAEA to "review and summarize available scientific information on estimates of risks, both voluntary and involuntary to human wellbeing that result from various human activities to provide a basis for comparison with those risks estimated in the report of the expanded panel (PRAD), to result from dumping at sea of radioactive wastes carried out under the provisions of the London Dumping Convention and pursuant to the Recommendations developed by the IAEA. Where possible, risk estimates from other human uses, applications, disposals and disseminations of potentially hazardous substances should be included. All measures of risks should be carefully defined so that uniform bases of comparison can be developed". To fulfil this task, the IAEA convened a first meeting in July 1988 and during the last intersessional periods two Consultants Meetings were held to finalize a report entitled "Comparison of Risks Associated with Sea Dumping of Low Level Radioactive Waste with Risks 5390D/imb

Associated with other Activities". A draft version of this report was discussed by the scientific and technical working group of IGPRAD at its fourth meeting. IAEA hoped to complete the report during the intersessional period.

IAEA: Global inventory of radioactive material entering the marine environment

11.24 The Consultative Meeting had requested the IAEA to develop an inventory of radioactive wastes entering the marine environment from all sources. In response to this request, the IAEA did set up a computerized database with three modules:

- a module on sea disposal operations of packaged low level radioactive wastes;
- a module on accidents and losses at sea which may lead to a direct release of radionuclides into the sea; and
- a module on low-level radioactive liquid releases from various nuclear installations.

11.25 Each database module has been established separately for the storage and rapid retrieval of information relating to each source. The system can provide source terms for calculations such as those on the global assessment of the impact of radionuclides released in the environment.

11.26 In 1990, using the first module, a draft document entitled "Inventory of Radioactive Material Entering the Marine Environment. Part I: Sea Disposal of Packaged Low Level Radioactive Waste" was produced and distributed for comments to the Contracting Parties to the London Dumping Convention. The final version of the report incorporating the comments received before June 1991, was submitted to the Fourteenth Consultative Meeting (LDC 14/INF.5). At this Consultative Meeting and during the fourth meeting of IGPRAD, information on alleged radioactive waste dumping had been brought to the attention of the IAEA. In the intersessional period, the IAEA would seek to verify this information in the context of the inventory project (see paragraphs 11.39 to 11.43, below).

11.27 The Meeting took note of the draft "Inventory of Radioactive Material Entering the Marine Environment: Accidents and Losses at Sea Involving Radioactive Material" (LDC 14/INF.2). The Meeting was informed that during the first quarter of 1990, a preliminary compilation of accidents was performed and two official requests for information were sent to the Agency's Member States in 1990. An Advisory Group meeting was held in June 1991 to review a draft document in which official and unofficial information as reported in newspapers and books was incorporated. A new version of the document was sent in July 1991 to IAEA Member States that were reported to have experienced such accidents or losses. Unfortunately, the Member States most involved in these events have so far not responded. A large fraction of the accidents mentioned were still listed as "unconfirmed", however, during the course of the Fourteenth Consultative Meeting, further progress was made: the United States provided a part of its outstanding information and promised a full response in the near future; the United Kingdom stated that it does not comment on the presence of nuclear weapons at specific locations, but it can confirm that there had never been any incident involving a British nuclear weapon leading to its loss or to the dispersal of radioactive contamination. The incident in 1985 reported by IAEA was a test firing of an unarmed missile, and had been clearly stated as such in communications to the media.

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11.28 In connection with this work, a specific request for information concerning the loss of sealed sources at sea was sent to IAEA Member States in July 1991. These are physically small radioactive sources which are used in many applications, for example in the radiography of pipelines and structures. Unfortunately, in this instance again few Contracting Parties have as yet responded to the request for information.

IAEA: Developments related to the Code of Practice on the International Transboundary Movement of Radioactive Waste

11.29 The Meeting noted that the Code of Practice on the International Transboundary Movement of Radioactive Waste (LDC 13/INF.3) was adopted by the 34th session of the IAEA General Conference in September 1990. The Conference decided that the question of transboundary movement of radioactive waste should be kept under review and that further consideration should be given to the desirability of concluding a legally binding instrument. The IAEA had provided information on the Code of Practice and on progress in its implementation to the Secretariat of UNCED in relation to Agenda 21.

IAEA: Proposed convention on nuclear safety

11.30 A resolution at the 35th session of the IAEA General Conference in September 1991, directed the IAEA Secretariat to draw up elements for an international convention on nuclear safety. The resolution stressed "the need to consider a harmonized international approach to all aspects of nuclear safety, including safety objectives for nuclear waste". It is envisaged that the proposed Convention would be a framework or umbrella containing only a commitment of the Contracting Parties to a step-by-step strengthening of nuclear safety everywhere. Specific objectives would be entered into protocols which should be attached to this framework. Binding protocols might include, for example, basic nuclear safety principles and participation in the nuclear incident reporting system. The possible transformation of the above-mentioned Code of Practice on the Transboundary Movement of Radioactive Waste into binding instruments under this proposed Convention also would be considered. Proposals for the possible contents of the proposed Convention were being developed by the IAEA Secretariat for consideration by the next meeting of the Board of Governors in February 1992.

IAEA: Source upper bounds and exempt quantities

11.31 Two other items IAEA was requested to work on are the development of exempt quantities and source (dose) upper bounds. The progress on these items was reported to the fourth meeting of IGPRAD and reflected in its report (LDC/IGPRAD 4/9). In addition, IAEA noted that with respect to its work related to exempt quantities, it does not yet have a definite completion schedule but will provide a report on the progress of its work to the next Consultative Meeting.

11.32 The Consultative Meeting expressed its appreciation for the work that had been and was being accomplished by the IAEA. The Consultative Meeting urged the Parties to provide the IAEA with the relevant information and data requested by it as soon as possible.

Statement of Greenpeace International

11.33 The observer from Greenpeace International indicated that his organization might provide the IAEA and Contracting Parties, at a later stage, with additional information relevant to the inventory. Greenpeace International also drew the attention of Contracting Parties to recent information indicating that Cesium-137 was detected in the immediate vicinity of the Soviet Komsomolets nuclear submarine sunk in the Barents Sea in April 1989. Greenpeace International asked if the countries involved in monitoring of this submarine could provide up to date information on their findings. Greenpeace International further called upon all States having lost nuclear weapons and nuclear reactors at sea, to make the information resulting from monitoring available to the Consultative Meeting and refrain from using nuclear-powered vessels of any kind, as well as from transporting at sea nuclear weapons and wastes. Finally, Greenpeace International expressed its interest for plans developed by a Soviet-Dutch consortium to lift up the Komsomolets submarine in the Barents Sea, and suggested that similar plans should be considered wherever nuclear weapons and reactors have been lost at sea, in order to clean up the oceans.

NEA/OECD: CRESF Activity Report 1986-1990

11.34 The Consultative Meeting took note of the Co-ordinated Research and Environmental Surveillance Programme (CRESF) Activity Report 1986-1990 (LDC 14/INF.4/rev.1) submitted by NEA/OECD. The main task of CRESF was to set up a site-specific scientific research programme to increase current knowledge of the processes controlling the transfer of radionuclides in the marine environment, so that impact of past dumping could be monitored and future assessments could be based on more accurate and comprehensive scientific data. The dumping activities in the site were discontinued a long time ago.

