



SEVENTH CONSULTATIVE MEETING OF
CONTRACTING PARTIES TO THE
CONVENTION ON THE PREVENTION
OF MARINE POLLUTION BY DUMPING
OF WASTES AND OTHER MATTER
14-18 February 1983

IMO

Agenda item 12

REPORT OF THE SEVENTH CONSULTATIVE MEETING

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1 INTRODUCTION

Opening of the Meeting

1.1 The Seventh 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 14 to 18 February 1983.

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

ARGENTINA	NETHERLANDS
BRAZIL	NEW ZEALAND
CANADA	NIGERIA
CHILE	NORWAY
DENMARK	PANAMA
FINLAND	PAPUA NEW GUINEA
FRANCE	PHILIPPINES
GERMANY, FEDERAL REPUBLIC OF	POLAND
GREECE	PORTUGAL
ICELAND	SOUTH AFRICA
IRELAND	SPAIN
JAPAN	SWEDEN
KIRIBATI	SWITZERLAND
MEXICO	USSR
MOROCCO	UNITED KINGDOM
NAURU	UNITED STATES

by observers from the following States, not being Contracting Parties to the Convention:

AUSTRALIA	ITALY
BELGIUM	LIBERIA

by observers from the following United Nations organizations:

UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)
INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION (IOC)
INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)

and by observers from the following inter-governmental and non-governmental organizations:

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT/NUCLEAR ENERGY
AGENCY (OECD/NEA)
COMMISSION OF THE EUROPEAN COMMUNITIES (EEC)
OSLO COMMISSION
PARIS COMMISSION
INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES (IUCN)
GREENPEACE INTERNATIONAL

1.3 At the opening of the Meeting, Prof. Dr. A. Engström (Sweden) was unanimously re-elected Chairman and Mr. G.L. Holland (Canada) was unanimously re-elected First Vice-Chairman. Dr. I. Shlygin (USSR) was unanimously elected Second Vice-Chairman.

1.4 When opening the Meeting, the Secretary-General of the International Maritime Organization summarized the principal activities in the field of marine pollution in which the Organization had been involved since the Sixth Consultative Meeting, referring also to work of interest to the Meeting of other international organizations which had taken place during the inter-sessional period. He also drew attention to the fact that this Consultative Meeting was the first to be held at the new premises of the Organization and expressed his appreciation to the Government of the United Kingdom for providing the excellent accommodation and facilities which the Organization now enjoyed.

Adoption of the Agenda

1.5 The Agenda for the Meeting, as adopted, is shown in Annex 1. This included, under each item, a list of documents which were considered. The Meeting also agreed on a timetable and work schedule for the meeting (LDC 7/1/2/Add.1).

Observer status of international non-governmental organizations

1.6 The Meeting noted that the Secretariat, after consultation with the Chairman and the two Vice-Chairmen in accordance with the procedures for the participation by non-governmental organizations in Consultative Meetings adopted by the Sixth Consultative Meeting (LDC VI/12, paragraph 1.8), had invited the International Union for Conservation of Nature and Natural Resources (IUCN) to be represented at the Seventh Consultative Meeting.

1.7 The Meeting considered the application for observership status by the European Nuclear Society (ENS), the European Atomic Forum (FORATOM) and the Friends of the Earth (FOE). The Meeting noted that written requests from these organizations had been received by the Secretariat very recently and that in the light of the procedures which require that a request for participation be submitted to the Secretariat at least three months in advance of the opening day of the meeting, it had not been possible to invite the above three organizations to participate in the Seventh Consultative Meeting.

1.8 The Meeting agreed that invitations to the Eighth Consultative Meeting should be sent to the International Association of Ports and Harbors (IAPH), the European Council of Chemical Manufacturers' Federations (CEFIC), Greenpeace International, the International Union for Conservation of Nature and Natural

Resources (IUCN), Friends of the Earth International (FOE), the European Atomic Forum (FORATOM) and the European Nuclear Society (ENS).

2 STATUS OF THE LONDON DUMPING CONVENTION

2.1 The Meeting took note of the report of the Secretary-General on the current status of the London Dumping Convention and the progress being made in the acceptances of the 1978 and 1980 amendments thereto (LDC 7/2, LDC 7/2/Corr.1) and noted that as at 1 January 1983 fifty-two States had ratified or acceded to the Convention. The Meeting noted that, as requested by the Sixth Consultative Meeting, the Secretary-General had written to all Governments (IMO members and non-IMO members) which had not yet ratified or acceded to the Convention, inviting them to do so as soon as possible (Circular letter No. 912 of 13 December 1982). The Meeting further noted that the attention of the IMO Assembly at its twelfth session (9-20 November 1981) had been drawn to the importance of the prevention and control of marine pollution by dumping of wastes at sea and that meetings of Committees of the Organization were regularly informed of the status of the London Dumping Convention.

2.2 The Meeting noted with satisfaction the statement made by the delegation of the Federal Republic of Germany that the procedures for implementing the amendments to the Annexes adopted by the Third and Fourth Consultative Meetings were well in progress and that the withdrawal of the objections to these amendments would be notified to the Secretary-General of IMO by April 1983.

2.3 The Meeting, when considering under item 4 of its Agenda the report of the task team on a long-range strategy for the Convention, discussed how an increased membership of the London Dumping Convention could be encouraged. The outcome of the consideration on this matter is reflected under Section 4 of this report.

3 REPORT OF THE AD HOC SCIENTIFIC GROUP ON DUMPING

3.1 The report of the Ad Hoc Scientific Group on Dumping (LDC 7/3) was introduced by its Chairman, Mr. T.A. Wastler (United States). The Meeting approved the report in general and took the following action in relation to the matters considered under this Agenda item.

Review of the Annexes to the London Dumping Convention

3.2 Some delegations felt that sufficient information on the inclusion of lead and lead compounds in Annex I was now available to the Ad Hoc Scientific Group on Dumping to reach a decision; other delegations pointed out that the new material which had been presented by Canada at the last meeting of the Ad Hoc Scientific Group is only presently being evaluated by their national scientific institutions.

The Meeting noted the intent of the Ad Hoc Scientific Group to reach a final decision at its next meeting. The United Kingdom requested that the report of the Ad Hoc Scientific Group on this matter should include its findings in regard to the toxicity, persistence and bioaccumulation of lead and its compounds and that thereafter the Consultative Meeting should make a decision, taking into account also the input of lead and lead compounds into the sea from other sources and the regulation of such sources.

3.3 The Meeting agreed that the Ad Hoc Scientific Group should make an attempt to finalize its consideration of this issue at its next meeting and to bring forward to the Eighth Consultative Meeting a recommendation based on its scientific findings. A decision based on political and economic factors in addition to the scientific grounds would then have to be made by the Consultative Meeting.

3.4 The observer from IAPH drew the attention of the Meeting to the work of IAPH on the classification of substances listed in Annex I to the Convention (LDC 7/3/1) and suggested that IAPH, in its study, would pay particular attention to lead and lead compounds. The Meeting welcomed the offer made by IAPH.

3.5 With regard to the position of organosilicon compounds in Annex II to the Convention, the Meeting noted the deliberations of the Ad Hoc Scientific Group and welcomed the intent of the Group to obtain additional information on the behaviour and the occurrence of organosilicons in the marine environment from CEFIC and to prepare recommendations at its next session for consideration by the Eighth Consultative Meeting.

3.6 The Meeting noted the progress being made in developing criteria for assigning substances to Annexes I and II, and agreed with the procedure in this regard being employed by the Ad Hoc Scientific Group. The Meeting noted in particular that Contracting Parties had been invited to comment on an informal proposal tabled by the Netherlands at the meeting of the Ad Hoc Scientific Group. The Secretariat was requested to reproduce an amended Netherlands document as soon as possible for the next meeting of the Group. The Meeting noted with appreciation the offer of IAPH to prepare a report on the application of classification criteria to dredged material (LDC 7/3/1) and welcomed this initiative.

3.7 The Meeting considered the recommendation of the Ad Hoc Scientific Group that its proposal for an amendment to Annex III (LDC 7/3, Annex 3) should be adopted by the Consultative Meeting either as an amendment to Annex III or as guidelines to the existing Annex III. Initially a majority of the delegations

favoured an approach which would amend Annex III by the addition of one paragraph to Section C referring to guidelines for the implementation and uniform interpretation of the requirements of Annex III. The guidelines would be based on the scientific material prepared by Australia for the Ad Hoc Scientific Group. Some delegations preferred not to amend Annex III, considering that the content of the proposed amendments should be adopted by a resolution of the Consultative Meeting in the form of technical guidelines.

3.8 The Meeting requested the Secretariat to prepare a draft resolution for the amendment of Annex III to the effect that an additional paragraph would refer to guidelines for the implementation and uniform interpretation of the requirements of Annex III. It further requested the Netherlands delegation to prepare a draft resolution for the guidance for the application of Annex III. The Meeting considered both of the draft resolutions under item 7 of its Agenda and the outcome is described in Section 7 of this report.

3.9 The Meeting, noting that the Ad Hoc Scientific Group would continue its consideration of the development of implementation guidelines for Annex II, approved the approach suggested by the Ad Hoc Scientific Group and welcomed the offer of the United States delegation to prepare a basic discussion paper on this matter for consideration by the Ad Hoc Scientific Group.

3.10 The Meeting noted that the Ad Hoc Scientific Group had recognized that testing procedures related to the carcinogenic potential of substances were inappropriate for assessing impacts on the marine environment. The Meeting confirmed that GESAMP should be asked to consider the impact on marine life of materials with known mammalian and human carcinogenic properties, if dumped at sea, and whether repeated dumping of such substances could lead to public health concerns.

Detailed technical discussions of the Ad Hoc Scientific Group

3.11 With regard to the technical discussions of the Ad Hoc Scientific Group regarding cadmium, the Meeting confirmed the view of the Ad Hoc Scientific Group that delegations should provide information to the next meeting of the Group on the experiences of their countries in regulating cadmium.

