INTERNATIONAL MARITIME ORGANIZATION

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TWENTY-FIRST CONSULTATIVE
MEETING OF CONTRACTING PARTIES TO
THE CONVENTION ON THE PREVENTION
OF MARINE POLLUTION BY DUMPING OF
WASTES AND OTHER MATTER
4 – 8 October 1999
Agenda item 13

LC 21/13
1 November 1999
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REPORT OF THE TWENTY-FIRST CONSULTATIVE MEETING

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INTRODUCTION

1.1 The Twenty-first Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter, 1972 (London Convention 1972), convened in accordance with article XIV(3)(a) of the Convention, was held at IMO Headquarters, London, from 4 to 8 October 1999 under the chairmanship of Mr. A.B. Sielen (United States). Ambassador G.E. do Nascimento e Silva (Brazil) was First Vice-Chairman and Mr. V.S. Knyazev (Russian Federation) was Second Vice-Chairman of the Meeting.

1.2 The Meeting was attended by delegations from the following 31 Contracting Parties to the London Convention 1972:

ARGENTINA
AUSTRALIA
BELGIUM
BRAZIL
CANADA
CHILE
CHINA
DENMARK
EGYPT
FINLAND
FRANCE
GERMANY
GREECE
ITALY
JAMAICA
JAPAN
MEXICO
NETHERLANDS
NORWAY
PANAMA
PHILIPPINES
POLAND
REPUBLIC OF KOREA
RUSSIAN FEDERATION
SOUTH AFRICA
SPAIN
SWEDEN
UKRAINE
UNITED KINGDOM
UNITED STATES
VANUATU

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

HONG KONG, CHINA

1.4 Observers from the following States that are not Contracting Parties to the London Convention 1972 attended the Meeting:

BAHAMAS
COLOMBIA
ECUADOR
LIBERIA
MARSHALL ISLANDS
PERU
VENEZUELA

1.5 A representative from the INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA) attended the Meeting.

1.6 Observers from the following intergovernmental organizations attended the Meeting:

LEAGUE OF ARAB STATES
ENVIRONMENTAL CRIME PREVENTION PROGRAMME (ECPP)

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

INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
GREENPEACE INTERNATIONAL
INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES (IUCN)
PERMANENT INTERNATIONAL ASSOCIATION OF NAVIGATION CONGRESSES (PIANC)
INTERNATIONAL ASSOCIATION OF OIL AND GAS PRODUCERS (OGP)
CENTRAL DREDGING ASSOCIATION (CEDA)
SPECIAL RESEARCH MONITORING CENTER (SRMC)
INTERNATIONAL OCEAN INSTITUTE (IOI)

Opening of the Meeting

1.8 In opening the proceedings, the Chairman welcomed all participants to the Twenty-first Consultative Meeting and noted that the intersessional period had been productive. He offered a special word of welcome to observer States and encouraged them to approach the Contracting Parties with any questions they might have regarding the provisions and implementation of the London Convention 1972.

Address of welcome

1.9 Mr. O. Khalimonov, Director of the Marine Division of IMO, addressed the Meeting on behalf of the Secretary-General of IMO. He drew attention to a recommendation of the IMO Council to continue a Zero Nominal Growth policy for the budget of the Organization's 2000-2001 biennium. He pointed out that, compared with the originally prepared budget proposal for the next biennium, reductions would have to be made involving programme changes, including a review and possible modification of the funding of the London Convention 1972 Secretariat services. In this connection, suggestions have been made by the IMO Administration that the interests of Parties to the Convention as well as those of IMO Member States might be better and more appropriately served if the Secretariat to the Convention was funded directly and specifically by its membership and not by the Organization's membership as a whole. Mr. Khalimonov emphasized that it was certainly not the intention of IMO's Administration that the Consultative Meeting reached agreement on this matter during the forthcoming biennium, but it was important that Contracting Parties became familiar with these ideas which have been set out in a document (C/ES.20/16(a)) for consideration by the IMO Council at its 20th extraordinary session on 12 November 1999, i.e., the week before the 21st IMO Assembly.

1.10 Mr. Khalimonov proposed that the Twenty-first Consultative Meeting should set aside time for informal discussions regarding the financial situation. The Secretariat could then provide the various views as expressed on this matter by the Consultative Meeting in a submission to the Council.

1.11 Mr. Khalimonov then referred to other intersessional activities relevant to the effective implementation of the London Convention 1972 and its 1996 Protocol, including the recently convened 29th session of GESAMP, activities of UNEP's Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, the IOC/UNEP/IMO GIPME Programme and IMO's Marine Environment Protection Committee (MEPC). Attention was also drawn to the Greenhouse Gas Research and Development Programme of OECD and the European Commission's Environment and Climate Programme.

Chairman's remarks

1.12 The Chairman thanked Mr. Khalimonov for his continuing support of the Convention, but also expressed surprise and disappointment concerning the reported discussion by the IMO Administration on future funding for the Convention Secretariat. The Chairman suggested that in light of the importance of this issue to the future of the Convention, Contracting Parties may wish to begin preliminary consultations on this issue during the week.

1.13 The Chairman noted that the transition from the London Convention 1972 to its 1996 Protocol was a critical period for Contracting Parties and that this would require strong leadership on the part of individual States and by Contracting Parties as a whole.

1.14 The Chairman noted further that it was not sufficient to simply upgrade and strengthen London Convention rules; enhanced protection of the marine environment also required a determined commitment to implementation. He commended Contracting Parties for identifying and acting on issues that were critical to effective implementation, such as compliance, technical assistance and co-operation, outreach to non-Parties, and the further development of new scientific/technical rules and procedures.

1.15 Finally, the Chairman called attention to the fact that prevention of marine pollution from dumping was a very important element in the international community's effort to protect the oceans from all sources of pollution, including vessels, land-based sources and atmospheric deposition. He also noted that many countries had found the guidance developed under the London Convention very useful in addressing waste management problems generally.

Adoption of the Agenda

1.16 The agenda for the Meeting (LC 21/1) as adopted, is shown in annex 1 to this report. It includes under each respective agenda item a list of documents prepared for consideration at the Meeting.

1.17 During the discussion of a timetable and schedule for its work (LC 21/1/1), the Meeting agreed to consider the financial situation as described by Mr. O. Khalimonov in paragraph 1.9 above, including future funding for the London Convention 1972 Secretariat services, under item 3 of the agenda (Administrative Procedures and Arrangements for the 1996 Protocol).