11.35 The CRESF mandate was extended in 1987 to respond to a request from the Paris Commission established under the Convention on the Prevention of Marine Pollution from Land-Based Sources (the Paris Convention) to include consideration of radioactive discharges in the maritime area covered by the convention.

11.36 The report summarized the CRESF activities carried out during the 1986-1990 five year phase. With respect to coastal discharges, the report presented a summary of R & D work undertaken by member countries, including those carried out in other programmes such as MARINA. The report also contained proposals for future work within CRESF.

11.37 The Meeting noted that due to the limited number of copies available of the CRESF report it had not been possible to provide each delegation with a copy. The Secretariat was requested to reproduce the report for further distribution.

Alleged dumping of radioactive wastes in the Barents and Kara Seas

11.38 The Consultative Meeting was informed that Greenpeace International had brought to the attention of IGPRAD the alleged dumping of radioactive wastes from civilian and military sources into the Barents and Kara Seas off the northern coast of the USSR from the 1960's to as late as 1986 and possibly 1991 (LDC/IGPRAD 4/INF.5). The representative of Greenpeace International said that unconfirmed information from the media should be treated carefully

but, in this instance, it was brought to the attention of IGPRAD and the Consultative Meeting because coinciding unconfirmed reports were too numerous to be ignored, and the credibility of the Convention was at stake.

11.39 The USSR delegation reported to the Consultative Meeting that such alleged dumping had appeared in the media in the USSR since July 1991 and that an investigation had started (LDC 14/INF.28). However, the document presented by Greenpeace International (LDC/IGPRAD 4/INF.5) had been submitted too late to permit a review to be made of available information. The results of ongoing monitoring and scientific investigations of the area may well help to clarify the situation. Monitoring of the area had been started as early as 1977 and the results of these studies may well help to clarify the situation. On the official record, there had been no permits issued for the dumping of radioactive wastes since 1976 and, consequently, if any dumping activities had taken place since that date then they should be regarded as illegal. All necessary steps to clarify the situation in respect of the alleged dumping operations will be taken and the information collected will be submitted to the Secretariat as appropriate.

11.40 Several delegations thanked the USSR for its forthright attitude on this matter. The Meeting noted that the clarification on the matter should include possible illegal dumping of radioactive waste in the Pacific Ocean from, for example, Vladivostok, as mentioned by Greenpeace International.

11.41 The delegation of the USSR undertook to carry out investigations on the above matter and inform the Secretariat accordingly.

11.42 The Norwegian delegation reported that Norwegian authorities have received information from various unofficial sources in the USSR indicating that radioactive wastes including high-level radioactive waste had been dumped in the Barents and Kara sea area during the past year (LDC 14/INF.33). The Norwegian Government, in co-operation with the Government of the USSR and recently with the Russian Federation, therefore planned to investigate the area in question. The draft programme for such investigations and/or monitoring work will be presented to the Russian Authorities in a meeting planned to take place in Moscow in January 1992. The results of this proposed joint exercise to investigate assertions of possible dumping of radioactive waste in the Barents and Kara Seas will be reported to the next Consultative Meeting. The delegation would further report to the Meeting about the outcome of investigations in the area, including findings of the future monitoring near the Komsomolets submarine.

11.43 The Consultative Meeting expressed its appreciation to Greenpeace International for bringing the matter to its attention and to the USSR and Norwegian Authorities for the action taken to investigate the situation and to make the relevant information available to the next Consultative Meeting.

12 RELATIONS WITH OTHER ORGANIZATIONS

The Helsinki Commission

12.1 The representative of the Helsinki Commission reminded the Meeting that dumping in the Baltic Sea is prohibited with the exception of dredged materials, other than in cases of emergency. Furthermore, incineration at sea has not been practised in the Baltic Sea area. The Commission will be considering guidelines for the disposal of dredged materials in March 1992 and steps have been initiated to introduce amendments to the Helsinki Convention which will prohibit sea incineration in the Baltic Sea area.

12.2 Potential problems associated with surplus war materials, including chemicals, dumped in the Baltic Sea following the Second World War have also been considered by the Commission. It concluded that the recovery of such materials would not be appropriate because of the attendant dangers, especially to human health, during such recovery operations. It had further recommended that chemical containers inadvertently recovered during fishing operations should be immediately returned to the sea to minimize risks to human health.

12.3 An ad hoc high level task force has been established under the Helsinki Commission to develop a Baltic Sea Joint Comprehensive Programme to restore the ecological balance of the Baltic Sea area. Seven studies focusing on cost-effective action to restore the quality of the marine environment have been initiated. These studies will provide a basis for a proposal of a joint comprehensive programme to be submitted for approval to a ministerial meeting in April 1992 (LDC 14/INF.12).

The Oslo Commission

12.4 The representative from the Oslo Commission drew the Meeting's attention to recent developments within the Oslo Convention (LDC 14/INF.21). Reference was made to the current revision of the Oslo and Paris Conventions. It is intended to replace the two conventions by a single framework convention with a number of annexes pertaining to the regulation of activities presently dealt with under the two conventions. The process is expected to be finalized by September 1992. The representative also informed the Meeting about the status of ratification of the amendment to the geographical coverage of the Oslo Convention. Furthermore, the Commission had clarified matters related to the OSCOM decision on the reduction and cessation of dumping of industrial waste at sea and the associated Prior Justification Procedure. Further information was provided on Guidelines for the Disposal of Offshore Installations at Sea and on Guidelines for the Management of Dredged Material that have been developed by the Standing Advisory Committee for Scientific Advice (SACSA). Finally, satisfaction was expressed that all incineration operations at sea have now ceased within the Oslo Convention area.

Activities concerning land-based sources of pollution

12.5 The Meeting was reminded of resolution LDC.40(13) in which it was advocated that the Preparatory Committee for UNCED consider the need for a global instrument, and new or improved regional agreements, for the prevention, reduction and control of land-based sources of marine pollution. An Inter-Governmental Meeting of Experts on Land-Based Sources of Marine Pollution had taken place in Halifax during the intersessional period. This meeting had been sponsored by the Government of Canada in co-operation with several UN agencies (LDC 14/INF.13).

12.6 Subsequent to the meeting in Halifax an informal consultation of experts on land-based sources of marine pollution was convened by UNEP in Nairobi (30 September to 4 October 1991) to prepare an overall strategy for attention to such sources. This was preparatory to a further meeting of government-designated experts, to be convened by UNEP in Nairobi from 9 to 13 December 1991. This latter meeting will consider a set of principles, approaches and measures constituting a global strategy and programme of action for preventing and reducing the degradation of the marine environment from land-based sources of pollution (LDC 14/INF.13/Add.1).

Barcelona Convention

12.7 The Secretariat summarized conclusions of the Seventh Ordinary Meeting of Contracting Parties to the Barcelona Convention (LDC 14/INF.15) which had considered inter alia a precautionary approach in respect to land-based sources and dumping controls, transboundary movements of hazardous wastes, disposal at sea of the industrial waste, pollution by organophosphorus compounds, persistent synthetic materials and radioactive substances. Particular attention of the Consultative Meeting was drawn to the manner in which the Barcelona Convention had advocated implementation of the precautionary principle in the Barcelona Convention's Dumping Protocol.

