



FIFTH CONSULTATIVE MEETING OF  
CONTRACTING PARTIES TO THE  
CONVENTION ON THE PREVENTION  
OF MARINE POLLUTION BY DUMPING  
OF WASTES AND OTHER MATTER  
22-25 September 1980

IMCO

Agenda item 12

REPORT OF THE FIFTH CONSULTATIVE MEETING

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## 1 INTRODUCTION

### Opening of the Meeting

1.1 The Fifth Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, convened in accordance with Article XIV(3)(a) of the Convention, was held at IMCO Headquarters, London, from 22 to 25 September 1980.

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

ARGENTINA	NORWAY
CANADA	PANAMA
CHILE	POLAND
CUBA	PORTUGAL
DENMARK	SOUTH AFRICA
FRANCE	SPAIN
GERMANY, FEDERAL REPUBLIC OF	SWEDEN
ICELAND	SWITZERLAND
MEXICO	USSR
MOROCCO	UNITED KINGDOM
NETHERLANDS	UNITED STATES
NIGERIA	

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

AUSTRALIA	ITALY
BRAZIL	JAPAN
IRELAND	

by observers from the following United Nations organizations:

UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)  
UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION (UNIDO)  
INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)

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

INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA (ICES)  
OSLO COMMISSION  
PARIS COMMISSION  
INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)

1.3 At the opening of the Meeting, Prof.Dr. A. Engström (Sweden) was unanimously elected Chairman, Mr. G.L. Holland (Canada) and Dr. F.S. Terziev (USSR) were unanimously elected First Vice-Chairman and Second Vice-Chairman, respectively.

1.4 When opening the Meeting, the Secretary-General of IMCO summarized the principal activities in the field of marine pollution in which IMCO had been involved since the Fourth Consultative Meeting, referring also to the work of other international organizations of interest to the Meeting, which had taken place during the intersessional period. He also drew attention to the World Maritime Day which was celebrated by IMCO and the world maritime community.

The theme for the World Maritime Day this year, MARITIME TRAINING FOR SAFER SHIPPING AND CLEANER OCEANS, had been chosen to highlight the importance to the shipping industry of the development of high standards of maritime training.

#### Adoption of the Agenda

1.5 The Agenda for the Meeting, as adopted, is shown in Annex 1. This includes, under each item, a list of documents which were considered.

#### Observer status of international organizations

1.6 The Meeting considered the list of inter-governmental and non-governmental international organizations which the Second Consultative Meeting had agreed to invite to Consultative Meetings as observers (LDC V/1/2, Annex 2). The Meeting agreed that a revised list should be prepared intersessionally by the Chairman and Vice-Chairmen, taking into account Rules 3(d) and (e) of the Rules of Procedure (LDC I/16, Annex II). The Secretary-General was requested to circulate that list in time for the Sixth Consultative Meeting for consideration and approval and to invite international organizations to the Sixth Consultative Meeting in accordance with the provisional revised list.

1.7 The Consultative Meeting noted the application for observership status by Greenpeace International, and decided that the Chairman and Vice-Chairmen should consider this particular application in the preparation of the revised list, taking into account comments made by delegations during the Fifth Consultative Meeting on this subject.

## 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 Amendments thereto (LDC V/2) and noted that as at 1 September 1980 forty-four governments had ratified or acceded to the Convention. The Meeting noted that, as requested by the Fourth Consultative Meeting, the Secretary-General had written to governments which had not yet ratified or acceded to the Convention, inviting them to do so as soon as possible (Circular letter No.707 of 12 February 1980). The Meeting welcomed this information and requested the Secretary-General to continue to urge all States which have not yet done so to ratify or accede to the Convention as soon as possible.

2.2 The Meeting noted with satisfaction the statement made by the observer from Japan that the instrument of ratification of the London Dumping Convention had been approved by the Diet and that it is expected to be deposited in October 1980.



3 PROCEDURES FOR THE CONSIDERATION AND ADOPTION OF AMENDMENTS  
TO THE LONDON DUMPING CONVENTION

3.1 The Government of Chile had proposed an amendment to Article XV of the Convention (LDC V/3) establishing a minimum period for the circulation of proposed amendments to Contracting Parties prior to the consideration of amendments at a consultative or special meeting. Several delegations supported the proposal, emphasizing that the circulation of proposed amendments to Contracting Parties well in advance of a consultative or special meeting would enable them to give thorough consideration to such proposed amendments within their Administrations. Other delegations, whilst expressing support with the proposal submitted by Chile, preferred an amendment to the Rules of Procedure in this respect in the first instance to avoid procedural delays that might be entailed in an amendment to the Convention.

3.2 The Meeting finally agreed that procedures for circulation of proposed amendments should initially be adopted by a resolution and incorporated in an amendment to the Convention in due course. The Resolution LDC Res.9(V) on Procedures for the Circulation of Proposed Amendments to the London Dumping Convention as adopted by the Meeting is set out in Annex 2.

3.3 With reference to the suggestions made at the Fourth Consultative Meeting on a procedure for the preparation, review and adoption of amendments to the Annexes to the Convention (LDC IV/12, paragraph 3.19) the delegation of the Federal Republic of Germany had submitted a document (LDC V/3/1) proposing that amendments to the Annexes of the Convention should not be adopted unless new scientific findings had been made or a new chemical compound had been discovered.

3.4 The Meeting after considering comments made by several delegations adopted Resolution LDC Res.10(V) on the Procedure for Preparation and Consideration of Amendments to Annexes to the London Dumping Convention set out in Annex 3.

4 REPORT OF THE AD HOC SCIENTIFIC GROUP ON DUMPING

4.1 The Chairman of the Ad Hoc Scientific Group on Dumping, Mr. T.A. Wastler (United States) introduced the report of the Group (LDC V/4). The Meeting approved the report in general and took the following action in relation to the matters considered under this agenda item.

Review of Annexes I and II to the London Dumping Convention

4.2 With regard to the inclusion of lead and lead compounds in Annex I to the Convention the Meeting noted that the Ad Hoc Group had not reached consensus on that question and that several delegations had preferred to delay the consideration until further discussions had been held within their national institutions.

4.3 Several delegations supported the proposal that lead and lead compounds should be included in Annex I to the Convention. A number of delegations, however, pointed out that discussions were still going on within their national institutions and that the outcome of these considerations should be awaited before taking any further action. Some delegations stressed that the quantities introduced into the marine environment by dumping were small in relation to other sources and that the problem should be regarded as part of the prevention and control of pollution of the whole environment. The United Kingdom delegation pointed out in this respect that it was important to continue to review the evidence on lead objectively and not to take decisions based more on concern about other parts of the environment.

4.4 The Canadian delegation indicated that it would submit further background material in support of the proposal to include lead and lead compounds in Annex I for consideration at the next meeting of the Ad Hoc Scientific Group. It also expressed the hope that other countries would also submit the outcome of their considerations to the Ad Hoc Scientific Group. The Netherlands delegation proposed that Contracting Parties in their submission should include a description of steps taken by national authorities for reducing the introduction of lead and lead compounds in the whole environment.

4.5 The Meeting agreed that the Ad Hoc Group should further study the scientific background material which would hopefully be submitted by Contracting Parties and that this item should be considered with high priority, taking into account the concern expressed by several Contracting Parties at this Meeting. The Meeting agreed further to include lead and lead compounds in the "list of hazardous substances" referred to in paragraph 4.7 below.