3.12 The Meeting considered whether the dumping of dredged material contaminated with Annex I substances, even if later capped with clean material, was allowable under the current provisions of the Convention. The observer from Greenpeace stated that in his view the sequestering of a contaminated material from the marine environment and marine organisms by capping did not meet the requirements of Annex I to the Convention. The observer from IAPH stated that in his view

the capping technique would result in rendering the contaminants harmless by isolating Annex I substances contained in dredged material from the marine organisms and that capping would therefore be consistent with the requirements of paragraph 8 of Annex I.

3.13 The delegation of the Federal Republic of Germany stated that any dumping of dredged materials containing Annex I substances was in contravention of the provisions of the Convention, even if capped with clean material. Therefore, no further capping experiments with dredged materials contaminated with Annex I substances should be carried out and the Ad Hoc Scientific Group should not continue to consider this matter. Several delegations agreed with the view expressed by the Federal Republic of Germany as to the present provisions of the Convention, but felt that for practical reasons further studies were necessary for the development of new techniques for the sea disposal of dredged material contaminated with Annex I substances, notwithstanding the legal position of such a matter.

3.14 The Chairman of the Ad Hoc Scientific Group stated that the Sixth Consultative Meeting had agreed that capping techniques should be conducted as field research projects until such time as the accumulated information on this technique could be applied on a routine basis. The Ad Hoc Scientific Group should therefore investigate whether or not the capping technique was acceptable from a scientific viewpoint. In the event that the Ad Hoc Scientific Group recommended that the technique was acceptable from a scientific viewpoint, then the Consultative Meeting might determine whether an amendment to Annex I to the Convention was necessary or desirable to allow its use.

3.15 The United States delegation stated that the legal and administrative questions on this matter had been discussed at previous Consultative Meetings and that it was its understanding that for the implementation of paragraphs 8 and 9 of Annex I, the Contracting Parties would continue to be guided by decisions made on the interpretations of these paragraphs at the First and Third Consultative Meetings (LDC 7/INF.3, paragraphs 2.3.4.3 and 2.3.4.4) and as also outlined in the reports of the Fifth and Sixth Consultative Meetings (LDC V/12, paragraph 10.4 and LDC VI/12, paragraph 3.12).

3.16 The Meeting agreed that the Ad Hoc Scientific Group should continue to assess capping carried out on a research basis until sufficient information had been obtained as to whether this technique was acceptable from the scientific viewpoint. The Meeting invited all Contracting Parties to provide results of experiments carried out in their countries on capping of contaminated dredged material for consideration by the Ad Hoc Scientific Group.

3.17 With regard to the possibility of receiving assistance on scientific matters and in the field of monitoring from IOC and ICES, the Meeting noted the information provided by IOC (LDC 7/INF.7). The Netherlands delegation noted that ICES participation in specific activities could require funding to be provided on a case-by-case basis. The Meeting welcomed the offers of IOC and ICES to provide assistance, but felt that additional information on specific details was necessary before any offer could be considered. The Ad Hoc Scientific Group was requested to outline such details and to prepare recommendations regarding specific scientific issues and monitoring requirements which might need the assistance of IOC and ICES. The Meeting also noted that the close co-operation between IOC and ICES could be of benefit for the purposes of the London Dumping Convention.

Consideration of land-based alternatives to the disposal of wastes at sea

3.18 In regard to the recommendation of the Ad Hoc Scientific Group that Contracting Parties should be invited to provide documentation on their national strategies for waste disposal, the Meeting noted the activities of regional conventions, in particular the Oslo and Paris Conventions in this field. The Meeting agreed that this information was important and should be made available to the Ad Hoc Scientific Group on Dumping for technical discussion. Such information should be referred to the Secretariat for distribution to the Ad Hoc Scientific Group.

Incineration at sea

3.19 The Meeting approved an amendment to the list of wastes over which doubts existed with regard to their thermal destruction and combustion efficiency as set out in the Interim Guidelines on the Control of Incineration of Wastes and Other Matter at Sea (LDC IV/12, Annex 8) which involved changing "Polychlorinated Triphenyls" to "Polychlorinated Terphenyls".

Other matters

3.20 The Meeting noted the outcome of discussions held on the disposal at sea of TCDD-containing wastes considered by Italy, and the questions raised by the Ad Hoc Scientific Group as to whether such dumping would fall under the emergency provisions of Article V(2) of the Convention or under the "rapidly rendered harmless" provision of Annex I to the Convention. Several delegations expressed the view that the proposed dumping was not consistent with the "rapidly rendered harmless" provisions of Annex I, paragraph 8.

3.21 In response to questions as to the current status of the proposal by Italy, the observer from Italy stated that the Government of Italy had always considered sea disposal of these wastes as a last resort. This means of disposal would

have been employed by Italy only after receiving favourable advice from appropriate international organizations. The Government of Italy had however studied all possible solutions to this problem and found safe means of disposal other than disposal at sea. In response to a question by the observer from Greenpeace as to the fate of some of this material that was removed from Italy very recently, the observer from Italy stated that none of this material had been dumped at sea, but had been disposed of elsewhere in accordance with all appropriate national and international requirements. The delegation of Spain expressed appreciation to the Government of Italy for solving this problem without resort to ocean dumping.

3.22 The Meeting reviewed the work programme recommended for future meetings of the Ad Hoc Scientific Group and tentatively approved the programme, subject to changes that might be appropriate based on decisions made in the course of this Consultative Meeting. Substantive items to be included in the agenda of the seventh meeting of the Ad Hoc Scientific Group on Dumping as considered under item 10 of the Agenda, is shown at Annex 7.

4 REPORT OF THE TASK TEAM ON A LONG RANGE STRATEGY FOR THE CONVENTION

4.1 The Chairman of the Task Team 2000 (Mr. G.L. Holland, Canada) introduced the report of the Task Team. In his introduction, the Chairman of the Task Team noted that the work had proceeded more slowly than anticipated due to the magnitude and complexity of the task involved and that in the absence of input from many of the Contracting Parties, the Task Team, which met in October 1982, decided that its report (LDC 7/4) and its Annex should be considered by the Seventh Consultative Meeting as a discussion paper aimed at provoking further consideration of the issues and recommendations contained therein.

4.2 He informed the Consultative Meeting that the Task Team had concluded that there was every reason to expect pressure on the marine environmental quality to increase at a steady rate and that the ultimate goal of the Convention was the protection of the marine environment through the elimination of dumping activities involving hazardous wastes posing unacceptable risks. This elimination should be achieved through the continuing reduction of hazardous wastes and strict compliance with the Annexes to the Convention. In addition, the London Dumping Convention was seen by the Task Team to fill the need for co-ordination at the global level and to provide the necessary comprehensive approach to consolidate the various jurisdictions applied on regional, sub-regional and national levels with respect to dumping activities.

4.3 Written views on the report of the Task Team and the long range strategy for the Convention were submitted by Australia (LDC 7/INF.6), Canada (LDC 7/INF.5),

Denmark, Finland, Iceland, Norway and Sweden (LDC 7/INF.14), Greenpeace International (LDC 7/4/1) and the United States (LDC 7/INF.16).

4.4 In the general discussion of the report of the Task Team, many delegations expressed general agreement with the principles contained in the report and appreciation to the members of the Task Team for the excellent work carried out, noting that the long range strategy for the Convention was not a static one but rather was part of a dynamic process which would be under continuing review by the Consultative Meeting.

4.5 The Consultative Meeting gave preliminary consideration to the detailed recommendations and comments as contained in paragraphs 3.1-3.11 of the report of the Task Team (LDC 7/4) during which time the following comments emerged.

Wider application of the Convention

4.6 The Consultative Meeting agreed that it was desirable to encourage more States to become Contracting Parties to the Convention. It noted with appreciation the past efforts of the Secretary-General to encourage States to become Parties to the Convention and felt that a renewed effort should be made whereby the value and importance of a State becoming a Contracting Party were elaborated upon. To this end the Meeting adopted resolution LDC.13(7) appearing as Annex 2.

Establishment of a "Bureau"

4.7 The Meeting considered the question of establishing a Bureau to act on its behalf during intersessional periods. It was agreed that at present the level of work appeared to justify annual meetings and that there would be no need to create such a Bureau. It was noted that in the past the scheduling of Consultative Meetings was affected by budgetary considerations and decisions taken within the International Maritime Organization. In this respect, it was suggested that decisions taken by the Contracting Parties with respect to the frequency of its meetings should be communicated by those Parties to their respective delegations participating in the relevant forum of the International Maritime Organization.

Continuing review and practical application of Annexes to the Convention

4.8 The Meeting concurred with the view of the Task Team that Annexes to the Convention should be kept under review and that such review should have particular regard to their practical application.

Status of the Ad Hoc Scientific Group on Dumping

4.9 The Meeting agreed that the Ad Hoc Scientific Group on Dumping should now be called the Scientific Group on Dumping and that its terms of reference set out in the Annex to resolution LDC Res.7(IV) on Procedures for the Application of Scientific Advice in Respect of the London Dumping Convention (LDC IV/12, Annex 4) should be reviewed by the Eighth Consultative Meeting.

Register of data on input of Annex I and II substances

4.10 The Meeting was of the view that it would be extremely difficult and at this stage impracticable to set up a global register of all inputs of Annex I and II substances into the sea, although the usefulness of such data bases was recognized. It was stated that for the most part reliance had to be placed on information developed within the framework of regional agreements and that such information would be limited to inputs from dumping activities rather than to all sources of marine pollution.

Closer ties with UNEP and other international organizations

4.11 The observer of UNEP drew the attention of the Consultative Meeting to the ten regional Action Plans and the five regional Conventions which have been developed under the auspices of UNEP, noting that in the Mediterranean Region, the Protocol on Dumping had entered into force in 1978 and that a similar Protocol was being negotiated in the South West Pacific Region. Citing UNEP's mandate as the focal point for co-ordination within the UN system on environmental matters, he emphasized the already close co-operation which existed between UNEP and IMO and other relevant agencies and drew attention to the report of the Meeting of Government Experts on Regional Marine Programmes, Nairobi, 18-21 January 1982 (UNEP/WP.6/3/34), made available at the current Meeting. He noted that in accordance with recommendation 9 of that meeting, UNEP would continue to provide a framework for consultations and co-operation among States and the various organizations with regard to their efforts to protect and manage the marine and coastal environment. In this context an inter-secretariat consultation would be convened by UNEP in 1983, followed up by a Meeting of Executive Heads of Secretariats of various global or regional legal agreements or programmes dealing with protection of the marine environment. Notwithstanding this activity, the observer of UNEP stated unequivocally that UNEP fully recognized that the London Dumping Convention provided global framework for international co-operation in the application of sea disposal principles and practices with regard to waste management and indeed UNEP encouraged the acceptance of the London Dumping Convention in developing regional action plans.