Participation of intergovernmental organizations and international non-governmental organizations

1.18 The Secretariat informed the Meeting that applications for observership status had been received from the Environmental Crime Prevention Programme (ECPP), which is an intergovernmental organization, and from the International Ocean Institute (IOI), which is an international non-governmental organization. The Bureau had agreed to invite both organizations to attend this Consultative Meeting on a provisional basis.

1.19 The Meeting agreed to invite inter-governmental organizations to the Twenty-second Consultative Meeting and to intersessional meetings of its subsidiary bodies, as follows

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT (OECD)
COMMISSION OF THE EUROPEAN COMMUNITIES (EC)
INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA (ICES)

OSLO & PARIS COMMISSIONS
HELSINKI COMMISSION
PERMANENT COMMISSION FOR THE SOUTH PACIFIC (CPPS)
SOUTH PACIFIC REGIONAL ENVIRONMENT PROGRAMME (SPREP)
ENVIRONMENTAL CRIME PREVENTION PROGRAMME (ECPP)

1.20 The invitation to ECPP would be on a provisional basis, pending further clarification on its intergovernmental status.

1.21 The Meeting at the conclusion of its session decided that the following international non-governmental organizations should be invited to the Twenty-second Consultative Meeting and to intersessional meetings of its subsidiary bodies:

INTERNATIONAL ASSOCIATION OF PORTS AND HARBORS (IAPH)
EUROPEAN CHEMICAL INDUSTRY COUNCIL (CEFIC)
GREENPEACE INTERNATIONAL
INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES (IUCN)
PERMANENT INTERNATIONAL ASSOCIATION OF NAVIGATION CONGRESSES (PIANC)
INTERNATIONAL ASSOCIATION OF OIL AND GAS PRODUCERS (OGP)
ADVISORY COMMITTEE ON PROTECTION OF THE SEA (ACOPS)
CENTRAL DREDGING ASSOCIATION (CEDA)
INTERNATIONAL OCEAN INSTITUTE (IOI)

2 STATUS OF THE LONDON CONVENTON 1972 AND OF THE 1996 PROTOCOL THERETO

The London Convention 1972

2.1 The Consultative Meeting noted the report by the Secretary-General (LC 21/2) on the status of the Convention. To date seventy-seven Governments had ratified or acceded to the Convention.

2.2 The Consultative Meeting noted that the 1993 amendments to the Annexes to the Convention regarding the prohibition of disposal at sea of radioactive waste and other radioactive matter (resolution LC.51(16)) were not yet in force for the Russian Federation which on 18 February 1994 had submitted a declaration of non-acceptance of these amendments.

2.3 The delegation of the Russian Federation informed the Meeting that it was not yet ready to accept the amendments to Annexes I and II with regard to the disposal at sea of radioactive wastes and other radioactive matter. There had been delays in the completion of several low-level liquid radioactive waste processing installations. The Russian Federation would accept the relevant amendments once all the conditions for their full implementation had been satisfied. More details of the statement made by the Russian Federation are set out in section 6 of this report.

The 1996 Protocol

2.4 The Meeting noted that six Contracting Parties to the London Convention 1972 were Contracting States to the 1996 Protocol: Denmark, Germany, Spain, South Africa, United Kingdom and Vanuatu. 18 Contracting Parties to the Convention were signatories to the 1996 Protocol (LC 21/2/1).

2.5 Delegations from Australia, Canada, Sweden and the United States reported on the progress made so far in their countries regarding there accession to or ratification of the 1996 Protocol.

Australia, Canada and Sweden reported that this would probably be achieved in the first quarter of the year 2000.

2.6 The Consultative Meeting welcomed this information.

3 ADMINISTRATIVE PROCEDURES AND ARRANGEMENTS FOR THE 1996 PROTOCOL

3.1 The Chairman reminded the Meeting that the *ad hoc* Working Group on Administrative Procedures and Arrangements, established during the Twentieth Consultative Meeting, had considered various tasks, including:

.1 issues relating to the parallel application of the London Convention 1972 and the 1996 Protocol thereto;

.2 administrative arrangements for convening meetings under both instruments;

.3 the effective use of the various tools (e.g., technical co-operation and assistance) available to Contracting Parties to encourage the timely ratification of the Protocol; and

.4 any other issues which the *ad hoc* Working Group believed would merit attention in this regard.

The Meeting recalled that some of these tasks had been completed and that others should be taken up again based on submissions prepared by the Secretariat for this Meeting (LC 20/14, section 5).

Public relations material to promote the London Convention 1972 and its 1996 Protocol

3.2 The Secretariat introduced three proposals for public relations material to promote the London Convention 1972 and its 1996 Protocol (LC 21/3):

.1 a web-site for the London Convention/Protocol;

.2 a full colour brochure; and

.3 a two-colour leaflet.

3.3 For each option technical specifications and cost estimates were provided. After the proposal had been prepared, the IMO Publications Section had advised the Secretariat that all materials for sale as IMO publications including the text of the London Convention 1972 should not be freely distributed through a web-site.

3.4 The Secretariat also announced that it planned to update the book "The London Dumping Convention: The First Decade and Beyond", which had been published by IMO in 1991, after adoption by the Consultative Meeting of all waste-specific guidelines.

3.5 Several delegations indicated their support for the idea of developing a London Convention Web-Site, and expressed the view that basic material such as the text of the Convention and of the 1996 London Protocol should be made available through the web-site.

3.6 The delegation of the United Kingdom offered to explore with the Secretariat the possibility of contributing to both the setting up of a web-site and the printing of a two-colour leaflet on the London Convention/Protocol. It would work out the necessary arrangements with the Secretariat.

Budgets for administration and implementation of the London Convention 1972

3.7 In introducing document LC 21/WP.1, the Secretariat explained that IMO, through contributions from its Member States covered in full the costs for administration of the London Convention 1972 and the 1996 Protocol thereto. This involved:

.1 all the direct personnel and office costs of the Office for the London Convention 1972; as well as the costs of services from other sections of IMO for the purpose of the London Convention; i.e. for translation and distribution of LC-documents, for other administrative services, etc. In a document submitted to the 20th extraordinary session (November 1999) of the IMO – Council (C/ES. 20/16(a)) the Secretary-General noted that the annual costs for Secretariat services regarding the London Convention 1972 were some £250,000;

.2 the costs for two 5-day meetings per year, with one meeting having interpretation and one meeting without interpretation, are approximately £50,000 per year; and

.3 travel costs of approximately £5,600 per year of the Office for the London Convention 1972.