4.6 The Meeting further noted that the Group had considered the General Guidelines for Classification of Substances to Annexes I and II to the London Dumping Convention (LDC IV/12, Annex 2) and had concluded that these were consistent with the principles developed on this matter by the Oslo Commission. It was re-emphasized that, at this stage, the guidelines should not be applied rigidly and that other criteria may be relevant under certain circumstances.

4.7 The Meeting considered a Procedure and Method of Approach for Developing and Maintaining a List of Hazardous Substances or Groups of Substances, prepared by the Ad Hoc Scientific Group (LDC V/4, Annex 3). The Meeting adopted, with a minor amendment, these procedural guidelines set out in Annex 4.

4.8 In this connexion the Meeting agreed that the Ad Hoc Group, when considering the inclusion of substances in the "list of hazardous substances", should take

into account whether these substances were being dumped at sea or were likely to be disposed of at sea in the future. It was, however, emphasized that this should not prevent the Ad Hoc Group from generally discussing in future the environmental hazards of substances contained in wastes, in particular with regard to new industrial processes.

4.9 The USSR delegation emphasized that the inclusion of specific substances (e.g. DDT, PCBs) in the "list of hazardous substances" would not automatically mean their exclusion from Annexes I and II in which they are presently listed under broadly defined groups, such as organohalogens or pesticides. That delegation stressed that the dumping of wastes containing DDT and PCBs must be prohibited in all cases.

4.10 It was agreed that the Ad Hoc Group can only recommend to the Consultative Meeting that particular substances be placed on the "list of hazardous substances". The final determination as to whether or not a substance is to be placed on the "list of hazardous substances" must be made by the Consultative Meeting. It was also agreed that the Consultative Meeting may, on its own initiative, place substances on the list and direct the Ad Hoc Group to collect and evaluate pertinent information and to make a recommendation regarding such substances to the Consultative Meeting.

#### Review of Annex III to the Convention

4.11 The Meeting noted that the scientific background material supporting several proposals for the amendment of Annex III to the Convention was being incorporated in a comprehensive document which was currently being prepared by Australia for consideration at the next meeting of the Ad Hoc Group. Several delegations indicated that they would submit additional material and comments in due time. Some delegations expressed the view that "Guidelines for interpretation of Annex III to the Convention" would provide more flexibility and should therefore be preferred to the amendment to the present text of Annex III. The Meeting agreed to defer any discussion on this matter until a recommendation was tabled by the Ad Hoc Group.

#### Procedure for determining emergency situations

4.12 The Meeting took note that the Ad Hoc Group had generally agreed that the "Prior Consultation Procedure" of the Oslo Commission could be acceptable within the framework of the London Dumping Convention, provided that it was consistent with the requirements of the procedures developed by the First Consultative Meeting (LDC I/16, Annex III), and that in each case the Secretariat of the London Dumping Convention should be informed immediately of any emergency situation.

4.13 The Meeting also noted an amendment to the "Interim Procedures and Criteria for Determining Emergency Situations" (LDC I/16, Annex III) prepared by the Secretariat in co-operation with the Secretariat of the Oslo Commission (LDC V/4/1).

4.14 The Secretary of the Oslo Commission summarized the proceedings of the Oslo Commission. Prior consultation procedure under the Oslo Commission includes the following steps:

- .1 the Contracting Party envisaging emergency dumping sends full details of the proposal to the Oslo Commission Secretariat for circulation among Commission members and to the Secretariat of the London Dumping Convention;
- .2 the members of the Oslo Commission have one month within which to object to the proposed dumping;
- .3 if no objections are received, the Contracting Party concerned may proceed with the emergency dumping;
- .4 if objections are made which are not resolved bilaterally, the proposal must be discussed at a subsequent meeting of the Commission.

4.15 The Meeting adopted the proposed amendment to the "Interim Procedures and Criteria for Determining Emergency Situations" which is reproduced as amended in Annex 5. The observer from the Oslo Commission indicated that consequential amendments have been made to the Prior Consultation Procedure under the Oslo Convention.

4.16 The Meeting requested Contracting Parties which have not yet done so to submit to the Secretariat addresses of "focal points" for all communications related to emergency situations. The Secretariat would then prepare and maintain a list of such focal points.

Review of monitoring activities carried out by national and international institutions for the purposes of the London Dumping Convention

4.17 The Meeting approved the definition of "monitoring the conditions of the seas for the purposes of this Convention" (Article VI(1)(d)) prepared by the Ad Hoc Group in order to facilitate co-operation with other organizations in this field, and the selection of reports and studies on monitoring for circulation to Contracting Parties, as follows:

"Monitoring is the assessment of changes in the marine environment caused by dumping operations. This comprises two components:



- .1 Monitoring for the purposes of surveillance of the marine environment is meant as the assessment of the spatial and temporal changes in the distribution, fates and effects of contaminants introduced by specific dumping operations; and
- .2 Monitoring as part of scientific investigation and research programmes is aimed at increasing knowledge of the processes that control the transport, fates and effects of contaminants released to the marine environment through dumping."

4.18 The Meeting approved the proposal of the Ad Hoc Group that Contracting Parties should submit summaries of the results of their monitoring programmes in time for consideration by the Ad Hoc Scientific Group at its next session. The Secretariat was requested to write to all Contracting Parties urging them to submit this information.

#### Development of guidelines on monitoring

4.19 The Meeting expressed appreciation for the initiative taken by Canada and the United States to develop guidelines for monitoring, should requests received by the Secretariat for such information indicate that the development of such guidelines is needed. The delegations of Canada and the United States prepared a working paper of guidance incorporating the requirements of such requests as had been received by the Secretariat (LDC V/WP.4).

4.20 In considering this working paper the Meeting noted that the only request received up to this time dealt with the selection of ocean dumping sites rather than the monitoring of impacts at sites presently being used (LDC V/9/2/Add.1). In light of this the Meeting agreed that the preparation of monitoring guidelines was premature, and that consideration of the need for such guidelines should be deferred.

#### Adequacy of reports on determining compliance with the Convention

4.21 The Meeting, while noting the doubts expressed by the Ad Hoc Group as to the adequacy of the reports prepared by the Secretariat for determining compliance with the Convention, accepted that they were fully consistent with the reporting formats agreed upon at the First Consultative Meeting and that the development of a fuller report by the Secretariat would be an increased administrative burden. The USSR delegation pointed out the need for more exact co-ordinates of dumping sites in the Secretariat's reports. It was also suggested that the Ad Hoc Group consider the desirability of an expanded reporting format for individual permits. The United States delegation offered to provide examples of such a format for the use of the Ad Hoc Group at its

next intersessional meeting, and invited other delegations to provide the Ad Hoc Group with other examples.

4.22 The Meeting accepted the recommendation of the Group that the Secretariat should prepare a composite report on dumping covering the first five years the Convention has been in force.

#### Information on new technologies

4.23 The Meeting approved the recommendation of the Ad Hoc Group that Contracting Parties should be requested to provide information on alternative land-based technologies for treatment of certain wastes now dumped at sea. The USSR delegation noted that information on radioactive waste dumping was directly available from the IAEA.