The Sixteenth Antarctic Treaty Consultative Meeting

12.8 The German delegation informed the Consultative Meeting that the Sixteenth Antarctic Treaty Consultative Meeting took place in Bonn, 7 to 18 October 1991, drawing particular attention to conclusions related to waste management, waste disposal and marine environmental protection (LDC 14/INF.34). Attention was also drawn to a decision by the meeting to convene a group of experts to consider the environmental effects of marine dumping, and the disposal at sea of sewage and food wastes within the Antarctic Treaty area. This group of experts would be expected to propose the best practicable means to prevent and reduce marine pollution from such activities.

Draft Convention on the Protection of the Black Sea Against Pollution

12.9 The Consultative Meeting was informed of the progress of negotiations among Black Sea States (Bulgaria, Romania, Turkey and USSR) that have led to the preparation of a draft treaty on the Protection of the Black Sea Against Pollution (LDC 14/INF.16). Although the status of the Soviet Republics bordering the Black Sea is yet to be resolved, it appears that there are good prospects for the adoption in the near future of this Convention by the Parties involved.

Protection of the Arctic Environment

12.10 Following initiatives taken by the Government of Finland, three meetings during the period September 1989 to January 1991 took place among countries bordering the Arctic (Canada, Denmark, Finland, Iceland, Norway, Sweden, USSR and USA), to consider steps for the protection of the Arctic environment. Subsequent to these meetings, a Ministerial Conference of Arctic Countries was held in Rovaniemi, Finland, in June 1991. The Ministers adopted and signed a Declaration on the Protection of the Marine Environment and an Arctic Environmental Strategy. The Strategy concentrates on six classes of pollutants of primary concern. These are oil, acidification, persistent organic compounds, radioactivity, noise and heavy metals. Furthermore, the Ministers committed themselves to implementing an Arctic Monitoring and Assessment Programme and to take steps for the protection of the marine environment in the Arctic, the conservation of Arctic flora and fauna, and the development of an emergency preparedness and response mechanism.

13 FUTURE WORK PROGRAMME AND DATE OF NEXT SESSION

Future work programme and date of the Fifteenth Consultative Meeting

13.1 The Meeting agreed that the Fifteenth Consultative Meeting should be convened from 9-13 November 1992, and agreed on the substantive items to be included in the provisional agenda of the Meeting as shown at annex 10.

Future work programme of the Scientific Group

13.2 The Meeting took note of the three-year work programme of the Scientific Group (LDC/SG 14/12, annex 3). It was agreed to add an agenda item concerning review of materials used for artificial reefs and artificial islands.

13.3 The Meeting approved the work programme for the fifteenth, sixteenth and seventeenth meetings of the Scientific Group as shown at annex 11.

Dates of subsidiary bodies

13.4 The Consultative Meeting agreed that:

- .1 the fifth meeting of the Inter-governmental Panel of Experts on Radioactive Waste Disposal at Sea (IGPRAD 5) should be scheduled for 2-6 November 1992;
- .2 the fifteenth meeting of the Scientific Group should be convened from 11-15 May 1992;
- .3 a meeting of the ad hoc Group of Experts on the Annexes to the Convention should be held from 10-14 February 1992; and
- .4 there would be no intersessional meeting of the ad hoc Group of Legal Experts on Dumping.

14 ANY OTHER BUSINESS

Name of Scientific Group

14.1 In response to the suggestion by some delegations that the name of the Scientific Group on Dumping should be updated to more accurately reflect the work of the Group on marine environmental protection, the Meeting agreed that the Group should be referred to in the future as the "Scientific Group".

Twentieth anniversary of the Convention

14.2 The Secretariat brought to the attention of the Meeting that 1992 will commemorate the twentieth anniversary of the signing of the Convention (LDC 14/INF.17). Taking into consideration positive suggestions offered by the Canadian delegation, the Meeting agreed that significant progress in the protection of the marine environment had been made in the intervening period and that this anniversary was thus cause for some celebration. The Meeting agreed that the success of the Convention on the occasion of its anniversary should be communicated to the public through the media and solicited the active assistance of the Secretariat and non-governmental observer organizations in this regard.

14.3 The Meeting further agreed that a special anniversary fund should be established for the purchase of computer equipment for the Secretariat and invited all Contracting Parties to contribute to that fund. The Canadian delegation, in the spirit of supporting increased efficiency of the Secretariat, and more specifically to support the effective implementation of the Global Waste Survey, will provide a donation of \$10,000 to the anniversary fund providing that this initiative is supported by other Contracting Parties. The delegations of Germany, the Netherlands and the United States expressed their willingness to actively pursue similar funding support. They supported the views that appropriate computer facilities would increase the efficiency of the Secretariat, not only with regard to the carrying out of the Global Waste Survey, but also in connection with the many other actions requested by the Secretariat as noted in annex 8 to this report, e.g. the preparation of information packages, dissemination of information through electronic mail, etc.

14.4 In response to a question concerning the theme for World Maritime Day in 1992, the Meeting noted that the theme was "Environment and Development: The IMO Role". The Secretariat was asked to convey to the Secretary-General of IMO the contributions made by the London Dumping Convention to this theme over the past twenty years, with the request that this material be highlighted in the programme of the 1992 World Maritime Day as appropriate.

Document submission deadlines

14.5 The Secretariat reminded the Meeting that the current deadlines for submission of meeting documents was three months for bulky documents (i.e. of more than 12 pages) and four weeks for other documents. The Secretariat informed the Meeting that Contracting Parties had been routinely tardy in submitting their documentation to the Secretariat, which caused considerable difficulties in translation, typing, printing and distribution of documents.

14.6 In order to address these problems, the Meeting, after presentation of the problems concerned, agreed to adhere to the schedule adopted by the IMO Maritime Safety Committee, namely:

- .1 bulky documents (defined as being documents of more than six pages in single spacing) which require action or decision should be submitted at least 12 weeks before the meeting;
- .2 all other documents for a meeting should be submitted to the Secretariat for processing as early as possible, but not later than seven weeks prior to the beginning of the meeting;
- .3 the Secretariat should despatch all the documents in the appropriate working languages at least four weeks before the meeting in order to allow participants to get them in time for their consideration prior to the meeting.

Information documents (which fall under the second category above) would continue to be distributed only in one language; however documents submitted in a language other than English should, where possible, be submitted with a summary in English to assist the Secretariat in preparing cover notes.

14.7 It was also pointed out that there might be circumstances where late submissions were justified due to the necessity of reporting of the results of meetings held shortly before the Consultative Meeting.

14.8 The delegation of Mexico thanked the other Contracting Parties present at the Meeting for having accepted the Secretariat's proposal in that the deadlines for the submission of documents are now the same as those established for other IMO bodies. This important decision would make it possible to receive documents in the working languages four weeks before each Meeting, and would enable experts in capital cities to prepare themselves with a view to making precise and adequate contributions at meetings convened under the London Dumping Convention.

Disposal at sea of liquid carbon dioxide

14.9 IUCN drew the attention of the Meeting to a new development in marine disposal options, namely disposal at sea of liquid carbon dioxide. The process involves liquifying carbon dioxide and depositing it in water deeper than 550 metres. The Meeting agreed to add this topic to the agenda of the Scientific Group and requested Contracting Parties to submit information to the fifteenth meeting of the Scientific Group.