Under this arrangement any activities requiring additional costs for meetings or administration as well as the direct costs for execution of projects under the London Convention Technical Co-operation and Assistance Programme would have to be covered through voluntary contributions from Contracting Parties.

3.8 The Director of the Marine Environment Division, Mr. O. Khalimonov, briefed the Meeting on the possible consideration at the 20th extraordinary session of Council to be held in November 1999 of options that the budget for the administration of the London Convention 1972, which as outlined above constituted 1.5% of the total budget of IMO, be funded from other sources, i.e., by Contracting Parties. He indicated that Council might make a first start with these discussions and that no repercussions were expected for the Office of the London Convention 1972 during the biennium 2000 – 2001. An early exchange of views, even preliminary views within the Consultative Meeting would be useful for the discussion in the Council. Mr. Khalimonov stressed the importance of good co-ordination within national administrations to prepare positions in Council in this respect.

3.9 Several delegations thanked the Secretariat for its "early warning" on this issue. Many delegations indicated that they had been caught by surprise, noting that this item had not been included in the agenda.

3.10 The delegation of Canada expressed its serious concern that IMO was considering cessation of its administrative functions for the London Convention 1972. IMO's responsibilities for these functions which had been reaffirmed and even strengthened in the 1996 Protocol to the London Convention 1972 were a direct consequence of the interrelationship of shipping activities and disposal at sea. Without the continued secretarial support of IMO, the ability of Contracting Parties to meet the requirements of the Convention and the Protocol might be compromised and the health and function of the oceans affected. That delegation was also concerned about the possible disincentive this would present to potential Parties to the Convention or the Protocol and called for the continued support of IMO to ensure that the critical objectives of the Convention can be met. It proposed the Consultative Meeting to convey this message to the Secretary-General and the IMO Administration.

3.11 Many delegations supported the position taken by Canada. Others suggested that this issue could not be discussed because no document had been made available in advance.

3.12 Several delegations noted that IMO's role regarding the administration of the London Convention 1972 had been firmly established over the course of more than 25 years. In this regard, important decisions concerning the future of the Convention have been made in recent years including the adoption of the 1996 Protocol to the London Convention 1972, as well as concerted efforts to broaden the membership of the Convention.

3.13 Other delegations pointed at the very small portion of the overall IMO budget that was used to support the London Convention (1.5%). Others felt that London Convention activities were now widely accepted as a mainstream part of IMO's mission, and enjoyed support by major maritime countries, many of whom have taken an active part in consultations under the Convention and related activities.

3.14 The delegation of France stated that the IMO budget faced severe restrictions and considered it prudent, in addition to the support given to the views expressed by Canada, that the Consultative Meeting consider elaboration of various funding formulae to distribute the London Convention share of the IMO costs among Contracting Parties, for instance using the UN funding formula.

3.15 The delegation of Vanuatu stated that, in principle, contributions to the budget should be based on the amounts disposed of at sea and that the suggestion made by France could meet this principle. However, the delegation also indicated that separation of the London Convention budget from the IMO budget would be less effective, could lead to defections from the Convention and might deter future ratifications.

3.16 Other delegations feared that a time-consuming and regular debate on finances and annual accounts in the Consultative Meeting would inevitably slow down the progress on substantive matters relating to the protection of the oceans.

3.17 The Secretariat informed the Meeting that various funding schedules had been prepared in the past and that these could be updated and submitted to the next Consultative Meeting.

3.18 The delegation of the United States indicated that it could not accept the formulae that had been put forward as examples and opposed any change in the funding arrangements for the London Convention 1972.

3.19 Many delegations expressed their strong support for continuation of the present funding arrangements for the London Convention 1972 and that this message should be conveyed to the Secretary-General and to the Council.

3.20 The delegation of the Bahamas stated that it made substantial contributions to IMO's budget, but that it was not a Party to the London Convention 1972. Contributions of Member States to IMO were based on the size of their merchant fleets and not on the basis of shore-based activities. The delegation urged Governments that are Contracting Parties to the London Convention 1972 to indicate in the Council where IMO should make savings, if they would prefer to retain the support for secretarial services for the London Convention 1972.

3.21 The Meeting noted that the discussion in Council in November would be crucial, and that it was of the utmost importance that positions taken in Council were co-ordinated with those authorities responsible for the implementation of the London Convention 1972.

Issues related to the development of Rules of Procedure: Comparison with the IOPC arrangements

3.22 The Meeting noted that the Secretariat had compared the issues identified at the Twentieth Consultative Meeting in relation to the development of Rules of Procedure with the arrangements developed under the IOPC Fund Conventions and Fund Protocols (LC 21/WP.1).

3.23 In presenting its document, the Secretariat suggested that experience under the Fund Conventions and Fund Protocols confirmed the views developed by the *ad hoc* Working Group on Administrative Procedures and Arrangements last year, with regard to development of Rules of Procedure both for the London Convention and the London Protocol, distinct voting procedures, election of Chairmen and Vice-Chairmen, and observership status under the respective instruments.

3.24 The Secretariat further suggested that with regard to matters identified by the *ad hoc* Working Group for future consideration of Rules of Procedure, such as the possibility of joint subsidiary bodies, a quorum for joint items on the agenda, and the amendment procedures for joint Rules, experience from the Fund Conventions and Fund Protocols pointed in the direction that it would be advisable not to complicate matters but to conduct formal decision-making separately under the London Convention 1972 and the 1996 London Protocol. Discussion of items both on the agenda of meetings for the London Convention 1972 and for the 1996 London Protocol could be held together for efficiency reasons, prior to decision-making.

3.25 The Consultative Meeting agreed to instruct the Secretariat to submit a first draft for revised Rules of Procedure to the next Consultative Meeting. The Secretariat indicated that it would liaise with the delegation of the United Kingdom in this regard. Other interested parties were also invited to provide suggestions to the Secretariat.

4 COMPLIANCE ISSUES

4.1 The Chairman recalled that at the Twentieth Consultative Meeting a range of suggestions submitted by Canada had been considered concerning compliance promotion under the London Convention 1972, as well as in anticipation of the entry into force of the 1996 Protocol. That Meeting established the *ad hoc* Working Group on Reporting and Compliance, the terms of reference of which are set out in the report of the Twentieth Consultative Meeting (LC 20/14, annex 2).