#### Incineration at sea

4.24 The Meeting considered draft proposed additions to the Technical Guidelines on Control of Incineration of Wastes and Other Matter at Sea (LDC IV/12, Annex 8), prepared by the Ad Hoc Group, together with additional background information in LDC IV/4/2. In this connexion the Meeting was also informed of the concern expressed by the Governing Council of UNEP at its eighth session (LDC V/4/2/Add.1) on the export and disposal of hazardous chemical wastes.

4.25 The Meeting, after an exchange of preliminary views, referred the draft additions to a group of experts for further consideration.

4.26 The Chairman of the drafting group subsequently reported the outcome of the group's consideration to the Meeting. The Meeting, taking into account the additions proposed by that group, adopted two additions to the Technical Guidelines shown in Annex 6. The Secretariat was requested to insert these in the Technical Guidelines. With regard to the problems related to the export of wastes from Contracting Parties for the purpose of incineration at sea to non-Contracting Parties, the Meeting adopted Resolution LDC Res.11(V) on the Export of Wastes for Incineration at Sea as set out at Annex 7.

4.27 Regarding the question of effective application of the Convention in cases where permits may have been issued by more than one Contracting Party for a single dumping or incineration operation (i.e. for part of an incineration vessel load), the Meeting agreed that enforcement and punishment would be matters to be dealt with according to respective national legal systems in the context of violations of the conditions under which a national permit was issued. However, with regard to operations involving a non-Contracting Party for which no permit is issued, it was accepted that there were no means of securing



compliance with the Convention since the Convention was not applicable. Nevertheless it was agreed that all Contracting Parties should implement their general obligations under the Convention in such cases and seek to promote effective control of dumping and incineration by means of appropriate bilateral, multilateral or regional arrangements where practicable.

## 5 CONSIDERATION OF AMENDMENTS OF ANNEXES TO THE LONDON DUMPING CONVENTION

5.1 The Meeting considered a proposed amendment to paragraph 5 of Annex I and an addition of a new paragraph F to Annex II of the London Dumping Convention (LDC V/5) which were agreed in principle at the Fourth Consultative Meeting and circulated by the Secretary-General to Contracting Parties by LDC.2/Circ.46.

5.2 The delegation of the Federal Republic of Germany was not in a position to adopt these amendments from an administrative point of view, but stated that according to the strict obligations of its national law, it would fulfill the new requirements on a voluntary basis.

5.3 The French delegation drew attention to the problems which could arise in connexion with the proposed addition of paragraph F to Annex II and in particular the meaning of "which are liable to seriously reduce amenities".

5.4 The Netherlands delegation made the observation that the term "refined petroleum products" included for the major part volatile, non-persistent hydrocarbons which should be regarded as Annex II substances. Therefore, it preferred the existing wording of paragraph 5, Annex I. However, if there was a consensus on the proposed amendment the Netherlands would not object to it.

5.5 The observer from Japan raised a question on the interpretation of the term "refined petroleum products" referred to in proposed amendments to paragraph 5 of Annex I which, in the view of the Japanese Government, would not include "petrochemicals".

5.6 The Meeting approved by consensus the proposed amendments and adopted Resolution LDC Res.12(V) adopting these amendments as set out at Annex 8.

5.7 The USSR delegation suggested that the Ad Hoc Scientific Group should elaborate a list of substances related to the new paragraph F to Annex II, and to define quantitative criteria for the dumping of such substances.

## 6 MATTERS RELATED TO THE DUMPING OF RADIOACTIVE WASTES AT SEA

6.1 The Secretariat reported (LDC V/6) on its consultation with other organizations during the intersessional period and provided to the Consultative Meeting documents received in response to the requests for information sent out by the Secretariat in accordance with a request made by the Fourth Consultative Meeting.

6.2 The Meeting noted in particular that the OECD/NEA Advisory Meeting of Representatives from Member Countries Participating in the NEA Multilateral Consultation and Surveillance Mechanism for Sea Dumping of Radioactive Waste (May 1980) had considered the requests of Contracting Parties to the London Dumping Convention for more information which should be made available by OECD/NEA on dumping operations (LDC V/6/Add.1). The Advisory Meeting had expressed the view that these requests would require a revision of the NEA Multilateral Consultation Mechanism. The Meeting was further informed that the Steering Committee for Nuclear Energy will have to decide on this matter at its next session in October 1980.

6.3 With regard to the OECD/NEA meeting of a group of experts on monitoring and research programmes relating to dumping of radioactive wastes (LDC V/6, paragraph 2.3), the delegation of the United Kingdom added that following the OECD/NEA meeting of experts in November 1979, the United Kingdom had hosted an informal meeting of international experts at Lowestoft in March 1980 to develop the monitoring programme in greater detail; it now seemed likely that the NEA would be able to assume responsibility for co-ordinating further work on the programme. The United States delegation stressed that the continuous use of the North-East Atlantic dumping site should be directly linked to the timely development and implementation of a site specific monitoring programme.

6.4 The USSR delegation stated that it was in favour of complete prohibition of dumping of radioactive materials but recognized that at present such dumping could not be avoided completely. However, such dumping should be minimized so as to protect the marine environment and when dumping is carried out should comply with standards established by the Consultative Meetings and the IAEA. The USSR supported the programme which had been proposed by IAEA to further improve the IAEA Revised Definition and Recommendations.

6.5 Several delegations expressed their appreciation for the work done by the Secretariat in soliciting comments and information from other organizations on matters relating to the disposal of radioactive wastes at sea under the London Dumping Convention.

6.6 The United States delegation introduced a draft resolution (LDC V/WP.1) which would request that the environmental assessment studies required by the IAEA Revised Definition and Recommendations (INFCIRC/205/Add.1/Rev.1) to be incorporated in the notification procedure for each permit issued for the dumping of radioactive wastes. The United States delegation stated that it supported the IAEA's invitation to IMCO to collaborate in the establishment of

an international register of radioactive wastes discharged to the environment (LDC V/INF.2, paragraphs 4.2 and 4.3) and urged the Meeting to accept IAEA's suggestion that the two organizations should work closely together in compiling such a register.

6.7 The United Kingdom delegation commented that the London Dumping Convention was only one of many international mechanisms relating to the disposal of radioactive wastes at sea. In particular the OECD/NEA Multilateral Consultation and Surveillance Mechanism for Sea Dumping of Radioactive Wastes applied very strict controls to the sea-dumping of radioactive wastes. As a result of the most recent review of the Atlantic dumping site carried out under the Mechanism last autumn it had been agreed that the site would be suitable for use for a further five year period. A number of Contracting Parties to the London Dumping Convention had been represented in the expert group which had carried out the review and the group's report had now been published and had been circulated to the participants of this Consultative Meeting (LDC V/6/1). It was important to recognize that the London Dumping Convention did not exist in a vacuum and also to avoid unnecessary duplication of the work of other expert inter-governmental bodies.

6.8 The Netherlands delegation supported the United Kingdom position. Several other delegations pointed out that the objective of the London Dumping Convention is to protect the marine environment and its living resources from pollution caused by dumping from whatever source and the work carried out under the OECD/NEA Mechanism did not necessarily deal adequately with this consideration. The IAEA had been entrusted with developing standards under which radioactive wastes may be dumped and all dumping of radioactive wastes should conform with those standards in order to protect the marine environment.