15 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 for the Fifteenth Consultative Meeting. Mr. A. Sielen (United States) was re-elected First Vice-Chairman and Ambassador Nascimento e Silva (Brazil) was re-elected Second Vice-Chairman.

16 CONSIDERATION AND ADOPTION OF THE REPORT

The report of the Fourteenth 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 (29 November 1991).

ANNEX 1

AGENDA FOR THE FOURTEENTH CONSULTATIVE MEETING

1 Adoption of the Agenda

LDC 14/1	-	Secretariat
LDC 14/1/1	-	Secretariat

2 Status of the London Dumping Convention

LDC 14/2	-	Secretariat
LDC 14/INF.27	-	Secretariat

3 Consideration of the report of the Scientific Group

LDC 14/3	-	Secretariat
LDC 14/3/1	-	Secretariat
LDC 14/3/2	-	Greenpeace International
LDC 14/3/3	-	Secretariat
LDC 14/3/4	-	Secretariat
LDC 14/3/5	-	Secretariat
LDC 14/3/5/Corr.1	-	Secretariat
LDC 14/3/6	-	USSR
LDC 14/3/7	-	Secretariat
LDC 14/INF.18	-	FOEI
LDC 14/INF.19	-	Secretariat
LDC 14/WP.4	-	Drafting Group

4 The application of a precautionary approach to environmental protection within the framework of the Convention

LDC 14/4	-	Secretariat
LDC 14/4/1	-	Greenpeace
LDC 14/INF.9	-	Secretariat
LDC 14/INF.20	-	IAPH
LDC 14/INF.23	-	USA
LDC 14/INF.32	-	Finland
LDC 14/WP.3	-	Working Group
LDC 14/WP.3/Corr.1	-	Working Group

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

LDC 14/5	-	Secretariat
LDC 14/5/1	-	Secretariat
LDC 14/5/2	-	Secretariat
LDC 14/INF.34	-	Germany
LDC 14/WP.2	-	Secretariat

6 Transboundary movement of hazardous wastes

LDC 14/INF.6	-	Secretariat
LDC 14/INF.22	-	UNEP/ISBC

7 Long-term strategy for the Convention

LDC 14/7	-	Secretariat
LDC 14/7/1	-	Secretariat
LDC 14/7/2	-	Secretariat
LDC 14/7/2/Add.1	-	Secretariat
LDC 14/7/3	-	Secretariat
LDC 14/7/4	-	Secretariat
LDC 14/7/5	-	Secretariat
LDC 14/7/6	-	Netherlands
LDC 14/INF.8	-	Secretariat
LDC 14/INF.10	-	Secretariat
LDC 14/INF.11	-	Secretariat
LDC 14/INF.14	-	Secretariat
LDC 14/INF.24	-	Secretariat
LDC 14/INF.29	-	Greenpeace International
LDC 14/INF.30	-	Greenpeace International
LDC 14/INF.31	-	Secretariat
LDC 14/WP.1	-	Secretariat
LDC 14/WP.5	-	Argentina, Brazil, Chile, Denmark, Iceland, Finland, Mexico, Nauru, Norway, Spain, Sweden and the Solomon Islands
LDC 14/WP.6	-	Working Group

8 Matters related to the incineration of wastes at sea

LDC 14/8	-	Secretariat
LDC 14/8/1	-	APIL
LDC 14/INF.25	-	Secretariat
LDC 14/INF.26	-	Secretariat

9 Sea disposal of industrial wastes

LDC 14/8	-	Secretariat
LDC 14/INF.25	-	Secretariat
LDC 14/INF.26	-	Secretariat

10 Waste production and disposal technologies: information exchange and technical co-operation

LDC 14/INF.7	-	Secretariat
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11 Matters related to the disposal of radioactive wastes

LDC 14/11	-	Secretariat
LDC 14/11/1	-	Secretariat
LDC 14/INF.2	-	IAEA
LDC 14/INF.3	-	Secretariat
LDC 14/INF.4/Rev.1	-	NEA/OECD
LDC 14/INF.5	-	IAEA
LDC 14/INF.28	-	USSR
LDC 14/INF.33	--	Norway

12 Relations with other organizations

LDC 14/INF.12	-	Secretariat
LDC 14/INF.13	-	Secretariat
LDC 14/INF.13/Add.1	-	Secretariat
LDC 14/INF.15	-	Secretariat
LDC 14/INF.16	-	Secretariat
LDC 14/INF.21	-	Oslo Commission Secretariat
LDC 14/INF.34	-	Germany

13 Future work programme and date of next session

LDC 14/13	-	Secretariat
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14 Any other business

LDC 14/INF.17	-	Secretariat
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15 Election of Chairman and Vice-Chairmen16 Consideration and adoption of the report

LDC 14/WP.7	-	Secretariat
LDC 14/WP.7/Add.1	-	Secretariat
LDC 14/16	-	Report

LDC 14/INF.1	-	List of Participants
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ANNEX 2

RESOLUTION LDC.44(14)

THE APPLICATION OF A PRECAUTIONARY APPROACH IN ENVIRONMENTAL PROTECTION
WITHIN THE FRAMEWORK OF THE LONDON DUMPING CONVENTION

THE FOURTEENTH CONSULTATIVE MEETING,

HAVING REGARD to the responsibilities of Contracting Parties, especially in relation to Articles I and II of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (the London Dumping Convention),

AWARE of the concern regarding the health and preservation of the marine environment,

AWARE ALSO that the quantity, diversity and complexity of chemical compounds entering the environment make it difficult to determine the overall threat to the environment,

RECOGNIZING that human activities and social development need to be managed in a manner that will limit contamination of the marine environment by wastes and other matter, and thereby to ensure that the viability of marine ecosystems and the legitimate uses of the sea are sustained for the benefit of present and future generations,

RECALLING resolution LDC.40(13) of 2 November 1990 concerning the protection of the oceans and all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas,

RECALLING ALSO UNEP decision 15/27 of 25 May 1989, by which the Governing Council of the United Nations Environment Programme recommended the principle of precautionary action, the Governing Council's decision SS.II/4B of 3 August 1990 on a comprehensive approach to hazardous waste, and its decision SS.II/6 of the same date on the effective global protection of ocean and coastal ecosystems,

RECALLING FURTHER the decisions taken in other international fora on a precautionary approach to environmental protection,

MINDFUL that existing pollution control approaches, under the London Dumping Convention, have been strengthened by shifting the emphasis from a system of controlled dumping based on assumptions of the assimilative capacity of the oceans, to approaches based on precaution and prevention,

RECOGNIZING FURTHER the work on the development of an improved framework for the implementation of the London Dumping Convention,

1 AGREES that in implementing the London Dumping Convention the Contracting Parties shall be guided by a precautionary approach to environmental protection whereby appropriate preventive measures are taken when there is reason to believe that substances or energy introduced in the marine environment are likely to cause harm even when there is no conclusive evidence to prove a causal relation between inputs and their effects;

2 AGREES FURTHER that Contracting Parties shall take all necessary steps to ensure the effective implementation of the precautionary approach to environmental protection and to this end they shall:

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

3 INVITES the Secretary General of the International Maritime Organization to bring this resolution to the attention of the Preparatory Committee of the 1992 United Nations Conference on Environment and Development.