4.2 In discussing compliance issues, the Meeting considered the following documents:

.1 an overview by the Secretariat of reports received from Contracting Parties on selected issues (LC 21/4). This so-called "gap analysis", prepared at the request of the Chairman of the Scientific Group, indicated which States have or have not submitted relevant reports on these issues to IMO since they became Contracting Parties to the London Convention 1972;

.2 the final report on permits issued by Contracting Parties in 1996 (LC 21/4/1). This report prepared by the Secretariat indicated that 43 of the 75 Contracting Parties registered in 1996 had **not** reported whether or not they had carried out dumping activities for that year;

.3 a draft report on permits issued by Contracting Parties in 1997 (LC 21/4/5). This report indicated that 52 of the 77 Contracting Parties registered in 1997 had **not** reported on whether or not they had carried out dumping activities during that year;

.4 a document prepared by the Secretariat concerning "minimum" or "basic" requirements for the implementation of the 1996 Protocol (LC 21/4/3). This concept

had emerged from the IMO/UNEP/IOC Workshop held in 1998 in Cape Town (South Africa) and was meant to assist States in prioritizing national actions towards full implementation of the 1996 Protocol;

.5 a draft questionnaire on compliance issues (LC 21/4/2). The Twentieth Consultative Meeting had agreed to develop such a questionnaire based on a similar exercise carried out under the Basel Convention. In preparing this document the Secretariat used proposals received intersessionally from Australia, Brazil, Egypt and the United Kingdom; and

.6 a document submitted by Canada entitled "Follow-up compliance issues considered at the Twentieth Consultative Meeting" (LC 21/4/4). This contained six realistic and factual non-compliance scenarios as well as possible responses to each scenario. Emphasis was given to measures to promote compliance as opposed to sanctions for non-compliance. Furthermore, the scenarios could be linked directly with technical co-operation activities. It was proposed that any envisaged procedure should be non-adversarial in nature and allow for the full and open exchange of information in a constructive manner.

4.3 The Consultative Meeting noted that the gap-analysis and the low returns of reports on dumping activities showed the urgent need for promoting compliance activities.

4.4 Several delegations were of the opinion that the elaboration of the non-compliance scenario approach developed by Canada would be useful as these scenarios drew on collective experience gained over the years. Other delegations indicated that a questionnaire would still be necessary to actually record the views and needs of Contracting Parties with regard to compliance.

4.5 The Meeting agreed that further development of the procedures indicated in the scenarios would be useful and that the questionnaire should be further developed to make the questions compatible with the scenario approach. The Meeting agreed that the questions should be phrased in a non-confrontational manner.

4.6 The Consultative Meeting also agreed not to establish a standing subsidiary body on compliance issues at this time. Instead the *ad hoc* Working Group on Reporting and Compliance would be reconvened, as and when necessary during a Consultative Meeting. The Meeting also confirmed that it would retain "compliance issues" as a regular item on its agenda.

4.7 Concerns were expressed regarding the further development of basic requirements to implement the 1996 Protocol, so as to avoid possible confusion between full compliance and compliance with basic requirements only.

4.8 On a question raised by Greenpeace International concerning a permit issued in 1996 by Australia for dumping of the rusted remains of part of a mild steel tower (LC 21/4/1, page 11 of the English text), the Australian delegation explained that this tower had served in the past as a navigational aid and not as an oil platform.

4.9 The Twenty-first Consultative Meeting, while confirming the terms of reference of the *ad hoc* Working Group on Reporting and Compliance (LC 20/14, annex 2), directed the Working Group to focus during its meeting week on the following issues:

.1 further development of the non-compliance scenarios and of procedures for solutions of these scenarios;

.2 review of the draft questionnaire to make the questions compatible with the scenarios;

.3 identification of barriers to compliance; and

.4 examination of opportunities for the promotion of compliance, e.g., development of model legislation for implementation of the 1996 Protocol.

Report of the *ad hoc* Working Group on Reporting and Compliance

4.10 The *ad hoc* Working Group on Reporting and Compliance met from 4 to 7 October 1999 under the chairmanship of Mr. J. Karau (Canada). Delegations from Australia, Belgium, Brazil, Canada, China, Germany, France, Japan, the Netherlands, the Republic of Korea, the Russian Federation, South Africa, the United Kingdom, the United States and observers from IAPH, Greenpeace International and IUCN participated. The Consultative Meeting adopted the report of the Working Group (LC 21/WP.3) and took action as set out in the following paragaphs.

Non-compliance scenarios

4.11 The Meeting noted that the Working Group, after examination of the following six non-compliance scenarios, concluded that they presented a comprehensive picture:

SCENARIO 1: A State that was not a Contracting Party to the London Convention 1972 before 31 December 1996 would like to ratify the 1996 Protocol, taking advantage of the Transitional Period provisions under Article 26.

SCENARIO 2: A report of illegal dumping is made against a Contracting Party.

SCENARIO 3: A Contracting Party does not attend Consultative Meetings, does not file required reports, and has no permitting authority or does not perform monitoring in relation to dumping activities.

SCENARIO 4: The Secretariat or Scientific Group has identified that a Contracting Party has not established administrative or legal mechanisms for operating the required permitting and monitoring systems.

SCENARIO 5: Permit reports reviewed by the Scientific Group show illegal dumping, e.g., of wastes not eligible for dumping.

SCENARIO 6: The Scientific Group notes that a Contracting Party does not report dredging operations carried out in waters of non-Contracting Parties.

4.12 The Meeting agreed that with regard to situations on non-compliance by Contracting Parties to the London Convention, the following roles and responsibilities of the Consultative Meeting, the Scientific Group, the Secretariat and the *ad hoc* Working Group on Reporting and Compliance should be undertaken:

.1 the Consultative Meeting should be responsible for policy interpretation and compliance;

.2 the Scientific Group should be responsible for assessment of reports on dumping permits issued by Contracting Parties and for the issue of how value can be added to the information contained therein, as well as for the assessment of monitoring reports submitted by Contracting Parties;

.3 the Secretariat when receiving reports on illegal dumping activities should urgently seek the views of the Contracting Parties involved. It should then disseminate such reports, and any information provided by the Contracting Party involved to the Bureau and Contracting Parties. The reports should then be discussed by the Consultative Meeting, which might decide to refer them to the *ad hoc* Working Group for further consideration; and

.4 the *ad hoc* Working Group on Reporting and Compliance should at the request of the Consultative Meeting be responsible for advice to the Consultative Meeting on overcoming barriers to compliance.

4.13 It was also emphasized that any Contracting Party that is alleged to have carried out dumping activities in contravention of the Convention, should have the opportunity to respond to the allegations.