6.9 The observer from IAEA drew the attention of the Meeting to the recommendations of the IAEA that an international approach towards the dumping of radioactive wastes in the oceans should incorporate programmes directed towards selection of an appropriate dumpsite, preliminary oceanographic surveys from which a radiological assessment of the impacts of the disposal operations could be made and control of the actual dumping operations. He further noted that NEA deals with the control of the actual dumping operation, and that there is a need for some international supervision on the other two aspects of concern to IAEA.

6.10 The United Kingdom delegate noted that the term "environmental assessment" had not been clearly defined in regard to the dumping of radioactive wastes, and suggested that this definition should be clarified before any decision was taken on the United States proposal for modification of the notification procedures to include an environmental assessment (LDC V/WP.1). In this regard the United Kingdom delegation suggested that there should be a meeting of scientific experts under the auspices of IAEA, at which all Contracting Parties should have an opportunity to participate, to develop a more detailed understanding of what should be included in the environmental assessment to which the IAEA recommendations refer. The Consultative Meeting should then consider what further action might be taken based on the recommendations of this group of experts.

6.11 It was recognized that a suitable time for such a meeting would be immediately before or after an NEA meeting in Paris on 20-23 October 1980, although there could be administrative difficulties in arranging this at such short notice. The IAEA observer agreed that IAEA would assume a co-ordinating role in setting up such a meeting and would work with both the NEA and the IMCO Secretariats in this regard.

6.12 In the light of the above discussions, the Meeting deferred consideration of the draft resolution proposed by the United States (LDC V/WP.1) to the Sixth Consultative Meeting. The United States delegation agreed to submit a paper explaining further its views on this subject for consideration at the Sixth Consultative Meeting.

#### 7 PROCEDURES FOR THE EFFECTIVE APPLICATION OF THE CONVENTION IN ACCORDANCE WITH ARTICLE VII(3) OF THE CONVENTION

7.1 The Meeting continued its consideration on the draft Resolution on Procedures for the Effective Application of the London Dumping Convention proposed by Canada (LDC IV/7, LDC V/7).

7.2 The Canadian delegation suggested that if the proposal put forward under item 8 (see paragraph 8.2 below) to have the Secretariat prepare a study of the implications for the London Dumping Convention of developments at the United Nations Conference on the Law of the Sea was approved by the Consultative Meeting, such study should also deal with the question of procedures for the effective application of the Convention in accordance with Article VII(3). The Meeting, after consideration of item 8, agreed to this.



8 CONSIDERATION OF THE REVIEW OF ARTICLES OF THE CONVENTION IN THE LIGHT OF THE OUTCOME OF THE THIRD UNITED NATIONS CONFERENCE ON THE LAW OF THE SEA

8.1 The Meeting continued its consideration of a proposal by Canada made to the Fourth Consultative Meeting for the review of the London Dumping Convention in the light of the recent progress made by the United Nations Conference on the Law of the Sea.

8.2 The Canadian delegation proposed to the Meeting that the Secretariat prepare a technical study, without recommendations, of the implications for the London Dumping Convention on the draft Convention on the Law of the Sea (A/CONF.62/WP.10/Rev.3) of 27 August 1980, in particular on Part XII on the Protection and Preservation of the Marine Environment, taking into account the background consideration of this issue set out in document LDC V/8 of 22 July 1980. This proposal was supported by a number of delegations.

8.3 The United States delegation stated that whilst it is recognized that consideration might have to be given to the relationship between the London Dumping Convention and a future Law of the Sea Convention, such a Convention had not yet been concluded and that, at best, it would be a number of years before such a Convention entered into force. That delegation expressed concern that such a study was not necessary and that action on it should be deferred at least until the Law of the Sea Convention is signed, and formal action should not be taken until it comes into force.

8.4 Other delegations, while recognizing that it would be premature to take formal action before final decisions had been taken at UNCLOS, considered that it would be useful to consider the likely implications even if at this stage, only in an informal way.

8.5 After discussion, the Meeting agreed that the study proposed by the Canadian delegation be undertaken by the Secretariat and that it be circulated to Contracting Parties in advance of the Sixth Consultative Meeting. The Contracting Parties should assist the preparation of this study on the relationship between the London Dumping Convention and UNCLOS and submit their comments to the Secretariat by 31 March 1981. The Meeting further agreed that this subject should be included in the Agenda for the Sixth Consultative Meeting.

## 9 RELATIONS WITH OTHER ORGANIZATIONS

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

9.1 The Meeting had before it document LDC V/9, which describes the outcome of the eleventh session of GESAMP.

9.2 The Meeting noted with satisfaction that GESAMP had set up a Working Group to review and, if necessary, develop further scientific criteria for the selection of sites for the disposal of wastes at sea. This may be later expanded to the development of guidelines for identifying areas particularly sensitive to marine pollution from different sources, including dumping.

9.3 The Meeting was informed that the Report on the Review of the Health of the Oceans, which is envisaged to be published by the end of 1981 in the GESAMP Reports and Studies series, will be available to Contracting Parties upon request.

9.4 The Meeting noted that GESAMP had agreed to establish a Working Group which will review the state of knowledge of pathways by which radioactive substances from a deep-ocean dumping site may reach man and that the GESAMP Working Group will be asked to recommend the most appropriate oceanographic model for predicting the dispersion of pollutants from the deep-ocean floor.

9.5 The Meeting noted that WHO was the lead organization in respect of a Working Group, established to scientifically evaluate the effects of potentially harmful substances released into the marine environment.

### Baltic Marine Environment Protection Commission

9.6 The Meeting noted that the Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention) had entered into force and that the first meeting of the Baltic Marine Environment Protection Commission (Helsinki Commission) had taken place from 5 to 8 May 1980 (LDC V/9/1). The Swedish delegation informed the Meeting that dumping was prohibited in the Baltic Sea except for dredged materials.

### Regional Seas Programme of the United Nations Environment Programme (UNEP)

9.7 The Meeting took note of a summary of information (LDC V/9/2) prepared by the Secretariat concerning regions for which action plans have been developed or are being developed under the UNEP Regional Seas Programme.

9.8 It was noted by the Meeting that, in relation to the Action Plan presently being developed by UNEP for the East Asian Seas region, IMCO has been identified



as lead Agency in regard to a specific proposed draft project entitled "Establishment of Marine Sites for Ultimate Dumping of Hazardous Wastes", the essential elements of which are summarized in LDC V/9/2/Add.1. While unable to express a view on the substantive issues raised by the project, which would depend on a number of factors which could only be appreciated fully by the Governments of countries of the region, the following suggestions were made as to ways in which the proposed project may utilize the knowledge and experience of Contracting Parties to the London Dumping Convention:

- .1 visits of officials from the countries of the region may be organized to the national authorities of several Contracting Parties to the London Dumping Convention in order to obtain an insight into legal, administrative and scientific aspects of the implementation of the Convention;
- .2 advisory missions to the region arranged through the IMCO Secretariat. Consultants could be drawn, as appropriate, from the roster of experts and institutions prepared by the Secretariat for the Second Consultative Meeting (LDC II/7 and LDC II/7/Add.1).