ANNEX 3

QUESTIONNAIRE

Are vessels registered in the territory or flying the flag of your State engaged in the dumping at sea of material which was dredged from areas under the jurisdiction of non-Contracting Parties to the London Dumping Convention?

YES

☐

NO

☐

If "yes":

- 1 Describe the mechanism used for obtaining the information provided below; and
- 2 Provide a description of the activities, including:
 - .1 the frequency of the activities and whether it is anticipated that these will continue in the future;
 - .2 the location of the dredging operations;
 - .3 the approximate amounts of material dredged for disposal at sea; and
 - .4 the location of the sea dumping sites, with particular attention as to whether such dumping is carried out in the territorial sea or other areas under the jurisdiction of a coastal State.
- 3 Provide a description of how the dumping at sea is regulated or controlled, including:
 - .1 methods used to evaluate the acceptability of material for dumping;
 - .2 methods used to select dumping sites;
 - .3 whether a permit for the dumping is issued, and if so, the identity of the issuing national authority(ies);
 - .4 whether the consent of a coastal State has been obtained in cases where the dumping location is in the area under the jurisdiction of such a coastal State; and
 - .5 any other methods used to regulate the dumping which have not been discussed in response to 3.1 - 3.4.
- 4 Provide a description of any practical difficulties encountered in regulating or controlling the dumping, including:
 - .1 ability to assure dumping controls are complied with;
 - .2 ability to assure adequate evaluation of the material or dumping site; and
 - .3 any other practical difficulties encountered.

ANNEX 4

RESOLUTION LDC.45(14)

CONTROL OF TRANSBOUNDARY MOVEMENTS OF
WASTES FOR DISPOSAL AT SEA

THE FOURTEENTH CONSULTATIVE MEETING,

NOTING the aim of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (the London Dumping Convention) to take all practicable steps to prevent the pollution of the sea by the dumping of waste and other matter that is 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,

NOTING FURTHER that the aim of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989, is to reduce to a minimum the generation of hazardous wastes and other wastes, to control the transboundary movement of such wastes and their disposal and to ensure their environmentally sound management in order to protect human health and the environment,

TAKING into account that resolution 2 of the Basel Conference requested the Contracting Parties of the London Dumping Convention to examine the need for a review of the existing rules, regulations and practices with respect to dumping of hazardous and other wastes at sea in the light of the Basel Convention with a view to recommending any additional measures needed within the London Dumping Convention, including its annexes, in order to control and prevent dumping of hazardous and other wastes at sea,

CONSIDERING that the question of the applicability of the Basel Convention to dumping at sea arises only with regard to:

- .1 a transboundary movement of hazardous waste, as these terms are defined by the Basel Convention, or
- .2 Article 4, paragraph 6 of the Basel Convention which provides that the export of hazardous wastes or other wastes for disposal within the area south of 60° South latitude, whether or not such wastes are subject to transboundary movement, is not allowed,

CONSIDERING FURTHER that such cases, in practice, are not frequent given that there are only few documented cases where wastes have been exported for the purpose of dumping at sea and will become less frequent in the light of resolution LDC.43(13) calling upon the Contracting Parties to adopt individual or regional commitments to cease the dumping of industrial wastes before 31 December 1995, and therefore there is no need at present to develop any additional standards regarding transboundary movements of hazardous wastes,

RECALLING resolution LDC.11(V) concerning the export of wastes for incineration at sea and the need for adequate controls for the disposal of these wastes, and resolution LDC.39(13) requesting Contracting Parties to consider terminating the practice of incineration at sea of noxious liquid substances by 31 December 1994,

CONSIDERING ALSO that Article 210 of the United Nations Convention on the Law of the Sea provides that dumping within the territorial sea and the exclusive economic zone or onto the continental shelf should not be carried out without the express prior approval of the Coastal State and that, consistent with this provision, resolution LDC.29(10) calls on Contracting Parties exporting waste for sea disposal to provide advance notification of any intended movement of such wastes and to obtain the prior consent of appropriate national authorities in any country receiving such waste,

RECALLING FURTHER that resolution LDC.29(10) also urges Contracting Parties to endeavour to ensure that wastes exported for a purpose other than sea disposal are not ultimately disposed of at sea unless done in compliance with the requirements of the London Dumping Convention,

RECOGNIZING that resolution LDC.42(13) 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; and urges all Contracting Parties to the London Dumping Convention to also become Parties to the Basel Convention,

1. BELIEVES that the disposal at sea regime embodied by the London Dumping Convention and its annexes as well as the resolutions, regulations and guidelines that have been adopted by the Contracting Parties to implement the Convention ensures the control and prevention of dumping of hazardous wastes at sea and constitutes the global waste management regime regarding dumping at sea;

2. REQUESTS the Parties to the Basel Convention, in developing technical guidelines for the environmentally sound management of wastes subject to the Basel Convention, to take into account the London Dumping Convention and appropriate regional agreements on the control of marine pollution by dumping at sea, and to keep the Contracting Parties to the London Dumping Convention fully informed of the development of such guidelines; and

3. URGES all Parties to the Basel Convention to also become Contracting Parties to the London Dumping Convention.

ANNEX 5

STATEMENT BY THE FOURTEENTH CONSULTATIVE MEETING OF
CONTRACTING PARTIES TO THE CONVENTION ON THE PREVENTION OF
MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER, 1972

The Contracting Parties and observers to the Fourteenth Consultative Meeting accepted the following re-statement of their views on the matter of marine pollution and the forthcoming United Nations Conference on Environment and Development (UNCED) in 1992.

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. 86) 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 67 Contracting Parties.

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 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 In 1991 a resolution was adopted on the application of a precautionary approach in environmental protection within the framework of the London Dumping Convention (Res.44(14)), expressing the need that Contracting Parties take action at source through the application of clean production technologies and waste minimization and that a comprehensive or integrated approach to waste management be applied which, inter alia stresses the need to assess the overall and comparative detriment to the environment when considering different disposal options.

7 In co-operation with ten other international organizations the London Dumping Convention initiated in 1991 the "Global Waste Survey" which will provide by 1994 an inventory of industrial wastes problems and land-based options to deal with these wastes, to identify and resolve obstacles to such options, together with an action plan. This survey is carried out to assist Contracting Parties to evaluate and implement actions on banning incineration at sea and dumping of industrial wastes. In addition, the Consultative Meeting agreed to begin the process of amending the convention to modify resolutions adopted over the last decade.

8 By resolution LDC.46(14), the Contracting Parties call upon relevant international organizations and the Consultative Meeting to co-ordinate and encourage the harmonization of policies and to mutually support and participate in activities to promote the prevention of pollution in the marine environment.

9 The Contracting Parties to the London Dumping Convention, as well as the inter-governmental bodies and international 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.

10 As a result, the Contracting Parties at the 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 (A/CONF.151/PC/31 of 28 January 1991). This resolution 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.