4.12 The Meeting agreed that there appeared to be adequate mechanisms in place to ensure close co-operation between the Consultative Meeting and the relevant international organizations, especially UNEP, and requested the Secretariat to keep it informed of developments in this respect.

4.13 It was noted that the Intergovernmental Oceanographic Commission (IOC) was another international organization with which close ties should be maintained. In this respect the observer of IOC pointed out that to avoid duplication of effort and to effectively utilise the resources provided by Member States advantage should be taken of the expertise that exists in the various specialized agencies. These organizations should be used to assist the Convention in solving the various marine pollution problems related to dumping activities. The IOC observer particularly stressed the role of the IOC, whose mandate included a broad oceanographic programme of fundamental importance in resolving problems arising from the introduction of pollutants into the marine environment.

Meetings of representatives of regional and international conventions dealing with sea dumping and marine pollution in general

4.14 The Meeting recognized that it was desirable to bring together the global and regional agreements dealing with sea dumping and that the framework for this should be the Consultative Meetings. With respect to the suggestion by the Task Team that the Consultative Meeting should agree to convene regular meetings of representatives of regional international Conventions, it was felt by several delegations that such meetings should focus on specific problems related to the implementation of the Convention and regional agreements on sea dumping, so as not to duplicate existing frameworks for co-operation within the UN system.

Sea disposal of radioactive wastes

4.15 Many delegations agreed with the Task Team's observation that greater consideration should be given at the international level in finding alternatives to sea disposal of radioactive wastes and for such disposal to be subject to strict international controls involving participation of those countries in the geographic area likely to be most affected. Some delegations expressed their views that such control would be more effective and realistic within competent regional organizations.

Role of IAEA in control and monitoring radioactive waste dumping

4.16 In connexion with a recommendation of the Task Team that "IAEA should be invited to play a larger role with regard to the control and monitoring of radioactive waste dumping", the observer from the IAEA informed the Consultative Meeting that in February 1977, during the then ongoing process of revising the

IAEA Definition and Recommendations for the purposes of the London Dumping Convention, the IAEA Board of Governors was presented with indicative options concerning a possible expansion of the IAEA's role under the Convention. This could extend to the establishment of codes of practice, safety criteria and procedures to cover, for example, the assessment of sea dumping versus land-based alternatives, site selection and management, site surveillance, inspection of dumping operations, record keeping and reporting. Such further involvement might be analogous to the IAEA's role in applying safeguards in respect of nuclear installations and might include such activities as inspection and supervision of dumping operations, monitoring and surveillance of dumping sites, etc. Such further steps in expanding the IAEA's role under the Convention could fall within the scope of the statutory functions of the IAEA but would be subject to determination by its Board of Governors, provided however that such increased responsibilities for the IAEA would have to be provided for within the framework of the London Dumping Convention.

4.17 Several delegations felt that if the IAEA were to play a larger role, care would have to be taken to avoid overlap and duplication with similar tasks already being carried out on a regular basis, e.g. by the Nuclear Energy Agency of OECD. The written statement (LDC 7/4/1) and intervention of Greenpeace International on this subject requested the Contracting Parties to clarify their relationship with the IAEA.

Conclusion

4.18 The Meeting agreed that the report of the Task Team should be considered as a draft document which should be further improved, taking into account the views expressed and the written comments submitted as referred to in the preceding paragraphs, as well as further comments submitted by the Contracting Parties. Accordingly, the Contracting Parties were requested to submit to the

Secretariat, with a copy to the Task Team members*, their comments and specific recommendations on the report of the Task Team, as well as their own views on long range strategy for the Convention, no later than 31 May 1983.

4.19 The Meeting requested the Task Team to prepare, on the basis of the comments received as above, a revised document including specific recommendations on long range strategy for the Convention for consideration at the Eighth Consultative Meeting. In this connexion, the delegation of the United States offered to assist the Task Team in its work.

5 REVIEW OF REPORTS PREPARED BY THE SECRETARIAT IN ACCORDANCE WITH ARTICLE XIV(3)(d) OF THE CONVENTION

5.1 The Meeting took note of the information provided by the Secretariat in accordance with Article XIV(3)(d) of the Convention (LDC 7/5).

5.2 The Meeting expressed its satisfaction with the work carried out so far by the Secretariat. With regard to the list of "focal points" for communications related to emergency situations in accordance with Article V(2), the Meeting urged Contracting Parties which had not yet done so to submit additional information to the Secretariat. The delegation of the USSR presented to the Secretariat the relevant information during the present Meeting.

5.3 With regard to the draft summary report on permits issued in 1980 (LDC 7/INF.12) the Meeting noted that a large number of Contracting Parties had not submitted any information to the Secretariat. The Meeting urged Contracting Parties which had not yet done so to submit the relevant information to the Secretariat. The Meeting requested its Scientific Group on Dumping to review in the future the summary reports prepared by the Secretariat (e.g. LDC 7/INF.12) prior to their presentation to the Consultative Meeting.

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5.4 The Meeting took note of the difficulties encountered by the Secretariat in preparing a comprehensive report on types and actual quantities of wastes dumped at sea, including the amounts of Annex I and Annex II substances contained in the waste. The Meeting agreed that the Scientific Group on Dumping review the notification procedures and formats with a view to improving the submission of the relevant data on permits issued and on types and actual quantities of wastes dumped at sea.

5.5 The Meeting also urged countries to submit to the Secretariat information on monitoring in accordance with the agreed format (LDC IV/12, Annex 7) and copies of their legal, governmental or administrative rules referring to criteria, measures and requirements adopted in addition to those of the Convention.

6 MATTERS RELATED TO THE DUMPING OF RADIOACTIVE WASTES AT SEA

6.1 Under this agenda item, the Meeting received the following submissions:

LDC 7/6	United Kingdom	Draft resolution on the dumping of radioactive wastes
LDC 7/6/1	Secretariat	Outcome of the meeting of the Technical Committee on Environmental Assessment on Methodologies for Sea Dumping of Radioactive Wastes
LDC 7/INF.8	OECD/NEA	Interim Oceanographic Description of the NEA Dumpsite for the Disposal of Low-Level Radioactive Waste
LDC 7/WP.3	Philippines	Amendments to the draft resolution submitted by the United Kingdom (LDC 7/6)
LDC 7/INF.13	IAEA	Activities of the IAEA Related to its Responsibilities for Radioactive Matters under the London Dumping Convention
LDC 7/INF.15	Brazil	Comments on LDC 7/6 and LDC 7/WP.3.

6.2 The Meeting, noting that the draft resolution (LDC 7/6) and related documents (LDC 7/WP.3 and LDC 7/INF.15) closely related to the proposed amendments to Annexes I and II to the London Dumping Convention in respect of the dumping of radioactive wastes submitted under agenda item 7, agreed to consider these documents under that agenda item.

Environmental assessment methodologies

6.3 The Meeting was informed that, in response to the request made by the Fifth Consultative Meeting, the joint IAEA/IMO Technical Committee on Environmental Assessment Methodologies for Sea Dumping of Radioactive Wastes had been convened, in co-operation with UNEP, in Vienna from 30 August to 3 September 1982 to consider:

- .1 land-based alternatives to sea dumping of radioactive wastes;
- .2 environmental assessment methodologies for sea dumping of radioactive wastes; and
- .3 the progress in developing definitions of de minimis levels of radioactivity for sea dumping.

6.4 In reporting the outcome of the Technical Committee Meeting (LDC 7/6/1), the observer of the IAEA informed the Consultative Meeting that the reports on the first and second subjects covered common ground and that they had now been merged to form one document. This report was to be issued later in 1983. The report on the third subject will be submitted to the Advisory Group on De Minimis in summer 1983.

6.5 The Meeting noted that it was invited to act upon a recommendation prepared at the Joint IAEA/IMO Technical Committee Meeting (LDC 7/6/1, Annex 4). The delegation of New Zealand proposed that an intersessional meeting be held under the auspices of IMO to address the process of assessing the environmental impact of the proposed dumping of radioactive and non-radioactive wastes and, in particular, to provide guidelines for both the preparation and evaluation of environmental impact assessments. It was agreed to consider this matter under agenda item 10 on the future work programme.

NEA Report

6.6 The Meeting noted the interim oceanographic description of the North-East Atlantic site for the disposal of low-level radioactive wastes (LDC 7/INF.8). The observer of OECD/NEA, in introducing LDC 7/INF.8, also referred to LDC.2/Circ.92 which contained the report of the 1982 sea disposal operations under OECD/NEA Multilateral Consultative Surveillance Mechanism and explained how the Mechanism works. The United States delegation noted the need at present to emphasize those aspects of the OECD/NEA Research and Surveillance Programme which will have a direct bearing on the 1984 site suitability review, and in particular the information adding to the understanding of the pathways and rates of transfer of radionuclides from the deep ocean and also the effects of dumping on the radioactivity in the marine environment.

Seabed disposal of radioactive wastes

6.7 The Norwegian delegation drew the attention of the Meeting to the Seabed Working Group of the NEA Radioactive Waste Management Committee (LDC 7/INF.22). The Seabed Working Group was made up of a limited number of countries, each having an active programme of research and development in the field of seabed disposal

of radioactive wastes. An agreement to co-ordinate the work at national level lay within the framework of that Group. The Norwegian delegation stated that there were doubts whether "seabed disposal" should fall under the definition of "dumping" in Article III(1) of the London Dumping Convention, and that the NEA Working Group had set up a Legal and Institutional Task Team to consider inter alia, the legal implication of such operations to the London Dumping Convention. The Norwegian delegation was of the opinion that the interpretation of Article III of the London Dumping Convention was the responsibility of Contracting Parties and suggested that the question of "seabed disposal" be studied by the Meeting from the legal point of view.