#### Oslo Commission

9.9 In addition to the activities summarized by the Secretariat in LDC V/9/3, the observer from the Oslo Commission drew the Meeting's attention to the first quinquennial review of the Annexes to the Oslo Convention, as a result of which the Oslo Commission had agreed that no amendments should be made to the Annexes at the present time. He also referred to the work within the Oslo Convention on the preparation of a legal instrument controlling incineration at sea and to the principles and methods of the Joint Monitoring Programme which had been elaborated and which would in due time give the Oslo and Paris Commissions an indication of the effectiveness of the measures being taken to reduce and eliminate marine pollution in the Convention area.

#### 10 OTHER MATTERS

10.1 The Meeting was informed of progress within the IMCO Sub-Committee on Bulk Chemicals (BCH) on the definition of requirements for ships engaged in the dumping of wastes and other matter at sea (LDC V/11). The Sub-Committee had at its seventh session (24 to 28 March 1980) agreed that technical guidelines should be developed for the safe handling during loading and carriage of certain wastes.

10.2 The Secretariat introduced a tabulation of the regulations, guidelines, procedures and criteria adopted by the Consultative Meetings of Contracting Parties to the Convention (LDC V/11/1) in response to the request made at the Fourth Consultative Meeting. Several delegations welcomed the Secretariat's compilation and considered that a comprehensive document, containing all the texts of regulations, guidelines, procedures and criteria adopted by Consultative Meetings, would be most helpful to Contracting Parties and other States considering ratification of or accession to the Convention. The United States delegation, in supporting the views already expressed, offered to assist the Secretariat in the publication of such a document.

10.3 The observer from Japan informed the Meeting that following the expected ratification of the Convention in November 1980, the Japanese Government would be submitting proposals to dump containerised mustard gas in dumping sites to be designated off the Japanese coast in accordance with Article V(2) of the Convention and the interim procedures for emergency situations related to dumping of Annex I materials (LDC I/16, Annex III). Further details of the proposals, when received by the Secretariat, will be circulated to Contracting Parties. The USSR delegation stated that prior consultation should be made for such emergency dumping with any other country or countries that are likely to be affected.

10.4 The observer of the International Association of Ports and Harbors (IAPH) introduced a document (LDC V/11/2) referring to matters related to the disposal at sea of dredged material. It was pointed out that the IAPH would welcome clarification of certain matters of both a technical and administrative nature, in particular in relation to the application of the term "trace contaminants" of Annex I substances to dredged material. Several delegations pointed out that the matters raised covered a number of administrative as well as technical issues. Some delegations pointed out that their interpretation of the Convention differed from that put forward by the IAPH in certain respects. The majority of delegations agreed, however, that the technical matters raised should be considered by the Ad Hoc Scientific Group in the light of information to be supplied by the IAPH on possible measures to reduce the environmental impact of the disposal of dredged material at sea.

10.5 The Meeting further agreed to consider administrative matters at the Sixth Consultative Meeting. Contracting Parties were invited to study these questions intersessionally and to submit any comments they may have prior to the Sixth Consultative Meeting.

## 11 FUTURE WORK PROGRAMME

### Review of the Action Plan

11.1 The Meeting took note of the updated Action Plan for the Consultative Meeting prepared by the Secretariat (LDC V/10, Annex). It was emphasized that the Action Plan will have to be revised in the light of progress at each Consultative Meeting. The Meeting decided that Contracting Parties should submit comments on the Action Plan to the Secretariat which would prepare an updated Action Plan.

### Items to be included in the Agenda for the next Consultative Meeting

11.2 The Meeting considered and agreed on substantive items to be included in the Agendas for the Sixth Consultative Meeting and the fifth session of the Ad Hoc Scientific Group on Dumping as shown in Annex 9 hereto.

### Dates of next meetings

11.3 The Meeting noted that the Sixth Consultative Meeting had been tentatively scheduled for 5 to 9 October 1981. With regard to the fifth session of the Ad Hoc Scientific Group on Dumping, the Canadian delegation offered to host the meeting in March/April 1981. The Meeting accepted this offer with appreciation. The Netherlands delegation expressed the view that future Consultative Meetings, if the Agenda permits, might be reduced to four days.

### Future activities relating to co-operation with regional agreements on the prevention of marine pollution by dumping

11.4 A member of the United Kingdom delegation, in his role as the Chairman of the Oslo Commission reminded the Consultative Meeting that the number of regional agreements on the prevention of marine pollution by dumping was growing. Unless there was close co-operation between the various organizations there was a danger of duplication of work and delegations actively participating in more than one agreement might eventually find it difficult to meet all their separate commitments. The members of the Oslo Commission intended to consider relationships between their Convention and others in the field of marine pollution and it might be appropriate for representatives of regional agreements to discuss these matters with representatives from the Contracting Parties to the London Dumping Convention in due course.

11.5 The Meeting agreed that such discussions would be useful and requested the Secretary-General to explore the possibility of holding such a meeting.

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ANNEX 1

AGENDA FOR THE FIFTH CONSULTATIVE MEETING

1 Adoption of the Agenda

LDC V/1	- Secretariat
LDC V/1/1	- Secretariat
LDC V/1/2	- Secretariat
LDC V/1/3	- Secretariat

2 Status of the London Dumping Convention

LDC V/2	- Secretariat
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3 Procedures for the consideration and adoption of amendments to the London Dumping Convention

LDC V/3	- Chile
LDC V/3/1	- Federal Republic of Germany
LDC V/WP.3	- Secretariat

4 Report of the Ad Hoc Scientific Group on Dumping

LDC V/4	- Secretariat
LDC V/4/1	- Secretariat
LDC V/4/2	- Secretariat
LDC V/4/2/Add.1	- Secretariat
LDC V/WP.4	- Canada and United States

5 Consideration of amendments to the London Dumping Convention

LDC V/5	- Secretariat
LDC V/WP.2	- Secretariat

6 Matters related to the dumping of radioactive wastes at sea

LDC V/6	- Secretariat
LDC V/6/Add.1	- Secretariat
LDC V/6/1	- OECD/NEA
LDC V/INF.2	- IAEA
LDC V/WP.1	- United States

- 7 Procedures for the effective application of the Convention in accordance with Article VII(3) of the Convention

LDC V/7 - Secretariat

- 8 Consideration of the review of Articles of the Convention in the light of the outcome of the Third United Nations Conference on the Law of the Sea

LDC V/8 - Secretariat

- 9 Relations with other organizations

LDC V/9 - Secretariat  
LDC V/9/1 - Secretariat  
LDC V/9/2 - Secretariat  
LDC V/9/2/Add.1 - Secretariat  
LDC V/9/3 - Secretariat

- 10 Future work programme and date of next session

LDC V/10 - Secretariat

- 11 Any other business

LDC V/11 - Secretariat  
LDC V/11/1 - Secretariat  
LDC V/11/2 - IAPH

- 12 Consideration and adoption of the report

LDC V/WP.5 - Secretariat  
LDC V/WP.5/Add.1 - Secretariat  
LDC V/12 - Report

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ANNEX 2

RESOLUTION LDC Res.9(V)

PROCEDURES FOR THE CIRCULATION OF PROPOSED AMENDMENTS  
TO THE LONDON DUMPING CONVENTION

THE FIFTH CONSULTATIVE MEETING,

NOTING that Article XV of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter prescribing procedures for amending the Convention does not establish a period for circulation of proposed amendments to Contracting Parties prior to the consideration of the amendments at a Consultative or Special Meeting,