11 In anticipation of decisions being taken at UNCED the Contracting Parties to the London Dumping Convention have been reviewing their responsibilities under the Articles of the Convention, how gaps and overlaps between the London Dumping Convention and other global and regional agreements concerned with marine pollution can be addressed. In addition, the Contracting Parties have been reviewing the potential use of an expanded convention to assist in related marine environmental issues, as may be decided by UNCED: Examples of these could include offshore activities, effective application of enforcement in international waters, remedial programmes, etc.

12 The Consultative Meeting of Contracting Parties to the London Dumping Convention re-emphasizes its expertise in global marine pollution issues and its willingness to address action items arising from UNCED as early as the Fifteenth Consultative Meeting in November 1992.

ANNEX 6

FURTHER ACTION TO
RESOLUTION LDC.40(13) CONCERNING THE
PROTECTION OF THE OCEANS AND ALL KINDS OF SEAS,
INCLUDING ENCLOSED AND SEMI-ENCLOSED SEAS, AND COASTAL AREAS

1 At the Thirteenth Consultative Meeting of the London Dumping Convention the Contracting Parties adopted resolution LDC.40(13) concerning the Protection of the Oceans and all Kinds of Seas, including Enclosed and Semi-enclosed Seas, and Coastal Areas. That resolution was submitted to the Second Session of the Preparatory Committee (PrepCom II) of UNCED (A/CONF.151/PC/31). The Fourteenth Meeting of Contracting Parties to the London Dumping Convention, London, 25-29 November 1991, invites the attention of UNCED to resolution LDC.40(13) in regard to Agenda 21 and offers the following information and comments on UNCED documents A/CONF.151/PC/WG.II/L.18 and L.19/Add.2.

2 With respect to the recommendations contained in resolution LDC.40(13):

2.1 The Consultative Meeting welcomes the fact that international co-operation and co-ordination to protect the marine environment from pollution from all sources is being addressed in section E of A/CONF.151/PC/WG.II/L.18. It is encouraged that UNCED is considering proposals at the highest intergovernmental level on ocean matters. The Contracting Parties believe that the London Dumping Convention can provide a special contribution to this effort and will similarly benefit from the strengthened co-ordination envisioned by those proposals. For example, by resolution LDC.46(14), the Contracting Parties call upon relevant regional organizations and the Consultative Meeting to co-ordinate and encourage the harmonization of policies and to mutually support and participate in activities to promote the prevention of pollution in the marine environment.

2.2 Whereas the London Dumping Convention provides the appropriate global framework to limit and control the dumping of wastes at sea, the Meeting notes with appreciation the proposals contained in document L.18, on prevention, reduction and control of land-based sources of marine pollution, including the proposal for a new global framework on land-based sources of marine pollution, and encourages UNCED activities in this regard.

2.3 Concerning the precautionary approach in addressing waste management problems in the context of ocean dumping, attached to this statement is the Fourteenth Consultative Meeting's resolution LDC.44(14) on the application of a precautionary approach in environmental protection within the framework of the Convention.

2.4 The Contracting Parties note with satisfaction that Agenda 21 urges States to ratify or accede to the Convention as soon as possible or to inform the Secretariat of any specific problems that they may have and assistance they may require in implementing the provisions of the Convention. Regarding the recommendation to strengthen mechanisms for providing co-operation,

transfer of technology and assistance that would improve the capacity of developing countries to implement the measures addressed above, the Contracting Parties, at their next meeting, will address the implementation of any such mechanisms approved by UNCED.

Additional Items

3 The Fourteenth Consultative Meeting offers the following additional information and comments on Agenda 21 proposals on ocean dumping:

- .1 The Consultative Meeting notes with interest the call to develop an international regulatory global framework for offshore oil discharges, safety and disposal activities by 1995. There is substantial expertise on marine pollution impact matters within the London Dumping Convention which can be brought to bear on those efforts.
- .2 The Contracting Parties note the proposals to construct appropriate sewage treatment facilities, but stress that longer term environmentally sound solutions are needed, with a view to ultimately alleviate the need for sewage sludge disposal at sea.
- .3 An issue of continuing concern to the London Dumping Convention is the quality of contaminated spoils from dredging of basins and navigation channels for disposal at sea. There is a direct relationship between measures to reduce the anthropogenic inputs of hazardous substances to surface waters, and the improvement of the quality of dredged material for disposal, resulting in better protection of the marine environment as well as the potential for significant cost savings in managing dredged material. Such measures may include waste audits and future guidelines for the implementation of new assessment procedures which are being developed within the framework of the London Dumping Convention.
- .4 The transboundary movement of hazardous wastes for the purpose of ocean dumping was recently addressed in resolution LDC.42(13) which 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.
- .5 The Consultative Meeting of Contracting Parties to the London Dumping Convention addressed the dumping of industrial wastes at sea in its resolution LDC.43(13) by which Contracting Parties agree to cease such dumping by the end of 1995.
- .6 Resolution LDC.39(13) addresses incineration of noxious liquid wastes at sea. The Contracting Parties agreed to re-evaluate that practice with a view toward its termination. It is noted that in early 1991 the sole remaining incineration ship ceased operation.
- .7 The Contracting Parties are conducting a Global Waste Survey to determine any technical and social difficulties in the adoption of alternative methods of industrial waste management, including waste avoidance, reduction, treatment and disposal options. The results of the survey will benefit both Contracting Parties to the London Dumping Convention and countries not Party to it. With respect to the phasing out of dumping of industrial wastes, the Contracting

Parties have already committed themselves by resolution LDC. 43(13) to facilitate access to, and transfer of, environmentally sound technologies, particularly to developing countries.

- .8 With regard to responsibility for damage to the environment caused by dumping of wastes and liability and compensation for such damages, Article X of the Convention requires Contracting Parties to undertake to develop procedures for the assessment of liability and work is ongoing within the Convention.
- .9 Annex I to the London Dumping Convention prohibits the sea disposal of high level radioactive waste. Other Annexes regulate the sea disposal of low level radioactive waste. Several resolutions on this matter have been adopted by the Consultative Meeting to suspend sea disposal of radioactive waste: by resolutions LDC.14(7) and LDC.21(9) Contracting Parties agreed to suspend the disposal at sea of low level radioactive wastes; by resolution LDC.41(13) it included the disposal of radioactive wastes into sub-seabed repositories accessed from the sea. These decisions will be reviewed in 1993 after the completion by its inter-governmental Panel of Experts on Radioactive Waste Disposal at Sea (IGPRAD) of additional scientific and technical studies and assessments and studies on the political, legal, economic and social aspects of radioactive waste dumping. Consistent with those resolutions, since 1982 no permit has been granted for the disposal at sea of low-level radioactive waste.