6.8 The delegation of Finland submitted a document (LDC 7/INF.24) containing a statement of its views on this subject.

6.9 It was agreed that this important question should be considered by the Consultative Meeting. A draft resolution prepared jointly by the delegations of the Federal Republic of Germany, Norway and Spain (LDC 7/WP.9) requesting the Consultative Meeting inter alia to convene during the intersessional period a meeting of legal experts was considered. The resolution as adopted by the Consultative Meeting is shown at Annex 4. The observer of OECD/NEA assured the Meeting that the result of the work of the Legal and Institutional Task Team would be made available to the ad hoc group on legal experts to be convened intersessionally in accordance with the resolution. Contracting Parties were also invited to include technical experts in their delegations attending the intersessional meeting who would advise the ad hoc legal group on the technical and scientific aspects of this matter, if appropriate.

IAEA activities

6.10 The Meeting took note of the IAEA activities related to its responsibilities for radioactive matters under the London Dumping Convention (LDC 7/INF.13). In response to the question of an inventory of the total amounts of radionuclides released into the marine environment, the observer of the IAEA informed the Meeting that information is currently available only on inputs from dumping activities; however, the United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR) is initiating an effort to review the inputs of all sources of radionuclides into the marine environment and this will be supported by IAEA.

7 CONSIDERATION OF PROPOSED AMENDMENTS TO THE ANNEXES TO THE CONVENTION

Amendments concerning dumping of radioactive wastes and related subjects

7.1 The Meeting agreed that certain submissions under agenda item 6 were closely related to those under this agenda item and therefore accepted them together with the following proposals for amendments, draft resolutions and statements concerning dumping of radioactive wastes and radioactive matter initially submitted under this agenda item:

<u>No.</u>	<u>Submitted by</u>	<u>Subject</u>
LDC 7/7	Kiribati and Nauru	Proposed amendments to Annexes I and II
LDC 7/7/3	Nordic countries (Denmark, Finland, Iceland, Norway and Sweden)	Proposed amendments to Annexes I and II
LDC 7/7/4	Spain	Draft resolution on the dumping of radioactive wastes
LDC 7/WP.3	Philippines	Amendments to the draft resolution submitted by the United Kingdom
LDC 7/WP.12	Federal Republic of Germany	Statements on the dumping of radioactive wastes
LDC 7/7/2	Greenpeace International	Comments on the Kiribati and Nauru proposal
LDC 7/7/1	IAPH	Comments on the Kiribati and Nauru proposal
LDC 7/WP.1	Spain	Statement on the dumping of radioactive wastes
LDC 7/INF.2	Kiribati and Nauru	Background material to LDC 7/7
LDC 7/INF.10	Greenpeace International	Background material to LDC 7/7/2

During the course of discussion of this item, a number of additional working papers and information papers were also submitted.

7.2 In presenting the document LDC 7/7 proposing amendments to Annexes I and II to the London Dumping Convention to prohibit the dumping of all radioactive wastes, the delegations of Kiribati and Nauru said their countries, which are island nations in the Pacific, depend heavily on marine resources. Fish is one of the two staple foods and an important economic resource. They felt that, according to the scientific advice available to them, dumping of nuclear wastes may have a detrimental effect to the marine environment and should therefore be prohibited. Texts of the statements of the delegations of Kiribati and Nauru are contained in documents LDC 7/INF.23 and LDC 7/WP.12 respectively.

7.3 The Finnish delegation speaking on behalf of the Nordic countries, introduced LDC 7/7/3, which proposed an amendment to the proposal submitted by Kiribati and Nauru. The Nordic countries felt that the sea disposal of radioactive wastes of any type should be avoided. In order to provide sufficient time for finding an alternative means of disposal, the Nordic countries proposed a prohibition starting on 1 January 1990 and enumerated eight conditions to be observed during the transitional period (LDC 7/INF.19).

7.4 In introducing LDC 7/7/4, the delegation of Spain said that disposal of radioactive wastes at the North Atlantic dumping site has been a subject of great concern for its country. The effects on marine ecosystems of the dumping of radioactive wastes and the criteria for the selection of dumping sites for such wastes have been the subject of scientific controversy and social protest in recent years due mainly to the difficulty of forecasting with absolute certainty the long-term consequences of such dumping, the difficulty of monitoring and the impossibility of control. In its view, there are adequate technical means for storing radioactive wastes on land, and a need to know more of the effect of dumping of radioactive wastes on the marine environment and ultimately to human health. For these reasons, Spain submitted a draft resolution calling for suspension of dumping operations until the necessary research and evaluation was completed.

7.5 The United Kingdom delegation while expressing sympathy with and understanding for the concern regarding the protection of the marine environment expressed by Kiribati and Nauru, felt that the document submitted in support of their proposal (LDC 7/INF.2) did not provide the sound scientific and technical basis required by Article XV of the Convention. A letter addressed to the Consultative Meeting from an author of original papers referenced in LDC 7/INF.2 was critical of the way in which his own and his colleagues' work had been interpreted as quoted in support of this view. It was suggested that the document LDC 7/INF.2 should be referred to IAEA for scientific review before being considered as supporting evidence for a proposed amendment. The United Kingdom delegation was of the opinion that the burden of proof rested with the mover of an amendment to an Annex but the United Kingdom was prepared to stop dumping of low-level radioactive wastes if clear evidence was found that such operations were harmful to human health or the marine environment. The United Kingdom believed that although the present dumping operations carried out in accordance with IAEA and OECD/NEA procedures were considered scientifically safe, there was a need to confirm that sea disposal of radioactive wastes should only be conducted under strict international controls with the participation of other Contracting Parties to the London Dumping Convention in a particular geographical area, and to promote

international co-operation in developing disposal method and facilities for radioactive wastes. These were the motivation for the submission of the draft resolution contained in LDC 7/6.

7.6 The delegation of the Philippines, as a representative of an archipelagic country of 7,000 islands, expressed strong support for the proposal of Kiribati and Nauru, as well as for the draft resolution of Spain. In his view, the existing scientific data did not provide firm assurances that radioactive waste dumping at sea would have no adverse effects on human health or the marine environment. As long as this uncertainty existed, radioactive waste dumping at sea would generally create fear in sectors of the population affected by such dumping operations. There was, therefore, a serious need for Parties to the London Dumping Convention to take measures that would allay this fear. As an effort in that direction, the Philippines submitted a proposal contained in LDC 7/WP.3, amending the draft resolution of the United Kingdom submitted under LDC 7/6. He explained further, that in essence, the Philippine amendments would permit radioactive wastes dumping at sea only when such operations were in strict compliance with the IAEA requirements and were under the supervision and control of a competent regional organization to which countries in the geographic area or areas likely to be most affected are members. He informed the Meeting that the Philippines proposal has been prepared in an attempt to facilitate consensus in case the proposals (LDC 7/7, LDC 7/7/3, LDC 7/7/4) submitted under agenda item 7 were not accepted by the Meeting during the present session. He emphasized, however, that the Kiribati and Nauru proposal was the preferred position of his country.

7.7 The delegation of the Federal Republic of Germany, in introducing LDC 7/WP.2, welcomed the initiative of Kiribati and Nauru. It pointed out that perhaps it had been an oversight by the delegations of Kiribati and Nauru in moving a prohibition of dumping of radioactive wastes at all levels, which would prohibit dumping of practically anything and also curtail certain oceanographic research activities. That delegation, therefore, proposed that the Scientific Group on Dumping, in co-operation with the IAEA, be instructed to assess the basic supporting scientific document LDC 7/INF.2 and to determine the "de minimis" level of radioactivity of wastes and other matter for the purposes of the London Dumping Convention.

7.8 The delegation of Portugal informed the Meeting that since 1967 Portugal had been objecting, as a matter of principle, to the dumping of radioactive wastes at sea. It had, however, agreed to participate in the OECD/NEA Multilateral Consultation and Surveillance Mechanism for Sea Dumping of Radioactive Waste, in order to secure their international control. He felt that all dumping operations must be discontinued in view of their possible damaging consequences, and that

this aim could only be achieved through general consensus in international fora. Therefore, the Portuguese delegation supported all effective ways of achieving protection of the marine environment within the framework of the London Dumping Convention, and suggested that the proposals of amendments to the Annexes be referred to the Ad Hoc Scientific Group on Dumping. The Portuguese delegation also supported the suspension of sea dumping of any radioactive waste until such time as scientific and technical evidence allowing a sound decision on this matter is produced. The text of this statement was contained in LDC 7/INF.17.

7.9 In presenting LDC 7/INF.15, the delegation of Brazil supported the draft resolution submitted by the United Kingdom (LDC 7/6) with the amendments proposed by the Philippines. World history had always shown that radical changes were not good for the countries concerned. The Brazilian delegation was of the view that each country should choose sea or land disposal of radioactive wastes guided by common sense and by observing the internationally agreed rules for the protection of the environment.

7.10 In presenting the view of the United States on this matter, the United States delegation emphasized the importance of following established procedures and thus maintaining the integrity of the London Dumping Convention. The established procedures, in this instance, were the decisions of the third and fifth Consultative Meetings (LDC resolution 10(V) - Procedure for Preparation and Consideration of Amendments to Annexes to the London Dumping Convention) and the provision of Article XV(2) of the Convention. The document submitted in support of the Kiribati and Nauru proposal for amendments (LDC 7/INF.2), was made available for review only for a short time and, according to scientists of the United States, could not withstand critical scrutiny. The United States believed that, because of the seriousness of the issue raised by Kiribati and Nauru, not only the document LDC 7/INF.2, but all other relevant studies and information should be reviewed by the Scientific Group on Dumping and by technically knowledgeable international bodies, in particular, the IAEA and OECD/NEA. A review could also consider information available in the United States, as well as the IAEA and NEA, including the methodologies for assessment of land alternatives being prepared by the IAEA. The United States delegation therefore proposed that the above-mentioned review should be completed within 24 months and that the Meeting resolve to deliberate on the progress made and results of such review at its eighth and ninth meetings.