Review of the draft questionnaire

4.14 The Twenty-first Consultative Meeting adopted the questionnaire on compliance issues prepared by the Working Group on the basis of a draft submitted to the Meeting (LC 21/4/2), as set out in annex 2 to this report. Contracting Parties were invited to return completed questionnaires by 17 March 2000. The Secretariat would compile the information received for consideration at the Twenty-second Consultative Meeting.

Identification of barriers to compliance

4.15 The Meeting endorsed the "Concept Project Proposal" prepared by the Working Group to address the issue of barriers to compliance with the provisions of the London Convention 1972. This concept includes actions firstly to further identify such barriers, and then to develop and implement solutions. The Concept Project Proposal is set out in annex 3 to this report. The Secretariat was requested to provide an overview of potential funding mechanisms in this regard.

Development of model legislation

4.16 The Meeting adopted a workplan containing an outline of elements for the implementation of the 1996 Protocol as proposed by the Working Group. It welcomed an initiative by Canada and the Netherlands to prepare a submission to the Twenty-second Consultative Meeting on the elements of the workplan consisting of a description of all legal requirements under the Protocol, a description on how to achieve these requirements and a description of the operational aspects of implementation. Contracting Parties wishing to contribute to this submission were invited to contact these lead-countries[1]. The proposed workplan is set out in annex 4 to this report.

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[1]

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4.17 The Meeting agreed that the Secretariat should liaise with similar initiatives (e.g., of the International Ocean Institute) in the field of implementation of comparable international agreements.

4.18 The Secretariat was requested to re-issue to the Twenty-second Consultative Meeting an evaluation of national dumping instruments that had been prepared in 1990 for the Thirteenth Consultative Meeting.

Future work

4.19 The Meeting confirmed that "compliance issues" should be kept as a standing item on the agenda of future Consultative Meetings.

5 CONSIDERATION OF THE REPORT OF THE SCIENTIFIC GROUP

5.1 The Chairman of the Scientific Group, Mr. J.H. Karau (Canada), provided a comprehensive review of the results of the twenty-second meeting of the Scientific Group (LC 21/5), highlighting major discussions and actions recommended by the Scientific Group as reflected below.

Review of Terms of Reference

5.2 The Meeting, recognizing that the original terms of reference of the Scientific Group were in need of updating, particularly in light of the 1996 Protocol, adopted resolution LC.57(21) on the terms of reference of the Scientific Group, as recommended by that Group. Resolution LC.57(21), as adopted, is shown in annex 5 to this report.

Waste specific guidance

5.3 The Meeting noted the priority attention given to the development of Waste Specific Guidance and expressed its appreciation for the progress that was being made. Six draft sets of Guidelines had been completed by the Group and the following three draft sets of Guidelines were scheduled for consideration at the twenty-third meeting of the Group as follows:

.1 draft Specific Guidance for Assessment of Vessels (lead country: United States);

.2 a draft review of the Dredged Material Assessment Framework (lead country: United States); and

.3 draft guidance on the linkages between "placement of matter for a purpose other than the mere disposal thereof", and "dumping" (lead country: Canada).

5.4 The Meeting endorsed the recommendation to regard waste-specific guidance being developed as "living documents", meaning that the guidance would be reviewed and updated in future in the light of new technical developments and the results of scientific research.

5.5 The Meeting further endorsed the recommendation that some issues raised during the preparation of draft specific guidance should be included in a future review of the generic Guidelines for the Assessment of Waste or Other Matter that May be Considered for Dumping.

5.6 Several delegations expressed their concern that developing guidance on "placement of a matter for a purpose other than the mere disposal of" should not hold up the adoption of other waste specific guidance. This was agreed by the Meeting.

Technical Co-operation and Assistance

5.7 The Meeting noted the importance that is being given to the development of the Waste Assessment Guidance (WAG) Training Set and endorsed the inclusion of the generic WAG on the LC 72 Web-Site and, when approved, the WAG Training Set on the Internet.

5.8 Attention was drawn to the fact that sufficient funding had been secured for the Workshop on the Prevention of Marine Pollution in the Asia-Pacific Region, which is to be held in Townsville, Australia, from 8 to 12 May 2000 (see also paragraph 7.3).

Monitoring

5.9 The Chairman of the Scientific Group reaffirmed that the presentation and review of monitoring reports was an important feature of the Group's ongoing work and he encouraged Contracting Parties to report on their monitoring activities.

Issues of Policy Interpretations

5.10 The Chairman of the Scientific Group, noting that issues regarding the interpretation of the London Convention and its Annexes were a matter for the Consultative Meeting, drew attention to the concern expressed by several delegations that in Japan:

.1 the dumping of several sludges would continue under the category "uncontaminated, inert geological materials";

.2 the dumping of waste acids and waste alkalis generated by the food industry, the textile and the chemical industry would continue under the category "uncontaminated organic materials of natural origin"; and

.3 decommissioned explosives were regarded as a product and not as "industrial waste" under paragraph 11 of Annex I to the London Convention 1972.

5.11 Japan introduced its paper on Sea Disposal of Wastes in Japan from 1996 onwards (LC 21/5/2) and provided a thorough review of the revision of domestic law in Japan and wastes allowed for dumping at sea. Japan requested that each Contracting Party should provide similar information on action undertaken to comply with the prohibition of sea disposal of industrial waste from 1 January 1996 and should document its actual sea disposal activities. The Meeting thanked Japan for its thorough report.

5.12 The delegations of the Netherlands and Germany stated that in accordance with their interpretations, the material dumped by Japan would be considered “industrial waste” as specified in the Convention under Annex I, paragraph 11, and from their point of view was prohibited for dumping at sea under the current regime. Greenpeace International supported this statement.

5.13 The Netherlands’ delegation proposed that the Meeting request its *ad hoc* Group on Reporting and Compliance to discuss this matter further.

5.14 The ensuing discussion brought forward varying views on the interpretation of industrial waste and the next steps that should be undertaken. The issue of next steps is addressed in the future work programme (see section 10).

Information exchange

5.15 The South African delegation gave a brief oral report on an alternative to sea disposal adopted in that country regarding obsolete ammunition: bullets of 7.62 mm calibre are sold to both foreign and national companies for recycling and/or re-use.