RECOGNIZING the need that any proposed amendment to the Convention should be circulated to Contracting Parties well in advance of a Consultative or Special Meeting to enable them to give thorough consideration to such proposed amendment within their administrations,

RECALLING Resolution LDC Res.10(V) by which the Fifth Consultative Meeting adopted a procedure for the preparation and consideration of amendments to Annexes to the London Dumping Convention,

ADOPTS procedures for the circulation of proposed amendments to the Convention and its Annexes in accordance with Article XV as follows:

- (a) Any amendment to the Convention proposed by a Contracting Party and transmitted to the Secretary-General of the Organization, shall be circulated to all Contracting Parties at least six months prior to its consideration by a Consultative or Special Meeting in accordance with Article XV(1)(a);
- (b) Any amendment to the Annexes to the Convention proposed by a Contracting Party and transmitted to the Secretary-General, shall be circulated to all Contracting Parties at least three months prior to its consideration by a Consultative or Special Meeting in accordance with Article XV(2),

RESOLVES to consider at a future Consultative or Special Meeting amendments to Article XV(1)(a) and XV(2) incorporating the above procedures,

INVITES Contracting Parties to implement the above procedures pending the adoption and entry into force of the above-mentioned amendments to the Convention.

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ANNEX 3

RESOLUTION LDC Res.10(V)

PROCEDURE FOR PREPARATION AND CONSIDERATION OF AMENDMENTS TO  
ANNEXES TO THE LONDON DUMPING CONVENTION

THE FIFTH CONSULTATIVE MEETING,

NOTING Article XIV(4)(a) and (b) of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter concerning the function of the Consultative Meeting on the review and adoption of amendments to Annexes to the Convention in collaboration with an appropriate scientific body,

RECOGNIZING that, whilst Annexes to the Convention may need to be amended from time to time, each Contracting Party requires sufficient time to consider both the implications and the detailed wording of any proposed amendment,

RECOGNIZING FURTHER that frequent amendments to annexes may cause procedural and administrative difficulties for Contracting Parties in accepting and implementing such amendments,

ADOPTS the procedure for the preparation and consideration of amendments to Annexes to the Convention as set out in the Annex to this Resolution,

INVITES Contracting Parties to implement the above procedure.

ANNEX

PROCEDURE FOR PREPARATION AND CONSIDERATION OF AMENDMENTS  
TO THE ANNEXES TO THE LONDON DUMPING CONVENTION

- 1 Any amendment to an Annex to the Convention proposed by a Contracting Party will be referred to the Ad Hoc Scientific Group (or any other appropriate Expert Group) for consideration from a scientific point of view.
- 2 The Ad Hoc Scientific Group (or any other appropriate Expert Group) will bring forward to a Consultative Meeting for consideration any proposed amendment it regards as desirable from a scientific point of view.
- 3 Any proposed amendment which will be brought forward to a Consultative Meeting for consideration shall be circulated to all Contracting Parties at least three months prior to the Consultative Meeting.
- 4 Any Consultative Meeting may approve an amendment to the Annexes to the Convention in principle by a two-thirds majority and designate a future Consultative Meeting at which the amendment will be considered with a view to formal adoption.
- 5 When an amendment has been adopted in principle, the Secretary-General shall circulate the amendment to all Contracting Parties:
  - .1 notifying them of the designated Consultative Meeting at which the amendment will be considered with a view to formal adoption;
  - .2 inviting them to implement the amendment on a voluntary basis; and
  - .3 requesting them to indicate in writing if they do not expect to be in a position to adopt the amendment at the designated Consultative Meeting.
- 6 In general designated Consultative Meetings for formal adoption of amendments should not be scheduled more frequently than every third year.
- 7 In exceptional circumstances any Consultative Meeting may, if it regards such action as urgent, consider the immediate formal adoption of proposed amendments submitted in accordance with paragraph 3 above.

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ANNEX 4

PROCEDURE AND METHOD OF APPROACH FOR PREPARING AND MAINTAINING  
A LIST OF HAZARDOUS SUBSTANCES OR GROUPS OF SUBSTANCES

1 The steps to be taken by the Ad Hoc Scientific Group on Dumping and proposed to the Consultative Meeting concerning the List of Hazardous Substances or Groups of Substances are as follows:

.1 Initial actions should include:

.1.1 the consideration of proposals and supporting scientific documentation submitted by Contracting Parties directly or through a Consultative Meeting; and

.1.2 the preparation of initial comments for consideration at the next Consultative Meeting; and also

.2 to invite Consultative Meetings to take the following action:

.2.1 to note the submissions and comments prepared by the Ad Hoc Group; and

.2.2 after detailed consideration, to request the Secretariat to transmit to the Contracting Parties the submissions, comments and the outcome of any considerations, asking them to provide additional information and further comments.

2 Further action to be taken by the Consultative Meeting and its Ad Hoc Group are proposed as follows:

.1 The Ad Hoc Group will be requested to:

.1.1 review all documentation, additional proposals, as well as any comments submitted by Contracting Parties to the Secretariat in response to 1.2.2 above;

.1.2 consider carefully each submission and in a case by case study decide whether the substances or group of substances should be:

.1.2.1 proposed for inclusion in the List of Hazardous Substances;

.1.2.2 deleted from the List of Hazardous Substances;

- .1.2.3 given further consideration before proposing inclusion in the List; or
    - .1.2.4 dropped from further consideration; and
  - .1.3 prepare a report on the outcome of the above consideration to the Consultative Meeting.
- .2 The Consultative Meeting should be invited to:
  - .2.1 consider the report and recommendations, if any, made by the Ad Hoc Group with a view to approval; and
  - .2.2 request the Secretariat to circulate any decisions made on this matter.
- 3 The follow-up action of the Ad Hoc Group should include the following:
  - .1 keeping the List of Hazardous Substances under continuing review; and
  - .2 report to the Consultative Meeting on proposals concerning the addition to or deletion from the List of Substances which have been submitted by Contracting Parties.

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ANNEX 5INTERIM PROCEDURES AND CRITERIA FOR  
DETERMINING EMERGENCY SITUATIONS

## 1 INTRODUCTION

1.1 Under Article V(2), a Contracting Party may issue a special permit for the dumping of wastes or other matter listed in Annex I in emergencies posing an unacceptable risk relating to human health and admitting no other feasible solution. Before doing so the Contracting Party is obliged to consult any other country or countries that are likely to be affected and the Organization which, after consulting other Contracting Parties and international organizations as appropriate, shall, in accordance with Article XIV promptly recommend to the Contracting Party the most appropriate measures to adopt.

1.2 In this connexion Article XIV(4)(e) states that Contracting Parties may develop or adopt, in consultation with appropriate international organizations, procedures referred to in Article V(2) including:

- .1 basic criteria for determining exceptional or emergency situations; and
- .2 procedures for consultative advice and safe disposal of matter in such circumstances, including the designation of appropriate dumping areas.