7.11 The Irish delegation was opposed in principle to the dumping of radioactive wastes at sea. As one of the countries nearest the dumping site currently used, Ireland was concerned at any possible adverse effects which dumping may have on human health or marine life. Ireland has so far co-operated in the OECD/NEA Multilateral Surveillance Mechanism but the Irish Government was coming under

increasing domestic pressure from a public opinion which was not convinced that dumping does not constitute a hazard. While opposing dumping, Ireland appreciated the need for time to allow countries engaged in dumping to phase out the practice. The Irish delegation felt that the Nordic proposal (LDC 7/7/3) best met the interests of all parties affected. The Irish delegation welcomed the undertaking given by the United Kingdom to end dumping at sea should a scientific study show that dumping was harmful to human health and the marine environment. However, where doubt existed, the onus was surely on the country engaged in dumping to prove it safe or to refrain from such practice.

7.12 The Netherlands delegation informed the Meeting that since 1967 low and medium level radioactive waste had been dumped from that country into the Atlantic ocean. The Government of the Netherlands had installed an independent commission to advise it on alternative methods of disposal, which would report before 1984 at the latest. Nevertheless, the Netherlands Government was looking for possibilities to avoid dumping at sea as from 1983 and had decided to obtain facilities for interim storage on land. In view of the difficulties in obtaining facilities for this storage, the Netherlands delegation stated that the possibility could not be ruled out of a dumping operation being carried out by the Netherlands during the course of the year. The Netherlands delegation was in favour of a thorough study of all available scientific and technical material by the Scientific Group in close co-operation with the IAEA, before any decisions are taken by the Consultative Meeting (LDC 7/INF.20).

7.13 The New Zealand delegation expressed sympathy for the deep concern which led to the Kiribati and Nauru proposal (LDC 7/7) and stated that the nuclear tests carried out in the Pacific region since 1945 left considerable damage to the environment and that the further introduction of radioactivity on whatever scale to the marine environment as a whole, and, in particular, to that of the Pacific region should be avoided. A new Convention being elaborated under the South Pacific Regional Environment Programme would contain a very specific prohibition on the dumping of all nuclear waste in the area to which it applies. The New Zealand delegation supported the proposal for the referral of the proposed amendments for scientific examination in accordance with the provisions of the London Dumping Convention.

7.14 The Japanese delegation believed that the sea disposal of radioactive wastes would not adversely affect the marine environment, when carried out in accordance with the present international framework of controls which is established on firm scientific basis. The Japanese delegation expressed strong opposition to proposals which might result in the total or partial prohibition of sea disposal of radioactive wastes permitted under the London Dumping Convention as it failed to see any scientific rationale showing that properly controlled

dumping is detrimental to human health and to the marine environment. As preliminary studies of the scientific and supporting material submitted by Kiribati (LDC 7/INF.2) indicated that there are many points which are erroneous or doubtful in its contents, that delegation felt the document called for further study. The Japanese delegation proposed that the paper be studied by a competent international body such as the Scientific Group on Dumping in full collaboration with the IAEA.

7.15 The delegation of Papua New Guinea, as a representative of a State from the South Pacific region, supported the proposal of Kiribati and Nauru. With regard to the proposed review of scientific evidence relating to the proposed amendments to the Annexes, that delegation drew attention to the comparative lack of relevant scientific resources which Pacific island countries could bring to bear on the subject. Nevertheless, although Papua New Guinea could not conduct scientific studies to provide such evidence, it was prepared to co-operate in such a study.

7.16 The USSR delegation noted that the USSR always supported all decisions promoting the protection of marine environment at inter-governmental as well as non-governmental fora. That was why the USSR was in favour of all activities aimed at the prevention of sea pollution and was interested in effective activity of the London Dumping Convention on a long-term basis. The effectiveness and authority of the London Dumping Convention as a global Convention depended on the implementation of all Articles of the Convention as well as the decisions, rules and procedures adopted by the Meetings of Contracting Parties. The USSR delegation considered it necessary:

- .1 to transmit the background materials of Kiribati and Nauru for consideration by a Technical Committee of the IAEA, which is the most competent body. It could work together with experts of the Contracting Parties to the London Dumping Convention and complete its work in the near future;
- .2 bearing in mind the great number of draft resolutions and proposals of controversial character and the evident lack of consensus on them, not to vote on the resolutions but to reflect the opinions of delegations in the final report of this Meeting;
- .3 to state in the final report that the present Meeting:
 - gave a new momentum to the problem of marine environment pollution by dumping of radioactive wastes;
 - showed the anxiety of all Contracting Parties about the problem;

- helped to clear the positions of the countries on the problem and indicated possible ways of its solution;

- .4 to consider thoroughly and urgently all proposals, as well as the conclusion of an IAEA Technical Committee reached on LDC 7/INF.2.

7.17 The Swiss delegation fully agreed with the declaration of the United Kingdom delegation (LDC 7/6). It informed the Meeting that Switzerland dumped only small quantities of low-level radioactive wastes at the site designated by the OECD/NEA and that the suitability of the site was checked periodically by experts including those from non-dumping countries. According to the report of the OECD/NEA expert group, published in 1980, the dumpsite would be suitable at least for the next five years and there was no risk of radiation to members of the public.

7.18 The French delegation expressed its satisfaction that a very frank discussion took place on the highly important subject of the dumping of radioactive wastes. France did not carry out any dumping of radioactive wastes but participated in the OECD/NEA Multilateral Consultation and Surveillance Mechanisms and had thus been able to satisfy itself of the quality of the control exercised within that framework. France was currently considering the entire body of problems related to the disposal and control of radioactive wastes and all options are being studied with the aim of taking into account the full range of relevant data. As regards the proposed amendments submitted to this Meeting, the delegation was also of the view that established procedures be followed. France considered that the evidence provided to support those amendments did not constitute a thorough and adequate scientific basis for amending the Convention and consequently it could not accept those amendments. France felt that it was, however, necessary to deal effectively and in depth with the question of the disposal of radioactive wastes by dumping at sea and that this could be done within the framework of a multidisciplinary working group specially set up under the London Dumping Convention and composed of highly qualified experts and involving representatives of specialized bodies. The work of such a group might lead to proposals for submission to a subsequent meeting of Contracting Parties (LDC 7/INF.21).

7.19 The Nigerian delegation said that the Federal Republic of Nigeria recognized the important work of the London Dumping Convention which it had joined in 1976. Nigeria, as a non-dumping country, did not wish to encourage dumping and, therefore, sympathized with the proposal of Kiribati and Nauru (LDC 7/7). The Nigerian delegation believed that the provisions of Article XV

of the Convention must be respected and that the scientific supporting document (LDC 7/INF.2) should be referred to the Scientific Group on Dumping for review. The Group should include experts and representatives nominated by the IAEA, UNEP and Parties to the London Dumping Convention.

7.20 The delegation of Canada informed the Meeting that Canada did not engage in the dumping of radioactive waste at sea and had considerable sympathy for the sincerity and depth of the concerns of Kiribati and Nauru. The delegation believed that the London Dumping Convention must be maintained as a mechanism for ensuring that all dumping is controlled in accordance with sound scientific and environmental standards. The delegation was of the opinion that a final resolution at this time of the various proposed amendments would go against the very words of Article XV of the Convention, namely "Amendments to the Annexes will be based on scientific or technical considerations" since the necessary scientific evaluation of the proposal had not yet taken place. It seemed that the dilemma which faced the Meeting concerning ocean disposal of radioactive waste might well be resolved by an approach that recognized that regional conventions may take special or more stringent action on any or all aspects of ocean dumping. The London Dumping Convention, however, was a global convention that must set world standards. Action at the global level must take place in a scientifically sound and circumspect manner. Decisions must be based on consensus if the Convention was to be effective. The Canadian delegation, therefore, supported the proposal that the scientific evidence placed before the Meeting be very diligently reviewed before any decision was reached and that this review be carried out within two years.

7.21 The delegation of Panama, which was a non-dumping country, sympathized with the Kiribati and Nauru proposal and felt that a solution should be found which was acceptable to all.

7.22 The Argentinian delegation stated that Argentina was deeply concerned with the dumping of radioactive wastes and believed that the important point was whether dumping should be continued whilst a scientific basis for the proposal was being studied.

7.23 In introducing LDC 7/7/1, the observer from IAPH informed the Meeting of the special problems the world ports and harbours might face if the amendments proposed by Kiribati and Nauru (LDC 7/7) were adopted without modification. According to the proposed amendments, dumping of all radioactive wastes and matter, regardless of the level, form, content or method of containment would be prohibited. As virtually all harbour sediments contain some radioactive matter, essential dredging operations could be halted. The observer from IAPH urged that

the scientific basis of the proposed amendments be reviewed by the Scientific Group on Dumping and the special problem raised by the IAPH also be considered.

7.24 The observer from Greenpeace International expressed strong support for the amendments proposed by Kiribati/Nauru (LDC 7/7). He introduced LDC 7/7/2 and LDC 7/INF.10 and referred to five resolutions and declarations recently adopted on this subject in international meetings of governmental and non-governmental organizations. In the opinion of Greenpeace the disposal of radioactive wastes at sea posed potential harm to the marine environment and therefore the proposed amendments were needed. It was also the view of Greenpeace that the basis for reaching a decision on the safety of radio-active waste dumping could never be judged entirely on scientific evidence and Greenpeace International expressed reservations as to whether the United Kingdom could ever accept an authoritative scientific statement as a sufficient basis to cease dumping. Greenpeace felt that there were political, social and moral grounds which were also relevant to the question of whether radioactive wastes should be disposed of by dumping at sea.

7.25 The observer from Belgium informed the Meeting that in his country the procedure of ratifying the London Dumping Convention, which is currently progressing, could be suspended for an indefinite time if this Consultative Meeting were to adopt fundamental amendments to the Annexes without taking into account the requirements of Article XV(2) of the Convention. He further described the problem Belgium faced with regard to land storage of radioactive wastes, due to the high population density of Belgium and its particular geographical characteristics.

7.26 The Greek delegation stated that Greece did not engage in any dumping operation of radioactive wastes and was very concerned with this issue. Greece strongly believed that oceans were a common heritage of mankind and further steps must be taken for their protection. Greece was very sympathetic with the issue raised by Kiribati, Nauru, Spain and other countries, but it believed that appropriate steps must be taken according to the provisions of the London Dumping Convention. If the scientific review of the proposal by Kiribati and Nauru were to be conducted, it should be done in close co-operation with the IAEA and other relevant agencies as soon as possible.