5.16 The Meeting endorsed the recommendation by the Scientific Group that the IMO Council be invited to continue to make provisions for maintaining the good co-operation with other organizations working in the fields relevant to the work carried out within the framework of the London Convention 1972, including:

.1 support for activities undertaken by GESAMP;

.2 support to implement IMO's co-sponsorship of GIPME;

.3 support to liaise with UNEP's Global Programme of Action for the Protection of the Marine Environment from Land-based Activities; and

.4 support to liaise with the Secretariat to the Basel Convention.

Adoption of the report

5.17 The Meeting adopted the report of the twenty-second meeting of the Scientific Group as amended and expressed its appreciation for its ongoing contribution.

Other Issues

5.18 The Chairman of the Scientific Group noted the conclusion of that Group that fossil fuel derived CO_2 was considered an industrial waste and requested guidance on the priority to be given to this matter.

5.19 The Secretariat introduced a document entitled "Ocean Storage of CO_2" (LC 21/INF.2) submitted by the Greenhouse Gas Research and Development Programme of the OECD. A brief summary of the technical aspects of the document was then presented by the Canadian delegation. The document first contains an explanation of the rationale for examining options for CO_2 sequestration as a means of ameliorating potential global warming. It proceeds with a description of the global carbon cycle and the processes of natural CO_2 sequestration by the ocean. This is followed by brief discussions of options for enhancing CO_2 uptake by the ocean specifically stimulating increased CO_2 draw-down through photosynthesis and direct injection of CO_2 into the deep ocean. The document also provides information on the nature of various methods of ocean injection and contemporary understanding of associated effects. It concludes with an analysis of legal issues, research priorities and planned feasibility and effects field trials.

5.20 Several delegations, including those of Denmark and Germany, supported by the observer from Greenpeace International, agreed with the conclusion of the Scientific Group that fossil fuel derived CO_2 was an “industrial waste”. Some delegations stated that they could not agree with the Group's conclusion that fossil fuel derived CO_2 fell generically under that definition. Other delegations stated that it was premature to decide at this stage whether or not $C0_2$ from fossil fuel fell under the definition of “industrial waste”.

5.21 The delegation of Norway pointed out that the London Convention would not cover all aspects of disposal of CO_2 into the sea, or sub-seabed. According to Article III(1)(c) of the Convention, which is also retained in article 1, paragraph 4(3) of the 1996 Protocol, the disposal (or storage) of wastes or other matter from offshore oil and gas activities is not covered by the provisions

of the Convention, or the Protocol. The Seventeenth Consultative Meeting had agreed that "re-injection" of produced water and other matter associated with offshore oil and gas operations does not fall within the definition of "dumping" (LC 17/14, paragraph 5.26). Injection of CO_2 from offshore installations to sub-seabed formations or into the sea is therefore not covered under the Convention. Furthermore, the London Convention does not cover disposal at sea of CO_2 from land-based sources via pipelines.

5.22 A number of delegations stressed the value of being kept informed of results of research on technical and scientific aspects of CO_2 disposal at sea, irrespective of its current legal status. In particular, it was noted that the outcome of research into the potential for chemical and/or biological impacts would be important in facilitating discussion of this issue by the Scientific Group.

5.23 The delegation of France and the observer from IUCN expressed their concern that research related to CO_2 disposal at sea should not deflect attention and resources from the need to prevent and reduce CO_2 emissions in the first place. Greenpeace International supported this view.

5.24 On the issue of the priority to be given to further work on this issue by the Scientific Group, several delegations stressed that the Scientific Group already had numerous topics on its workplan related to activities under the Convention which required urgent attention and resolution. Other delegations stated that the Scientific Group should consider this issue as a matter of priority.

5.25 Greenpeace International noted the IEA report regarding the basis for the assumption that ocean storage of CO_2 would "short-circuit" continued releases to atmosphere and their subsequent exchange with the ocean. Greenpeace International further noted that it had submitted a detailed overview of the rationale, techniques and implications to the twenty-second meeting of the Scientific Group; this report was now available on the web-site of Greenpeace International at www.greenpeace.org/politics/CO2.

5.26 The Chairman of the Consultative Meeting noted there was no consensus on whether or not ocean disposal of CO_2 from fossil fuelled power production would be considered an industrial waste. He further concluded that the Scientific Group should continue to keep a watching brief on the relevant research that is being done in this field. The Consultative Meeting would consider the legal, political and institutional dimensions of a potential proposal to amend the Convention or the 1996 Protocol at a later stage.

5.27 In conclusion, the Meeting agreed that the Scientific Group should maintain a "watching brief" on developments in the field of CO_2 disposal and should report to future Consultative Meetings as appropriate.

5.28 The Secretariat informed the Meeting of the discussions at MEPC 43 on the decommissioning/recycling/scrapping of ships (LC 21/5/1). The Consultative Meeting took note of MEPC's involvement in this issue and the associated relationship with activities carried out under both the Basel Convention and London Convention.

5.29 The Netherlands' delegation informed the meeting of the "Ship Scrapping Summit" which had been held in Amsterdam on 23 June 1999.

6 MATTERS RELATED TO THE MANAGEMENT OF RADIOACTIVE WASTES, INCLUDING THE APPLICATION OF THE *DE MINIMIS* CONCEPT

Ad hoc Working Group on *de minimis*

6.1 The Chairman of the *ad hoc* Group of Experts on the Definition and Application of the *de minimis* Concept under the London Convention 1972 (London Convention *de minimis* Group),

Mr. R. Engler (United States), informed the Consultative Meeting that the Group had met from 17 to 20 May 1999. Mr. Engler commended members of the Expert Group for their activities.

6.2 Mr. Engler introduced the report of this meeting (LC/DEMIN 1/7), which had been distributed to all Contracting Parties and observer organizations in early July 1999. He outlined the tasks of the London Convention *de minimis* Group as follows:

.1 to consider IAEA - TECDOC-1068 entitled: *"Application of Radiological Exclusion and Exemption Principles to Sea Disposal: The Concept of 'De Minimis' for Radioactive Substances under the London Convention 1972"*, as prepared by the IAEA;

.2 to develop practical guidance for national regulatory authorities for application of the *de minimis* concept under the London Convention 1972;

.3 to review the Consultative Meeting's request to the IAEA to provide further guidance to national authorities for conducting specific assessments; and

.4 the status of ongoing work regarding the effects of ionizing radiation on the marine environment versus human health.