ANNEX 7

RESOLUTION LDC.46(14)

LIAISON WITH REGIONAL ORGANIZATIONS

THE FOURTEENTH CONSULTATIVE MEETING,

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

RECALLING ALSO Article II of the Convention requesting Contracting Parties to take effective measures individually and collectively to prevent marine pollution caused by dumping and to harmonize their policies in this regard,

RECALLING FURTHER Article VIII by which Contracting Parties with common interests to protect the marine environment in a given geographical area shall endeavour to enter into regional agreements consistent with this Convention for the prevention of pollution, especially by dumping, and that Contracting Parties shall seek to co-operate with the Parties to regional agreements in order to develop harmonized procedures to be followed by Contracting Parties to the different agreements concerned,

RECOGNIZING that the functions of the Consultative Meeting pursuant to Article XIV (4) include the continuing review of the implementation of the Convention by inter-alia promoting co-operation with and between regional organizations concerned with the prevention of marine pollution,

HAVING NOTED the report of its Steering Group on a Long-term Strategy for the London Dumping Convention which emphasizes that more geographical areas should be covered by regional agreements on the prevention of marine pollution, especially by dumping,

HAVING NOTED FURTHER the recommendations of its Task Team 2000 that the linkages between the Consultative Meeting and other organizations dealing with marine pollution should be strengthened, that the dialogue amongst representatives of regional and global bodies on the prevention and control of marine pollution should be increased, and that the harmonization of control procedures and principles should be encouraged between the London Dumping Convention and other international agreements on marine pollution prevention,

REAFFIRMING the important role of regional organizations in the protection of the marine environment and the importance of good co-operation between Consultative Meetings and such regional bodies,

REAFFIRMING FURTHER its recommendation addressed to the Preparatory Committee of the United Nations Conference on Environment and Development (resolution LDC.40(13)) that a global mechanism to co-ordinate the protection of the marine environment from pollution from all sources should be considered; that the adoption, implementation and enforcement of more stringent national and regional controls and the active pursuit of technological and economic measures, such as clean production methods, should be actively pursued; and 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 Matter,

ACKNOWLEDGING the role of the Office for the London Dumping Convention created by the Secretary-General of the International Maritime Organization (IMO), to further the effective implementation of the Convention.

1 INVITES regional organizations established under regional agreements for the protection of the marine environment to support actively initiatives taken within the framework of the London Dumping Convention to promote the effective control all sources of pollution of the marine environment and in particular to take effective measures to prevent marine pollution caused by dumping,

2 ENCOURAGES regional organizations to be represented at Consultative Meetings and meetings of subsidiary bodies and to inform the respective meetings of the measures taken for the protection of the marine environment within the framework of their regional agreements, including achievements made in the field of monitoring the condition of their regional sea areas and relevant scientific research,

3 REQUESTS Contracting Parties to support the United Nations Environment Programme (UNEP) in its efforts to increase the number of areas covered by regional action plans, to ratify or accede to legal instruments developed under regional action plans and to effectively implement requirements of action plans that are in operation,

4 DIRECTS the Office for the London Dumping Convention of IMO to enhance co-operation with regional organizations and with UNEP's Oceans and Coastal Areas Programme Activity Centre (OCA/PAC) to encourage the harmonization of principles and control procedures between regional agreements on the protection of the marine environment and the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter,

5 INVITES:

- (a) the Executive Director of UNEP to bring this resolution to the attention of the Governing Council of UNEP and to urge countries that are not yet Contracting Parties to the London Dumping Convention, in particular those countries that are Contracting Parties to a regional convention, to ratify or accede to the Convention as soon as possible or to inform the Secretary-General of IMO of any specific problems they may have and assistance they may require in implementing the Convention,
- (b) the Executive Heads of regional bodies established for the protection of the marine environment to inform their membership of the above.

ANNEX 8

STATUS OF INTERSESSIONAL AND FUTURE WORK ON THE LONG-TERM STRATEGY
OF THE LONDON DUMPING CONVENTION ASSIGNED BY THE THIRTEENTH CONSULTATIVE MEETING

The Fourteenth 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, approved the following actions and priorities (L - low; M - medium; H - high). The following paragraphs describe actions taken or recommended action. Unless noted, the items are those appearing in annex 6 of LDC 13/15; although in some cases, the description of an item has been modified by the Meeting.

<u>Item</u>	<u>Priority</u>	<u>Actions</u>
1 Actions for the Secretariat		
.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;	Ongoing	"The London Dumping Convention: The First Decade and Beyond" published in 1991
.2 prepare an information package, for distribution to non-Contracting Parties, written in layman's terms;	M	Package is being prepared by the IMO Information Officer; a consultant will be contacted to advise on specific details; a computer with desk top publishing capabilities would greatly assist Secretariat in this effort and could also be used for other purposes
.3 prepare plans on how to bring LDC expertise to developing countries possibly through visits by the Secretariat and/or experts;	M	Plans need to be prepared; consultant or lead country could assist in the efforts to develop a strategy; consider working through regional conventions and seconding experts from Contracting Parties
.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;	Ongoing	Letter of Secretary-General to Contracting Parties sent Sept. 1991

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| .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; | L | Secretariat contacted UNEP OCA/PAC who promised full co-operation on this matter; Secretariat to follow up with UNEP; Secretariat to investigate feasibility of using data bases of other organizations such as IUCN Environmental Law Centre and European Commission |
| .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 | Preliminary work done; see LDC 13/INF.35; wait until conclusion of UNCED process, because UNCED is engaged in a similar effort |
| .7 | report to the Consultative Meeting on 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 | Done (GESAMP Reports & Studies No.45); consideration of advice on specific questions raised by IGPRAD will be carried out by GESAMP in early 1992; views and comments to be forwarded to GESAMP |
| .8 | complete its list of national authorities of Contracting Parties responsible for the implementation of the Convention; | Ongoing | See LDC.2/Circ.289 |
| .9 | submit a list of Contracting Parties which are not complying with the reporting requirements to the Consultative Meetings; | H | List prepared; see LDC 14/7/4 and LDC 14/INF.31 |
| .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, transboundary movements of wastes, 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 | See LDC 14/7/1 |

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| .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; | Ongoing | See LDC 14/7/1 |
| .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 | Comments on L.18 and L.19 to be sent to UNCED Secretariat for consideration at PrepCom IV |
| .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; and | M | Will be conducted in connection with global waste survey |
| .16 | 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 | Secretariat to explore feasibility of using IMO computer database on applicable requirements of IMO instruments or electronic mail system for dissemination of documents and information; Secretariat to investigate use of information clearing houses such as INFOTERRA; also related to 1.3 above. Resources needed for computer system. |

2 Actions for the Consultative Meeting

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| .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 | Wait until UNCED process has been completed as UNCED is looking at a holistic approach. Some regions have taken action collectively which could be used as a model. |
| .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 | Address in conjunction with item 1.5 above has been completed |
| .3 | 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 | Encourage Contracting Parties to consider contributing to IMO Global Programme for the Protection of the Marine Environment |
| .4 | consider the preparation of a resolution for better liaison with regional organizations and encouraging them to provide contributions to Consultative Meetings; | H | Done; see resolution LDC.46(14) |

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| .5 | 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 | |
| .6 | 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; | M | Related to ongoing work on precautionary approach |
| .7 | consider measures to improve the current notification and record keeping procedures; | M | Computer system is needed to reduce workload of Secretariat and to improve usefulness of information to Contracting Parties; technical assistance to non-reporting countries would be useful but expensive; investigate regional or bilateral efforts |
| .8 | consider expanding the scope of the Convention, for example, to include discharges from offshore installations (LDC 13/15, paragraph 5.36.5); and | Ongoing | Concept paper prepared as LDC 14/7/6. Revisit issue when UNCED process has been completed |
| .9 | consider 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 or regional action (LDC 13/15, paragraph 5.36.5); and | Ongoing | To assist in deliberations on this issue, LDC 13 requested Contracting Parties to submit information on specific problems; in this regard, LDC 14/7/3 was prepared by Secretariat |
| .10 | 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". | H | Secretariat to issue questionnaire; Contracting Parties to submit case studies to SG 15; technical guidelines would be useful |
| .11 | Consider possible amendments to the Convention in 1993 | H | Secretariat to prepare a paper for LDC 15 explaining procedures, schedules and potential costs |