7.27 After the above presentation of papers and statements by various delegations on the question, the discussion of this agenda item was suspended, during which informal negotiations were carried out with a view to finding a solution acceptable to all Contracting Parties.

7.28 On resumption of the discussion, the Meeting was informed that there was a general agreement among the Contracting Parties present that the scientific basis for the proposal of Kiribati and Nauru should be reviewed by an expert group. Kiribati and Nauru tabled their proposal pending such expert review consistent with the rules of procedure for amending the Annexes to the Convention (resolution LDC.10(V)). Consequently, the Meeting set up a small drafting group to prepare the terms of reference and structure of such an expert group. The outcome of the work of the drafting group and decisions taken by the Consultative Meeting on this matter are recorded under agenda item 10 on the future work programme.

7.29 In view of the above, the Danish delegation, speaking on behalf of the Nordic countries, withdrew the proposals for a procedural vote in relation to the proposed amendments to the Convention contained in LDC 7/7/3 and LDC 7/WP.7. In this connexion, the Danish delegation stated that in the view of the Nordic countries, the referral of the matter to the expert group was not a mandatory requirement under Article XV of the London Dumping Convention. The United Kingdom delegation also expressed its readiness to withdraw its proposal contained in LDC 7/6.

7.30 The Spanish delegation then introduced LDC 7/7/4/Rev.1 containing a revised draft resolution which was worked out as a compromise, after consultation with a number of delegations. That resolution called for the suspension of all dumping at sea of radioactive wastes pending presentation of the final report of the above expert group. The Spanish delegation put a motion to vote on this draft resolution, which was supported by a number of delegations.

7.31 In response to requests from other delegations the Spanish delegation stated that the resolution did not have the effect of modifying Annexes I and II to the Convention.

7.32 The Japanese delegation, supported by other delegations, expressed the view that any decision of the Consultative Meeting should be taken on the basis of consensus in order to maintain the integrity of the Contracting Parties.

7.33 The Canadian delegation proposed the insertion of a paragraph in the record of the Meeting to the effect that the resolution merely asked Contracting Parties as an expression of their good faith to suspend dumping of radio-active wastes in the intervening period. It did not imply any changes to national legislation or national obligations under international Conventions. The resolution might

then be approved by consensus. This was supported by the delegation of Chile. The United States delegation, noting the statements of the Spanish delegation that its proposed resolution did not have the effect of amending Annexes I and II of the Convention, moved that a paragraph incorporating the substance of the Canadian statement be added to the resolution proposed by Spain in order to gain consensus.

7.34 The Chairman, after taking procedural advice from the Secretariat, rules that the motion made by the United States delegation and the statements made by the Japanese and Canadian delegations as above came after the decision was taken to vote on the Spanish proposal. A roll call vote, requested by the Spanish delegation, was taken on LDC 7/7/4/Rev.1 with the following results:

<u>In favour</u>	<u>Against</u>	<u>Abstention</u>
Argentina	Japan	Brazil
Canada	Netherlands	France
Chile	South Africa	Federal Republic of Germany
Denmark	Switzerland	Greece
Finland	United Kingdom	USSR
Iceland	United States	
Ireland		
Kiribati		
Mexico		
Morocco		
Nauru		
New Zealand		
Nigeria		
Norway		
Papua New Guinea		
Philippines		
Portugal		
Spain		
Sweden		

7.35 Resolution LDC.14(7) as adopted above is set out at Annex 3.

7.36 Following the decision, the United Kingdom delegation withdrew LDC 7/WP.8. The Netherlands delegation explained its negative vote on the ground that their country experienced difficulties in obtaining temporary storage of low and medium level radioactive waste on land and therefore that it might have to carry out a dumping operation in the course of 1983. Nevertheless, the Netherlands Government hoped to succeed in finding appropriate storage facilities on land.

7.37 The United States delegation explained that its vote against this resolution reflected its concern with the procedure employed, which, in its view was an abrogation of the normal procedures of the Convention and its Rules of Procedure for dealing with Annex I and Annex II issues (LDC Res.10(V)). The United States had not dumped radioactive wastes over the last twelve years and would not dispose at sea of low-level radioactive wastes during the next two years, except possibly for research purposes.

7.38 The delegation of Canada was of the opinion that the resolution it supported and which had been adopted by the Meeting was not tantamount to an amendment of the Annexes of the Convention. Canada believed that the resolution was not of a legally binding character, but rather an expression of the good faith of the Contracting Parties.

7.39 The delegation of Mexico, representing one of the four depository countries of the Convention, expressed its satisfaction with the adopted resolution, considering that it was taken in accordance with the legal requirements of this Convention and, at the same time, reflected the legitimate concern of an important number of Member States. That delegation further emphasized the growing importance of this matter and was confident that it would receive the appropriate technical and scientific consideration in order to be duly dealt with in future Consultative Meetings.

7.40 The USSR delegation abstained from voting because, in its view, the draft resolution constituted in substance an amendment to Annex II of the Convention and its acceptance should have followed the procedure similar to the one for amendments. The USSR delegation regretted that by the voting the Meeting departed from the custom of taking decisions by consensus.

7.41 The Swiss delegation expressed the view that Switzerland did not feel bound by the resolution.

7.42 The South African delegation indicated its position as reflected in LDC 7/INF.25.

Proposed amendments to Annex III to the Convention

7.43 The Meeting considered the draft resolution prepared by the Secretariat (LDC 7/WP.4) as referred to in paragraph 3.8 of this report, concerning an addition of a new paragraph in Annex III of the Convention to establish technical guidelines for the implementation and uniform interpretation of Annex III, and a proposed resolution prepared by the Netherlands to establish the technical guidelines without an amendment to Annex III (LDC 7/WP.6).

7.44 The Meeting adopted the draft resolution proposed by the Netherlands (LDC 7/WP.6) with some amendments. The resolution LDC 15(7) as adopted is shown in Annex 4. The Secretariat was requested to prepare draft technical guidelines for the implementation and uniform interpretation of the provisions of Annex III to be considered by the Scientific Group on Dumping at its next meeting with a view to the formal adoption of the guidelines at the Eighth Consultative Meeting.

8 PROMOTION OF TECHNICAL ASSISTANCE

Technical assistance activities of the Organization

8.1 In introducing document LDC 7/8 the Secretary pointed out that a comprehensive report of the technical assistance activities of the Organization in the field of the marine environment protection was made in document MEPC 18/11, a copy of which was circulated to the Consultative Meeting for information, and LDC 7/8 covered only those aspects which were relevant to the London Dumping Convention. In this context reference was made to certain meetings and seminars at which information on the requirements of the London Dumping Convention had been presented, in particular the Conference on the Human Environment in the South Pacific which took place in Rarotonga, Cook Islands in March 1982 and the Seminar on the prevention and control of marine pollution by noxious liquid substances held in Malmö, Sweden from 22 March - 2 April 1982 which had been organized by IMO with support from the Swedish International Development Authority (SIDA).

8.2 The Meeting recognized the benefits which experts from developing countries obtained from the attendance of seminars at which the implications of ratification of the Convention and its technical requirements were fully explained. In this regard the Meeting endorsed the suggestion made by the Secretariat in paragraphs 4.2 and 6.1.1 of LDC 7/8 that the Organization should seek financial support to hold a seminar on the prevention and control of pollution by dumping, possibly in 1984. Such a seminar would conform to the objective of increasing the membership of the London Dumping Convention as discussed under agenda item 4.

Roster of experts

8.3 The Meeting noted with approval the intention of the Secretariat to re-issue a Circular letter inviting States to provide up-dated information for inclusion in the Roster of Experts and Institutions for providing advice to Governments, particularly developing countries, in the field of dumping of wastes and other matter. In this context the Meeting agreed that the form of enquiry reproduced in LDC 7/8, Annex, which was originally distributed under LDC.2/Circ.6 of 28 February 1977, might continue to be used for obtaining the necessary information.

9 RELATIONS WITH OTHER ORGANIZATIONS

Oslo Commission

9.1 The observer of the Oslo Commission introduced the report on the outcome of the Eighth Meeting of the Oslo Commission (LDC 7/9). He drew attention in particular to the adoption of a revised Code of Practice for the Incineration of Wastes at Sea, which contained the recommendatory aspects governing marine incineration in the Oslo Convention area and supplemented the legal provisions already adopted by the Oslo Commission. He also referred to the adoption of a revised set of guidelines on the test procedures to be undertaken by a Contracting Party whenever it proposed to permit the dumping of wastes containing Annex I substances, the purpose of such tests being to demonstrate the harmlessness of wastes when dumped in the marine environment in the quantities and manner envisaged. The observer informed the Consultative Meeting that the Oslo Commission had decided to establish a working group to examine the problem of the trans-frontier movement of wastes prior to their disposal at sea. He also mentioned the series of presentations being given by the Contracting Parties to the Oslo and Paris Conventions describing their national policies towards waste disposal in order to set the disposal at sea options in perspective.

United Nations Environment Programme (UNEP)

9.2 The Meeting had before it document LDC 7/INF.9 which contained a summary of recent developments in UNEP's Regional Seas Programme. In presenting this document the UNEP observer pointed out that regional conventions for the protection and management of the marine and coastal environment had now been adopted in five regions and that conventions were in various stages of preparation in three other regions. These conventions are "umbrella agreements", elaborated by specific technical protocols.

9.3 Insofar as dumping was concerned, the Meeting noted that the Mediterranean Protocol for the Prevention of Pollution of the Sea by Dumping presently had seventeen Contracting Parties (sixteen Mediterranean States and the EEC) and that consideration of a draft protocol for the prevention of pollution of the South Pacific region by dumping had recently been initiated at a legal experts' meeting convened by SPC, SPEG, ESCAP and UNEP in Noumea in January 1983.

9.4 It was noted that a more comprehensive account of UNEP's activities was contained in UNEP Regional Seas Reports and Studies No. 1 entitled "Achievements and planned development of UNEP's Regional Seas Programme and comparable programmes sponsored by other bodies", copies of which had been made available by the UNEP observer to participants in the Meeting.