## 2 ACTION REQUIRED TO IMPLEMENT ARTICLE V(2)

2.1 In the implementation of the above provisions the following sequence of actions can be envisaged:

- .1 In order to decide that an emergency does in fact exist, the Contracting Party proposing to issue a permit for the dumping at sea of Annex I materials would:
  - .1.1 investigate the situation to decide whether or not it poses an unacceptable risk relating to human health; and
  - .1.2 investigate possible alternative methods of disposal in order to decide that no feasible solution other than dumping at sea can be found.

- .2 Having decided that disposal at sea is necessary, the Contracting Party concerned would:
  - .2.1 consult with other countries that may be affected; and
  - .2.2 consult with the Organization for recommendations as to the most appropriate procedures to adopt.
- .3 Upon being informed of the situation, the Organization would:
  - .3.1 consult with other Parties;
  - .3.2 consult with other appropriate international organizations; and
  - .3.3 decide upon and promptly recommend to the Contracting Party the most appropriate procedures to adopt.
- .4 In issuing the special permit for the dumping operation the Contracting Party concerned would:
  - .4.1 follow the Organization's recommendations to the maximum extent feasible consistent with the time within which action must be taken and with the general obligation to avoid damage to the marine environment; and
  - .4.2 inform the Organization of the action taken.

2.2 For Contracting Parties being also Contracting Parties to a regional agreement on the prevention of marine pollution of dumping a consultation procedure adopted within that regional agreement may be substituted for the above procedures provided that it is consistent with the requirements set out below. The Secretariat of the regional agreement will immediately submit any information on emergency situations to the Organization, which will then follow, as necessary and appropriate, the procedures developed within the framework of the London Dumping Convention taking into account the procedure being followed under the regional agreement.

### 3 ACTION BY THE PARTY CONCERNED

#### 3.1 Assessment of the Emergency Situation

3.1.1 With reference to paragraph 2.1.1 above, it is apparent that when an emergency situation involving Annex I materials occurs, the first step to be taken by the Contracting Party is to assess the risk to human health. Such assessment should include the following factors:



- .1 The circumstances of the emergency:
    - .1.1 type including chemical composition of material involved;
    - .1.2 location and cause of release;
    - .1.3 amount lost into the environment; and
    - .1.4 potential for further release and expected rate.
  - .2 The risks relating to human health with regard to:
    - .2.1 toxicity to human life:
      - by inhalation
      - by ingestion
      - by skin absorption;
    - .2.2 method of contact:
      - direct contact with material
      - water supply
      - food sources;
    - .2.3 the impact on health of present and future generations:
      - chronic toxicity
      - carcinogenic, teratogenic and mutagenic properties of the material
      - potential for causing long-term effects.
- 3.1.2 The feasibility of disposal at sea should only be considered by the Contracting Party after an evaluation of alternative methods of disposal, taking into account the following factors:
- .1 Alternatives to be considered including costs as follows:
    - .1.1 land fill and soil disposal;
    - .1.2 well injection;
    - .1.3 incineration on land or at sea;
    - .1.4 reclamation and recycling;
    - .1.5 biological, chemical or physical treatment;
    - .1.6 storage;
    - .1.7 partial treatment prior to ocean disposal.

- .2 The assessment of environmental impact of each alternative:
  - .2.1 adverse environmental effects of alternative actions;
  - .2.2 impact on living and non-living marine resources, navigation, recreation and other uses of the ocean; and
  - .2.3 evaluation to determine which alternative has least overall environmental impact.
- .3 The disposal site designation and monitoring:
  - .3.1 physical, chemical and biological information relating to the proposed dump site;
  - .3.2 proposed method of release of material at the site;
  - .3.3 proposed times and dates of disposal; and
  - .3.4 monitoring to assess the impact of the material on the marine environment.

### 3.2 Consultation with other countries which may be affected

3.2.1 With reference to paragraph 2.1.2.1 above, once it has been determined that an unacceptable risk to human health exists and that ocean disposal is the only feasible solution the Contracting Party should consult with other countries which may be affected. All the significant information used in making the determination, listed in paragraph 3.1.1 above, should be provided and include:

- .1 type including chemical composition of material;
- .2 amount of material to be dumped, location of disposal site and dates of disposal;
- .3 risk to human health;
- .4 adverse impact on the marine environment;
- .5 alternatives considered;
- .6 potential impact of action on other countries;
- .7 proposed actions to minimize potential adverse impacts; and
- .8 proposed monitoring programme to determine impact.

### 3.3 Consultation with the Organization

3.3.1 With reference to 2.1.2.2 above, the information provided to the Organization initially by the Contracting Party proposing dumping will be dependent upon the urgency of the emergency situation. As a minimum the information provided to other countries (paragraph 3.2 above) should be submitted to the Organization and also include:

- .1 countries the Party has consulted with;
- .2 recommendations of the other countries;
- .3 extent to which the recommendations have been adopted.

3.3.2 In addition, the Contracting Party should submit to the Organization all significant information mentioned in paragraph 3.1.1 above.

## 4 ACTION TO BE TAKEN BY THE ORGANIZATION

### 4.1 Consultation within the Organization

4.1.1 In implementation of paragraph 2.1.3 above the Organization might undertake a sufficient review of the submissions by the Contracting Party to ensure that it has done the following:

- .1 demonstrated an unreasonable risk to human health;
- .2 evaluated other alternatives and found no other feasible solution;
- .3 avoided damage to the marine environment to the maximum extent possible;
- .4 established procedures to monitor the impact of the proposed action; and
- .5 consulted with other countries that may be affected and incorporated their recommendations into the proposed action.

4.1.2 If the Organization finds that further review and analysis is needed, the following action should be taken:

- .1 refer specific questions to appropriate international organizations;
- .2 consult with other Contracting Parties or countries which may be affected;
- .3 consult with independent experts nominated by Contracting Parties.

#### 4.2 Recommendations by the Organization

4.2.1 The Organization should, after consultation with other international organizations, experts and Contracting Parties, recommend appropriate procedures which should be adopted by the Contracting Party prior to disposal. Due account should also be taken of any recommendations made by countries which may be affected by the proposed action.

#### 5 REPORTING BY THE PARTY ON ACTION TAKEN

5.1 The Party should inform the Organization forthwith of the action taken and any additional facts relating to the disposal of the material. The Secretariat should inform all Parties of the emergency situation and actions taken as soon as practicable.

#### 6 PROCEDURE FOR CONSULTATION

6.1 With a view to facilitating consultation between Contracting Parties and international organizations, it would seem appropriate for each Contracting Party to designate a specific officer to act as a "focal point" for all communications of this nature. The Secretariat would collect the requisite information from Governments (name, designation, address, telephone and telex numbers, etc.) and prepare a comprehensive list for circulation to all concerned. The Secretariat would also communicate with other organizations such as UNEP, WHO, FAO, UNESCO/IOC and IAEA in order to arrange for the nomination of a suitable "focal point" in each case to expedite consultations relative to the Convention.

6.2 Upon being informed by the Contracting Party concerned of the circumstances of the emergency situation including the views of other States consulted by the Contracting Party, the Secretariat should proceed to arrange for consultations with a view to formulating appropriate recommendations. The procedure for consultation might be according to one of the following alternatives:

- .1 convening a Special Meeting of Contracting Parties in accordance with Article XIV(3)(a) of the Convention to consider the problem; or
- .2 establishing a smaller Panel of Contracting Parties which could be convened or consulted by the Secretariat at short notice.