3 Legal Actions

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| .1 | continue work related to the development of procedures for the assessment of liability regarding dumping of wastes at sea; | L | Ongoing |
| .2 | provide guidance on what constitutes an "emergency" case where a special permit could be issued for the disposal at sea of waste, and other matter containing substances listed in Annex I; | M | Secretariat to issue circular letter clarifying difference between emergency and <u>force majeure</u> |

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| .3 | 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 | Questionnaire prepared; see LDC 14/16, annex ... |
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| .4 | 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 | To be addressed |
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| .5 | 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 | To be addressed |
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| .6 | 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 | To be addressed |

ANNEX 9DRAFT RESOLUTION FOR THE CONVENING OF AN AMENDMENT CONFERENCE
OF THE LONDON DUMPING CONVENTION IN [1993]*

Submitted jointly by Argentina, Brazil, Chile, Denmark, Iceland,
Finland, Mexico, Nauru, Norway, Spain, Sweden and the Solomon Islands

THE [FIFTEENTH] CONSULTATIVE MEETING,

RECALLING Article II of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (the London Dumping Convention), which provides that Contracting Parties shall take effective measures individually, according to their scientific, technical and economic capabilities, and collectively, to prevent marine pollution caused by dumping and shall harmonize their policies in this regard;

RECALLING ALSO Article IV of the Convention which specifies wastes and other matter and their characteristics, as well as the factors and conditions to prevent marine pollution by dumping at sea through a permit system administered by the appropriate national authorities,

RECOGNIZING that the existing control approaches established under the Convention have been strengthened since their entry into force in 1975 by Consultative Meetings by shifting the emphasis from a system of controlled dumping based on assessment of the receiving capacity of the oceans, to approaches on precaution and prevention,

RECALLING FURTHER resolution LDC.40(13) addressed to the Preparatory Committee of the United Nations Conference on Environment and Development requesting States and appropriate international fora to pursue a precautionary approach in solving waste management problems by, inter alia, focussing on environmentally preferable land-based alternatives to disposal of wastes at sea, while ensuring that pollution is not transferred to other parts of the environment via other disposal routes,

HAVING ADOPTED resolution LDC.44(14) which defines the concept of the precautionary approach in environmental protection and indicates the specific actions which Contracting Parties should take to implement it,

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- * The text of the draft resolution, originally submitted as LDC 14/WP.5, has been reworded by the Secretariat after the Fourteenth Consultative Meeting at the request of the Contracting Parties sponsoring the proposal.

RECALLING ALSO resolution LDC.14(7) requesting Contracting Parties to suspend all dumping at sea of radioactive materials pending the presentation of the final report of an expert meeting on radioactive matters, as well as resolution LDC.21(9) by which additional studies and assessments on the wider political, legal, economic and social aspects of radioactive waste disposal were to be undertaken by an inter-governmental panel of experts, as well as other studies on risk assessments and related scientific issues to be carried out by the International Atomic Energy Agency.

RECALLING FURTHER resolution LDC.28(10) by which the Inter-Governmental Panel of Experts on Radioactive Waste Disposal at Sea (IGPRAD) was established to prepare a report on the above studies and assessments,

HAVING NOTED the report of the fourth meeting of IGPRAD by which it confirmed that its studies and assessments will be completed in 1993,

RECOGNIZING the need to review the suspension of low-level radioactive waste disposal at sea pursuant to resolutions LDC.14(7) and LDC.21(9) subject to the final report of IGPRAD in 1993,

EMPHASIZING its decision as expressed in resolution LDC.41(13) that the disposal of low-level radioactive wastes into sub-sea-bed repositories accessed from the sea shall fall under the recommendation of suspending the sea disposal of radioactive materials in accordance with resolution LDC.14(7) and that accordingly such practices would constitute a means of dumping under the Convention,

RECALLING its decisions to phase out the incineration of noxious liquid substances at sea pursuant to resolution LDC.35(11) by the end of 1994 and the sea disposal of industrial wastes pursuant to resolution LDC.43(13) by the end of 1995, and that an evaluation of the consequences of these decisions will be finalized through a global waste survey by 1993,

RECOGNIZING FURTHER the need to incorporate the achievements and developments made within the framework of the London Dumping Convention, as set out in the many guidelines and recommendations adopted by the Consultative Meeting through resolutions, into legally binding requirements,

- 1 REQUESTS its Secretariat to prepare appropriate draft wording for amendments to the text of the Convention and to its Annexes with a view to advising the Consultative Meeting on how its relevant decisions and recommendations adopted with a view to improving the effective implementation of the aims of the Convention could become legally binding requirements.
- 2 AGREES that the [1993] Consultative Meeting shall be designated as a Special Meeting with a view to amending the requirements of the Convention in order to take account of the above developments and achievements.

ANNEX 10

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

- 1 Consideration of the report of the Scientific Group on Dumping
- 2 Review of the outcome of the United Nations Conference on Environment and Development (UNCED)
- 3 Amendments to the Convention and its Annexes.
- 4 Matters related to the disposal of radioactive wastes at sea
- 5 Sea disposal of industrial wastes
- 6 Matters relating to the incineration of wastes at sea
- 7 Long-term strategy for the Convention
- 8 Technical assistance, co-operation and development
- 9 Information exchange on waste prevention and clean production methods, waste production and disposal

ANNEX 11FUTURE WORK PROGRAMME OF THE SCIENTIFIC GROUP
(fifteenth, sixteenth and seventeenth meetings)

	<u>Meetings</u>			<u>Target Completion Date</u>
	<u>1992 15th</u>	<u>1993 16th</u>	<u>1994 17th</u>	
1 Consideration of the report of the <u>ad hoc</u> Group of Experts on the Annexes to the Convention	XX*			1992
2 Position of substances in the Annexes		X		Continuous
3 Monitoring and disposal activities at sea: evaluation of dumping and monitoring reports and field verification activities; Monitoring guidance	X	X X	X	Continuous
4 Matters related to incineration at sea and the phasing out of sea disposal of industrial wastes	XX			1992
5 Waste management issues: comparative assessments; mitigation of the impact of dumping; source reduction, recycling and cleaner technologies (case studies); guidelines, manuals, bibliographies	X	X	X	Continuous
6 Beneficial uses and alternative disposal of dredged material	X	X		
7 Review and assessment of the Dredged Material Guidelines	X	XX	XX	1994
8 Hazard assessment procedures		X	X	Continuous
9 Management and disposal of municipal sewage	X	X	X	1996
10 Review of materials used for artificial reefs and artificial islands	XX			1992
11 Sea disposal of offshore installations and structures	X			1992
12 Co-operation and information exchange	X	X	X	Continuous
13 Sea disposal of liquid carbon dioxide	X			1992

* XX denotes a higher level of presentation and debate.