9.5 The UNEP observer stressed the importance which UNEP attached to the role of the IMO/FAO/UNESCO/WMO/WHO/IAEA/UN/UNEP Joint Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP) in the assessment of marine pollution problems. The Meeting was informed that UNEP intended to utilize GESAMP in the formulation of UNEP's long-term policy towards the protection of the marine environment. In this context note was taken of the booklet entitled "GESAMP - The First Dozen Years", copies of which the UNEP observer had arranged to be circulated to participants in the Meeting.

IMO/FAO/UNESCO/WMO/WHO/IAEA/UN/UNEP Joint Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP)

9.6 The Secretary introduced GESAMP Reports and Studies No. 16 entitled "Scientific Criteria for the Selection of Waste Disposal Sites at Sea" (issued under cover of LDC 7/INF.4) and No. 15 entitled "The Review of the Health of the Oceans" (LDC 7/INF.11). Noting that the former report laid down scientific criteria to be considered when issuing permits for the dumping of waste or other matter at sea, the Meeting requested that the Scientific Group on Dumping should review this report at its next session and report the outcome to the eighth Consultative Meeting. The eighth Meeting would then decide whether any further action should be taken with regard to the identification of sea areas which are particularly vulnerable to the disposal of wastes at sea.

9.7 The Meeting expressed its appreciation for the important work undertaken by the GESAMP Working Groups concerned with the preparation of the two reports referred to above.

10 FUTURE WORK PROGRAMME AND DATE OF NEXT SESSION

Action Plan for the Consultative Meeting

10.1 The Meeting took note of the updated Action Plan for the Consultative Meeting prepared by the Secretariat (LDC 7/10) and requested the Secretariat to revise the Action Plan in the light of the progress made at the present Meeting.

10.2 Contracting Parties having comments on LDC 7/10 were requested to transmit such comments directly to the Secretariat for incorporation in the revised version of the Action Plan.

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

10.3 The Consultative Meeting, in the light of the updated Action Plan and the work accomplished during the current Meeting, agreed on substantive items to be included in the Agendas for the Eighth Consultative Meeting and the Seventh meeting of the Scientific Group on Dumping, as shown in Annex 7.

10.4 The Meeting further considered a mechanism for scientific and technical considerations of the dumping of radioactive wastes (see paragraph 7.28 above) in the light of the report of an ad hoc group set up for this purpose (LDC 7/WP.11) and agreed on the mechanism for the preparation of an expert meeting on radioactive matters related to the London Dumping Convention as set out in Annex 6.

Programme of meetings of the Consultative Meeting

10.5 In the light of discussions under agenda item 4, the Consultative Meeting agreed in principle that the Consultative Meetings should be held at intervals of approximately 12 months and the Scientific Group on Dumping should meet approximately six months before the Consultative Meeting, subject to review of this arrangement in the future. Accordingly, the Consultative Meeting agreed to recommend to the IMO Council to make budgetary provision accordingly.

Meeting of subsidiary bodies

10.6 In addition to the meeting of the Scientific Group on Dumping, the Consultative Meeting considered various suggestions on meetings of subsidiary bodies during the intersessional period. Bearing in mind the overall workload of the Contracting Parties for the preparation for and participation in intersessional meetings, the Consultative Meeting agreed to organize the intersessional meeting of the following bodies:

- .1 Task Team 2000, to revise LDC 7/3; and
- .2 Ad Hoc Group of Legal Experts for the Interpretation of Article III of the London Dumping Convention in Relation to the Disposal of High-level Radioactive and Other Hazardous wastes in the Seabed.

10.7 Concerning the proposed meeting on the assessment of the environmental impact of proposed dumping of radioactive and non-radioactive wastes (see paragraph 6.5 above), the meeting agreed that the matter would be reconsidered at the Eighth Consultative Meeting.

Budgetary provisions for the biennium 1984/85

10.8 In the light of the foregoing considerations, the Consultative Meeting agreed to recommend to the IMO Council that provisions be included in the budget for the next biennium 1984/85:

- .1 for two meeting-weeks for the Consultative Meeting; and
- .2 for the Marine Environment Protection Fund at the same level as the present biennium to cover activities relating to marine environment protection, including dumping.

Date of next meeting

10.9 The Consultative Meeting agreed to hold its eighth meeting from 20 to 24 February 1984 and the seventh meeting of the Scientific Group on Dumping in September/October 1985.

11 ANY OTHER BUSINESS

Submission of documents

11.1 The Consultative Meeting was informed of the decisions taken by the IMO technical bodies concerning the submission of documents (LDC 7/11). The Meeting shared the views expressed by these IMO bodies on the importance of receiving documents well in advance of the meeting so that they could be thoroughly studied within governments and, in order to maintain uniformity with IMO bodies, agreed to follow the same procedures for submission of documents in the application of Rule 12 of the Rules of Procedure of the Consultative Meeting, as follows:

- .1 bulky documents and documents which require action or decision should be received by the Secretariat not later than three months before the opening of the meeting. Exception to this rule can only be accepted with prior authorization by the Consultative Meeting;
- .2 other non-bulky documents should be received by the Secretariat not later than two months before the opening day of the meeting; and
- .3 non-bulky documents containing comments on basic documents and purely informative documents may be accepted, provided that they are received by the Secretariat not later than one month before the opening of the meeting.

Comprehensive document on the London Dumping Convention

11.2 The Meeting took note of a draft prepared by the Secretariat (LDC 7/INF.3) of a comprehensive document containing explanation of the London Dumping Convention and the texts of regulations, guidelines, procedures and criteria adopted by the Consultative Meetings. The Meeting expressed its appreciation to the Secretariat on the excellent work which had been devoted to the preparation of the draft document which would be widely used by Contracting States in implementing the London Dumping Convention. The document would also assist other States interested in the Convention in gaining an appreciation of the methods by which the provisions of the Convention are applied.

11.3 The Meeting invited Contracting States to submit to the Secretariat comments on the draft document by 31 May 1983 and requested the Secretariat to prepare a revised draft incorporating such comments for consideration by the Eighth Consultative Meeting.

Statement by the United States Delegation

11.4 In referring to an intervention made by the Observer from Greenpeace International under agenda item 7, with respect to a position taken by the United Kingdom on the question of dumping of low-level radioactive waste, the United States delegation expressed regret that the wording of part of this intervention was neither compatible with the position of non-governmental organizations invited to participate in Consultative Meetings, nor with the diplomatic courtesy required to be shown to representatives of governments.

11.5 The Observer from Greenpeace International expressed his regret if any of his comments were interpreted as reflecting on the sincerity of any delegation's statement.

11.6 The above view of the United States delegation was shared by some other delegations. The delegation of Spain, supported by the delegation of France, expressed a view that there were times in the heat of debate on such items of importance as were before the Consultative meeting when decorum fell below the standard which should normally be accepted. However, it should be recognized that this was not the normal course of events and that the spirit of amity and close co-operation should prevail among all those participating in the work of the Consultative Meeting.

ANNEX 1

AGENDA FOR THE SEVENTH CONSULTATIVE MEETING

- 1 Adoption of the Agenda

LDC 7/1	-	Provisional Agenda
LDC 7/1/1	-	Report on Credentials
LDC 7/1/2	-	Annotated Agenda
LDC 7/1/2/Add.1	-	Revised Draft Timetable
LDC 7/1/3	-	Participation by NGO's

- 2 Status of the London Dumping Convention

LDC 7/2	-	Report of the Secretary-General
LDC 7/2/Corr.1	-	- do. -

- 3 Report of the Ad Hoc Scientific Group on Dumping

LDC 7/3	-	Ad Hoc Group Report
LDC 7/3/1	-	IAPH
LDC 7/INF.7	-	IOC

- 4 Report of the Task Team on a long-range strategy for the Convention

LDC 7/4	-	Secretariat
LDC 7/4/1	-	Greenpeace International
LDC 7/WP.5	-	Chairman of Task Team 2000
LDC 7/INF.5	-	Canada
LDC 7/INF.6	-	Australia
LDC 7/INF.14	-	Denmark, Finland, Iceland, Norway and Sweden
LDC 7/INF.16	-	United States

- 5 Review of reports prepared by the Secretariat in accordance with Article XIV(3)(d) of the Convention

LDC 7/5	-	Secretariat
LDC 7/INF.12	-	Secretariat

- 6 Matters related to the dumping of radioactive wastes at sea

LDC 7/6	-	United Kingdom
LDC 7/6/1	-	Secretariat
LDC 7/WP.1	-	Spain
LDC 7/WP.2	-	Federal Republic of Germany
LDC 7/WP.3	-	Philippines
LDC 7/WP.9	-	Federal Republic of Germany, Norway and Spain
LDC 7/INF.8	-	NEA
LDC 7/INF.13	-	IAEA
LDC 7/INF.15	-	Brazil
LDC 7/INF.17	-	Portugal
LDC 7/INF.20	-	Netherlands
LDC 7/INF.21	-	France
LDC 7/INF.22	-	Norway
LDC 7/INF.24	-	Finland

7 Consideration of proposed amendments to the Annexes to the Convention

(Annexes I and II)

LDC 7/7	-	Kiribati and Nauru
LDC 7/7/1	-	IAPH
LDC 7/7/2	-	Greenpeace International
LDC 7/7/3	-	Denmark, Finland, Iceland, Norway and Sweden
LDC 7/7/4	-	Spain
LDC 7/7/4/Rev.1	-	Spain
LDC 7/WP.7	-	Denmark, Finland, Iceland, Norway and Sweden
LDC 7/WP.8	-	United Kingdom
LDC 7/WP.12	-	Nauru
LDC 7/INF.2	-	Kiribati and Nauru
LDC 7/INF.10	-	Greenpeace International
LDC 7/INF.18	-	United States
LDC 7/INF.19	-	Finland
LDC 7/INF.23	-	Kiribati
LDC 7/INF.25	-	South Africa

(Annex III)

LDC 7/WP.4	-	Secretariat
LDC 7/WP.6	-	Netherlands

8 Promotion of technical assistance

LDC 7/8	-	Secretariat
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9 Relations with other organizations