6.3 The choice between alternatives 6.2.1 and 6.2.2 above would depend on the time available for consultation. If a special meeting is convened, provision for establishing a smaller panel might also be made for use in urgent cases, it being understood that the recommendations made by the Panel in such cases could be reviewed by all Parties at the next regular Consultative Meeting.

6.4 It also seems possible that consultation with other international organizations might proceed simultaneously with the consultation with other Contracting Parties, either by the attendance of representatives of the organizations concerned at meetings of the Parties or by making direct enquiries on specific questions by telephone or telex as and when required. The Contracting Parties might also consider the possibility of inviting countries likely to be affected, to be represented at such meetings during consideration of the proposed dumping.

6.5 To facilitate the consideration of future cases involving emergency disposal of prohibited substances, the Secretariat will assemble and keep on file for ready reference, useful information and data relating to Annex I substances, particularly with regard to their hazards to human health, living marine resources and amenities, together with information on actual cases dealt with, including details of methods of disposal adopted, etc.

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ANNEX 6

ADDITIONS TO THE INTERIM TECHNICAL GUIDELINES ON THE  
CONTROL OF INCINERATION OF WASTES AND OTHER MATTER  
AT SEA (LDC IV/12, Annex 8)

1 Addition of a section 1A as follows:

"1A APPROVAL AND SURVEYS OF THE INCINERATION SYSTEM

1A.1 Responsibility of Contracting Parties

1A.1.1 The initial survey of the marine incineration facility referred to in Regulation 3 should be the responsibility of a Contracting Party. Subsequent surveys of the marine incineration facilities should be the responsibility of the Contracting Party which conducted the initial survey or of a Contracting Party responsible for issuing a permit for current operations in consultation with that Contracting Party."

2 Addition of a paragraph 3.5.3 as follows:

"3.5.3 The result of the recording devices under Regulation 6 and the data recording described in paragraphs 3.5.1 and 3.5.2 above should be provided to the Contracting Party which had issued the incineration permit. Where more than one Contracting Party had issued a permit for one incineration operation, arrangements for review of the data should be made among the Contracting Parties involved."

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ANNEX 7

RESOLUTION LDC Res.11(V)

EXPORT OF WASTES FOR INCINERATION AT SEA

THE FIFTH CONSULTATIVE MEETING,

RECALLING the obligations of Contracting Parties arising from the London Dumping Convention and the need to improve its implementation,

NOTING the incineration activities of countries not presently Contracting Parties to the London Dumping Convention,

NOTING FURTHER that wastes are being exported to such countries for the purpose of incineration,

DESIRING that any incineration operation should be conducted in accordance with the requirements of Regulations for the Control of Incineration of Wastes and Other Matter at Sea adopted by the Third Consultative Meeting (Resolution LDC.5(III)) and the Interim Technical Guidelines on the Control of Incineration of Wastes and Other Matter at Sea (LDC IV/12, Annex 8),

RESOLVES that Contracting Parties to the Convention will, to the best of their ability, ensure that wastes exported to a non-Contracting Party for loading on board a marine incineration facility should be incinerated in accordance with the requirements of the Regulations and Interim Technical Guidelines on the Control of Incineration of Wastes and Other Matter at Sea.

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ANNEX 8

RESOLUTION LDC Res.12(V)

AMENDMENT OF THE LISTS OF SUBSTANCES CONTAINED IN ANNEXES I AND II  
TO THE LONDON DUMPING CONVENTION

THE FIFTH CONSULTATIVE MEETING,

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

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

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

RECALLING the decision of the Fourth Consultative Meeting that the amendments to the Annexes I and II to the Convention should be implemented by Contracting Parties on a voluntary basis until their formal adoption,

ADOPTS the following amendments to the Annexes to the Convention in accordance with Article XV(2) thereof:

- (a) the amendment of paragraph 5 to Annex I;
- (b) the addition of a paragraph F to Annex II,

the texts of which are set out in the Annex to this Resolution;

ENTRUSTS the Inter-Governmental Maritime Consultative Organization with the task of ensuring, in collaboration with the Governments of France, Spain, the Union of Soviet Socialist Republics and the United Kingdom, that the texts of the above amendments are drawn up by 1 December 1980 in all official languages of the Convention with the linguistic consistency in each text, which would then become the authentic text of the Annexes to the Convention in the English, French, Russian and Spanish languages,

RESOLVES that for the purposes of Articles XIV(4)(a) and XV(2) of the Convention, 1 December 1980 shall be treated as the date of the adoption of the amendments,

REQUESTS the Secretary-General of the Organization to inform Contracting Parties of the above-mentioned amendments.

ANNEX

AMENDMENTS TO ANNEXES TO THE CONVENTION OF THE  
PREVENTION OF MARINE POLLUTION BY DUMPING OF  
WASTES AND OTHER MATTER

Paragraph 5 of Annex I shall be amended as follows:

"5 Crude oil and its wastes, refined petroleum products, petroleum distillate residues, and any mixtures containing any of these, taken on board for the purpose of dumping."

The following paragraph shall be added to Annex II:

"F Substances which, though of a non-toxic nature, may become harmful due to the quantities in which they are dumped, or which are liable to seriously reduce amenities."

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ANNEX 9

SUBSTANTIVE ITEMS TO BE INCLUDED IN THE AGENDA FOR THE  
SIXTH CONSULTATIVE MEETING AND FOR THE INTERSESSIONAL  
MEETING OF THE AD HOC SCIENTIFIC GROUP ON DUMPING

Sixth Consultative Meeting

- 1 Report of the Ad Hoc Scientific Group on Dumping.
- 2 Review of the Annexes to the Convention.
- 3 Matters related to the dumping of radioactive wastes at sea.
- 4 Consideration of the review of Articles of the Convention in the light of the outcome of the United Nations Conference on the Law of the Sea.
- 5 Relations with other organizations.
- 6 Promotion of technical assistance.
- 7 Review of Annual Reports prepared by the Secretariat.
- 8 Development of reporting procedures in accordance with Articles VI(3) and VII(4).

Ad Hoc Scientific Group on Dumping

- 1 Review of Annexes I and II to the Convention, including:
  - (a) further consideration of the inclusion of lead and lead compounds in Annex I;
  - (b) the definition of "significant amounts" based on new proposals;
  - (c) consideration of substances to which particular attention should be paid, i.e. List of Hazardous Substances;
  - (d) the consideration of a list of substances referring to Annex II, paragraph F, and the development of quantitative criteria;
  - (e) consideration of the relationship of the Annexes of the London Dumping Convention to those of other Conventions, and the possible need to update the Annexes or List of Hazardous Substances prepared within the framework of the London Dumping Convention.

- 2 Review of Annex III and the development of guidelines for its interpretation, if appropriate.
  - 3 Development of criteria for the selection of emergency disposal sites.
  - 4 Review of monitoring activities carried out for the purposes of the Convention.
  - 5 Information on new land-based treatment techniques.
  - 6 Matters related to incineration at sea.
  - 7 Review of formats for notification.
  - 8 Consideration of the development of monitoring and site selection guidelines.
  - 9 Scientific aspects of disposal of dredged material.
  - 10 Matters to be included in the report on the first five years of the implementation of the Convention.
-