6.3 Mr. R. Engler invited the Meeting to take note of the proceedings and discussions as well as to approve the report. He then highlighted the actions to be taken by the Consultative Meeting recommended by the *ad hoc* Group of Experts (LC 21/6) as follows:

.1 to **endorse** the recommendation of the London Convention *de minimis* Group to regard report IAEA - TECDOC - 1068 as an authoritative reference when considering a definition of *de minimis* (exempt) levels of radioactivity under the London Convention 1972 (LC/DEMIN 1.7, paragraph 2.4);

.2 **to request** IAEA to develop a generic approach for the development of specific assessments for the protection of the marine environment including human health, flora and fauna as well as the legitimate uses of the sea (LC/DEMIN 1/7, paragraph 4.5); and to advise the Consultative Meeting on their progress;

.3 to **agree** that it is essential to ensure the consistency of standards and approaches used for specific assessments;

.4 to **note** that some Contracting Parties had developed radiation assessments for materials eligible for disposal at sea to meet their national requirements **and to invite** these Contracting Parties to make relevant reports available to the Secretariat for onward distribution (LC/DEMIN 1/7, paragraph 4.4);

.5 to **endorse** the Group's conclusion that countries conducting a specific assessment must have available information on site-specific characteristics, pathways, etc., in order to complete such assessments and, with a view to assisting countries, to **request** the IAEA to develop guidance on the type of information needed in this regard (LC/DEMIN 1/7, paragraph 4.6);

.6 to **note** the work being undertaken regarding the effects of ionizing radiation on the environment versus human health, both at international and national level, as described in section 5 of the report of the London Convention *de minimis* Group; and

.7 to **endorse** the recommendation by the Group that, in view of the years necessary to develop criteria to protect ecosystems from the effects of ionizing radiation, reports regarding such effects on flora and fauna should be distributed to countries as soon as these were published (LC/DEMIN 1/7, paragraph 5.12).

6.4 In the context of paragraphs 6.3.2 and 6.3.7 above, the representative of the IAEA informed the Meeting that his Agency had recently issued a report entitled "Protection of the Environment from the Effects of Ionizing Radiation – A report for discussion" (IAEA-TECDOC-1091). This report would be made available to Contracting Parties after the Twenty-first Consultative Meeting through the Secretariat for the London Convention.

6.5 The Meeting expressed its agreement on the above items. Regarding the practical guidance for the application of the de minimis concept under the London Convention 1972 (LC/DEMIN 1/7, annex 2) it noted that it had been requested:

.1 to **consider with a view to their adoption** the draft Guidelines for the Application of the *de minimis* Concept under the London Convention 1972, as set out in the report of the London Convention *de minimis* Group (LC/DEMIN 1/7, paragraph 3.4, and annex 2);

.2 to **note** that Section 3 of these draft Guidelines merely explained in general, common language the specific advice by the IAEA, which uses largely terminology practised in the field of radiation protection, and that it should be stressed that this explanation is neither intended nor actually prejudicial to existing restrictions on the eligibility of materials for dumping at sea under the London Convention 1972 (LC/DEMIN 1/7, paragraph 3.6); and

.3 to **note also** that it had requested the IAEA to carry out further work concerning guidance for the conduct of specific assessments, and that with regard to the effects of ionizing radiation on the environment further work is being conducted by IAEA and within other fora (LC/DEMIN 1/7, paragraph 3.5).

6.6 Several delegations stated that apart from minor drafting comments they were in favour of approving the Guidelines for the Application of the *de minimis* Concept under the London Convention 1972, as set out in the report of the London Convention *de minimis* Group (LC/DEMIN 1/7, paragraph 3.4, and annex 2), recognizing that these Guidelines were a "living instrument" and that future work would be necessary to review the document in the light of new developments and results of scientific research. Some delegations expressed their concerns regarding adoption of the guidelines and considered that this might be premature in the light of additional work that is being carried out on the development of the specific assessment guidance.

6.7 The delegation of Mexico stated that it was not in a position at that stage to comment on the content of the Guidelines before their evaluation by Mexico's relevant institutions.

6.8 The Meeting established a drafting group to thoroughly review the draft Guidelines for the Application of the *de minimis* Concept under the London Convention 1972 in light of the above comments. The drafting group met under the Chairmanship of Mr. Engler in order to undertake such review.

6.9 In presenting the results of the drafting group, the Chairman emphasized that the revised draft Guidelines (LC 21/WP.2) had been developed on the basis of existing scientific knowledge of the radiation protection considerations and on a knowledge of current technology. He further noted that scientific work and technical development was, however, proceeding and consequently the

Guidelines should be kept under review as the results of further research and investigation became available.

6.10 The Meeting supported the Chairman's statement and agreed that it be included in the text of the Guidelines.

6.11 In discussing the issue of *de minimis* levels of radioactivity, and upon review of IAEA-TECDOC-1105 (Inventory of radioactive waste disposals at sea) (see paragraphs 6.23 to 6.26 below), a number of Parties noted that dumping of radioactive wastes (which were now banned from dumping at sea) had occurred near the coasts of States other than the State responsible for the dumping. Canada expressed reservations regarding the relevance of this paragraph to the *de minimis* issue in the context of the current provisions of the Convention and their implementation.

6.12 The Meeting appreciated that such dumping could be a cause for concern, and noted that the London Convention 1972 recognizes that States have "the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction" (Preamble to the London Convention 1972).

6.13 It should therefore be noted that the Guidelines provide that, until the IAEA guidance for conducting specific assessments became available, a Contracting Party when authorizing on the basis of a specific assessment the dumping of material in the area of the high seas, should include in its reports to the Secretariat the assessment criteria used.

6.14 The Meeting adopted the revised Guidelines for the Application of the *de minimis* Concept under the London Convention 1972, as amended. These are set out at annex 6 to this report.

Developments in the Russian Federation regarding the processing of low-level liquid radioactive wastes

6.15 The delegation of the Russian Federation informed the Meeting of recent developments with regard to the processing of low-level liquid radioactive wastes and of its position regarding resolution LC.51(16) concerning disposal at sea of radioactive wastes and other radioactive matter.

6.16 The delegation of the Russian Federation outlined the current status of managing low-level radioactive wastes in North Russia and the Far East with the financial and technical co-operative assistance of Japan, Norway and the United States in establishing treatment facilities during 1999. Other facilities were under construction and would not be completed and commissioned in the near future.

6.17 Intensive work was being carried out to recycle nuclear submarines and weapons under international agreements. Large quantities of low-level liquid radioactive waste were being generated as a result of such activities. But available capacity was limited and it would be difficult to process such quantities in the near future. The capacity to store large quantities on land and at sea was also still limited.