LDC 7/9	-	Oslo Commission
LDC 7/INF.4	-	GESAMP
LDC 7/INF.9	-	UNEP
LDC 7/INF.11	-	GESAMP

10 Future work programme and date of next session

LDC 7/10	-	Secretariat
LDC 7/10/1	-	Secretariat
LDC 7/WP.11	-	Drafting group

11 Any other business

LDC 7/11	-	Secretariat
LDC 7/INF.3	-	Secretariat

12 Consideration and adoption of the report

LDC 7/WP.10	-	Secretariat
LDC 7/WP.10/Add.1	-	Secretariat
LDC 7/12	-	Report

ANNEX 2

RESOLUTION LDC.13(7)

ACTION TO INCREASE THE NUMBER OF CONTRACTING PARTIES TO
THE CONVENTION ON THE PREVENTION OF MARINE POLLUTION
BY DUMPING OF WASTES AND OTHER MATTER

THE SEVENTH CONSULTATIVE MEETING,

RECOGNIZING that the marine environment and the living organisms which it supports are of vital importance to humanity, and all people have an interest in assuring that it is so managed that the quality and resources are not impaired,

RECALLING that Contracting Parties shall seek to co-operate with Parties to regional agreements in order to develop harmonized procedures to be followed by Contracting Parties to the different conventions concerned, and that special attention shall be given to co-operation in the field of monitoring and scientific research,

RECALLING FURTHER that under the Convention Contracting Parties are to promote co-operation with and between regional organizations concerned with the prevention of marine pollution,

NOTING ALSO that under the Convention Contracting Parties shall take effective measures individually, according to their scientific, technical and economic capabilities,

1 URGES all States to become party to the London Dumping Convention for the benefit of the marine environment;

2 REQUESTS the Secretary-General of the International Maritime Organization to communicate to all States, Members of the United Nations and the specialized agencies the value of the London Dumping Convention as a global basis for the application of sea-disposal principles and practices with regard to waste management and the importance of the Convention to supply the co-ordination, assistance and comprehensive approach needed to consolidate the jurisdiction applied at regional and national levels;

3 REQUESTS FURTHER the Secretary-General to invite the Executive Director of the United Nations Environment Programme and the Director General of the United Nations Educational, Scientific and Cultural Organisation to bring this Resolution to the attention of their respective Governing Bodies with a view to encouraging wider acceptance of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter.

ANNEX 3

RESOLUTION LDC 14(7)

DISPOSAL OF RADIO-ACTIVE WASTES AND OTHER
RADIO-ACTIVE MATTER AT SEA

THE SEVENTH CONSULTATIVE MEETING,

RECOGNIZING that the marine environment and the living resources of the sea are of vital importance to all nations,

RECOGNIZING that the London Dumping Convention plays a decisive role as a means of protecting the marine environment,

CONSIDERING that the Convention should continue to be an effective global forum for the Contracting Parties in which to pool the advances of science and technology in their efforts to combat marine pollution,

OBSERVING the increasing concern of a growing body of public opinion with regard to the dumping of radio-active substances,

RECOGNIZING that the practice of dumping radio-active substances at sea is limited to a small number of countries and that some of them have suspended such dumping,

NOTING that, given the present state of research on the matter within international bodies, it is considered necessary to carry out programmes to extend current knowledge of dumping zones,

CONSIDERING that the Seventh Consultative Meeting had decided to refer proposals for the amendment of Annexes I and II of the London Dumping Convention regarding the dumping of radio-active wastes and other radio-active matter at sea to an expert meeting on radio-active matters related to the London Dumping Convention,

CALLS for the suspension of all dumping at sea of radio-active materials pending the presentation to the Contracting Parties of the final report of the expert meeting on radio-active matters related to the London Dumping Convention.

ANNEX 4

RESOLUTION LDC .15(7)

THE NEED FOR CLARIFYING THE INTERPRETATION OF ARTICLE III OF
THE LONDON DUMPING CONVENTION IN RELATION TO DISPOSAL OF
HIGH-LEVEL RADIO-ACTIVE AND OTHER HAZARDOUS WASTES IN THE SEA-BED

THE SEVENTH CONSULTATIVE MEETING,

RECOGNIZING that the marine environment and the living resources of the sea are of vital importance to all nations,

RECOGNIZING that the London Dumping Convention plays a decisive role as a means of protecting the marine environment,

CONSIDERING that sea dumping of high-level radio-active waste and other hazardous wastes is prohibited under the Convention,

NOTING that the Nuclear Energy Agency of the OECD has initiated a programme of research and development in the field of sea-bed disposal of high-level radio-active waste,

RECALLING the definition of the term "dumping" in Article III of the London Dumping Convention,

ACKNOWLEDGING the responsibility of the Contracting Parties in securing compliance with the provisions of the Convention,

AWARE of the need for the eventual clarification of the circumstances under which sea-bed disposal of high-level radio-active and other hazardous wastes would be contrary to the provisions of the Convention,

1 DECIDES to convene an intersessional meeting of legal experts under the Convention for this purpose;

2 INVITES all Contracting Parties, as well as observers from intergovernmental bodies involved, to participate in the meeting;

3 INVITES the expert meeting to report to the Eighth Consultative Meeting of Contracting Parties on its discussions, conclusions and the recommendations it may wish to make on the basis of the conclusions;

4 INVITES the Eighth Consultative Meeting to take any further steps it might find appropriate on the basis of the report from the intersessional expert meeting.

ANNEX 5

RESOLUTION LDC 16(7)

GUIDANCE FOR THE APPLICATION OF ANNEX III

THE SEVENTH CONSULTATIVE MEETING,

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

NOTING the discussion which took place within the Ad Hoc Scientific Group on Dumping on the need for Contracting Parties, when establishing criteria governing the issue of permits for the dumping of matter at sea, to be guided in their application of the provisions of Annex III to the Convention,

CONSIDERING that to that end the Ad Hoc Scientific Group on Dumping recommended the adoption of a proposal for amending Annex III, for which several options were submitted, inter alia, the inclusion of a provision in the Annex which refers to the establishment of technical guidelines for the implementation and uniform interpretation of Annex III,

CONSIDERING FURTHER that such amendment may be regarded as a cumbersome procedure as it requires approval by the Contracting Parties in accordance with their respective constitutional requirements,

CONVINCED that with a view to achieving the required flexibility in the progressive development of a uniform and balanced application of Annex III, the adoption of technical guidelines by a resolution of the Consultative Meeting may also be an adequate solution,

DESIRING that in actual practice the Contracting Parties comply with the proposed technical guidelines,

BELIEVING that Annex 3 to the report of the sixth meeting of the Ad Hoc Scientific Group on Dumping provides a useful framework for drawing up such guidelines,

- 1 ADOPTS, in principle, the framework for technical guidelines of an advisory nature for the implementation and uniform interpretation of the provisions of Annex III to the Convention as set out in Annex 3 to the report of the Ad Hoc Scientific Group on Dumping (document LDC 7/3);
- 2 REQUESTS the Secretariat to draft such technical guidelines on the basis of this framework for submission to the seventh meeting of the Scientific Group on Dumping;
- 3 REQUESTS the Scientific Group on Dumping to prepare a final draft of the technical guidelines with a view to final adoption by means of a resolution of the Eighth Consultative Meeting;
- 4 CALLS upon Contracting Parties provisionally to take account of this framework for technical guidelines in establishing criteria with regard to the issue of permits for the dumping of matter at sea.

ANNEX 6MECHANISM FOR THE PREPARATION OF AN EXPERT MEETING ON
RADIO-ACTIVE MATTERS RELATED TO THE LONDON DUMPING CONVENTION

1 Under the auspices of the Consultative Meeting of Contracting Parties to the London Dumping Convention, a meeting will be held of experts from Contracting Parties, international and inter-governmental organizations and non-governmental organizations knowledgeable in such fields as marine ecology, oceanography, radiological protection, marine geochemistry and marine mathematical modelling.

2 The task of the above meeting is to:

- .1 review the scientific and technical considerations relevant to the proposals for the amendment of the Annexes to the Convention related to the dumping of radio-active wastes submitted by Kiribati/Nauru and the Nordic States; and

- .2 to report thereon to the Consultative Meeting.

3 In order to prepare for this meeting IMO and IAEA will be invited to request information on the subject matter from Contracting Parties, Member States and relevant organizations. In addition, IAEA will be invited to convene an inter-agency meeting with invited experts to put together information for the above discussions. IMO, UNEP, ICES, IOC, UNSCEAR, WHO and NEA will be invited to send experts and to participate in this inter-agency meeting. A status report, including a listing of all material received, will be submitted to the Eighth Consultative Meeting.

ANNEX 7SUBSTANTIVE ITEMS TO BE INCLUDED IN THE AGENDA FOR THE
EIGHTH CONSULTATIVE MEETING AND FOR THE SEVENTH
MEETING OF THE SCIENTIFIC GROUP ON DUMPINGEighth Consultative Meeting

- Report of the Scientific Group on Dumping.
- Report of the Task Team 2000.
- Status reports of activities relating to the disposal of radio-active wastes at sea.
- Legal aspects of the sub-sea bed disposal of high-level radio-active and other hazardous wastes.
- Consideration of proposed amendments to the Annexes to the Convention.
- Promotion of technical assistance.
- Relations with other organizations.
- Future work programme and date of next session.

Scientific Group on Dumping

- The position of lead and lead compounds in the Annexes to the Convention.
- The status of organosilicons in Annex II.
- Criteria for the allocation of substances in Annexes I and II.
- Interpretation of the term "trace contaminants".
- Implementation guidelines for Annex II.
- Guidelines for the implementation and uniform interpretation of Annex III.
- Review of information on land-based alternatives to the disposal of wastes at sea.
- Review of GESAMP Reports and Studies No.16 "Scientific Criteria for the Selection of Waste Disposal Sites at Sea".

- Incineration at sea.
 - Monitoring for the purposes of the London Dumping Convention.
 - Detailed technical discussion of problems associated with the implementation of Annex I, in particular with regard to:
 - .1 cadmium;
 - .2 oil in dredged material;
 - .3 "special care" techniques for the disposal of contaminated dredged material.
 - Consideration of reports on dumping.
 - Review of reporting procedures.
-