6.18 As indicated in 1994, the Russian Federation continued to impose a moratorium on the dumping of radioactive waste at sea. The Russian Federation would not be able to sign the amendments set out in resolution LC.51(16) until the facilities under construction had been commissioned.

6.19 The United States delegation noted that it was its understanding that the low-level radioactive waste processing facility at Murmansk would be completed within the next months. It was hoped that the Russian Federation would soon be in a position to withdraw its declaration of non-acceptance

of resolution LC.51(16). The continued observation by the Russian Federation of its moratorium on such dumping was welcomed.

6.20 Japan informed the Meeting that the processing facilities constructed under a technical co-operation agreement with the Russian Federation would be completed in December 1999. Japan requested Russia to accept the amendments to Annexes I and II to the Convention regarding radioactive waste disposal.

6.21 The United Kingdom delegation supported the views expressed by Japan and the United States that the Russian Federation should accept the amendments in the near future. It welcomed the continuation of the national moratorium on radioactive waste disposal at sea.

6.22 The Chairman thanked the Russian Federation for its report and expressed his hope that the Russian Federation would accept the amendments at the earliest possible date. He also asked the Russian Federation to keep the Secretariat informed of future developments.

IAEA-TECDOC-1105: Inventory of radioactive waste disposals at sea

6.23 The Meeting recalled that the IAEA upon the request of Contracting Parties to the London Convention 1972 develops and maintains an inventory of radioactive material entering the marine environment from all sources comprising three separate sections:

.1 disposal at sea of radioactive wastes (controlled disposal of wastes)

.2 accidents and losses at sea involving radioactive material; and

.3 discharges of radioactive substances into the atmosphere and aquatic environments.

6.24 The representative of IAEA introduced IAEA-TECDOC-1105 entitled: "Inventory of radioactive waste disposal at sea" (LC 21/INF.5), which addresses radioactive waste disposal at sea from 1946 to 1993. This document is an update of IAEA-TECDOC-588 presented to the 14th Consultative Meeting in 1991. In addition to the data already published, the revision includes detailed official information on sea disposal operations carried out by the former Soviet Union and the Russian Federation in the Arctic Seas and in the Far Eastern Seas, provided in 1993, as well as additional information provided by Sweden in 1992 and the United Kingdom in 1997 and 1998. He stressed that the information contained in IAEA-TECDOC-1105 concerns controlled and deliberate disposal at sea only.

6.25 IAEA-TECDOC-1105 clearly demonstrates that the majority of the radioactive waste disposed of at sea is located in two areas: the North-East Atlantic and in the Arctic Sea area. Dumping occurred in the NE Atlantic in the years until 1983 and in the Arctic Seas up to 1993.

6.26 The IAEA representative pointed out that the report records the dumped radioactive materials in terms of mass, volume and activity in Bequerels disposed of at different locations and it should be borne in mind that, as a result of radioactive decay, in many cases, the amounts of radioactivity will now be substantially reduced.

6.27 Concerning "accidents and losses at sea involving radioactive materials" the Meeting was informed that an advanced draft report was ready for submission to IAEA Member States for comment and approval.

6.28 With regard to "discharges from land-based sources" the IAEA representative informed the Meeting that a computerised data base system had been developed and was currently being tested. It

was expected that IAEA Member States would be requested to provide data for this inventory during the course of the following year. The IAEA was co-operating on this issue with the EC and the UN Scientific Committee on the Effects of Atomic Radiation (UNSCEAR). This work was considered to be an important part of the IAEA's contribution to the UN's Global Programme of Action for the Protection of the Marine Environment from Land-based Activities.

6.29 Several delegations expressed their thanks to the IAEA for its co-operation and for IAEA-TECDOC-1105. The Chairman also expressed his thanks to IAEA for its co-operation with Contracting Parties.

7 TECHNICAL CO-OPERATION AND ASSISTANCE UNDER THE LONDON CONVENTION 1972

7.1 The Chairman recalled that technical co-operation issues were of increasing importance both to assist in the effective implementation of the London Convention 1972 and to facilitate the entry into force of the 1996 Protocol, and that in light of this recognition the Nineteeth Consultative Meeting had adopted its Technical Co-operation and Assistance Programme. As it was still too early to formally review this programme, or to assess its effectiveness, the Chairman proposed the discussion of a status report of those projects that were being undertaken. The Meeting agreed with this approach.

Current Technical Co-operation and Assistance Projects

7.2 The Secretariat, in introducing a status report on current technical co-operation and assistance projects under the London Convention 1972 (LC 21/7), provided an overview of the seven current projects. The Secretariat indicated that one project was two-thirds completed, three were ongoing, and three were pending.

Completed Projects

7.3 **National Seminar on the London Convention 1972 in Goa (India).** No response had yet been received from the Directorate General of Shipping in Mumbai regarding any follow-up activities by the Indian administration to the seminar which was convened in 1998, or on steps taken in India towards accession to the 1996 London Protocol.

7.4 **Provision of advice to the Government of Thailand concerning its preparations to accede to the 1996 Protocol to the London Convention 1972 – Phase 1.** Having provided a set of advice to Thailand, the Secretariat was currently exploring with the Thai authorities what further advice would be needed and whether or not some of this advice might be feasible as part of the transitional period provisions under Article 26 of the 1996 London Protocol.

Projects being developed

7.5 **Workshop on Waste Management and Marine Pollution Prevention in the Asia-Pacific Region: Townsville (Australia), 8 – 12 May 2000**. The Australian delegation informed the Meeting that the funding for the Townsville Workshop (T2000) had been secured and a first meeting of the T2000 Steering Committee had been held in September 1999. An information package including a draft programme and invitation letters had been sent out. Discussions had been held with interested parties on the programme and its administration.

7.6 **Workshop on Waste Management in the Context of Integrated Coastal Management in Latin America; Viña del Mar, Chile, 25 –29 October 1999.** The Secretariat informed the Meeting of arrangements made so far for this workshop. The workshop was being organized by IMO in co-

operation with the Carl Duisberg Gesellschaft, Germany, and hosted by the General Directorate of the Maritime Territory and Merchant Marine (DIRECTEMAR), Valparaíso, Chile. Several governmental, intergovernmental and international organizations were supporting this event by providing lecturers. Experts from Chile, Colombia, Ecuador, Panama and Peru would participate. Countries were invited to make presentations on experience they had gained with the implementation and application of international and regional conventions to prevent marine pollution and to highlight their priority problems of waste management. On the basis of a key-problem analysis and after consideration of international conventions as well as national legislation, an integrated waste management concept would be developed. The report of the workshop would be submitted to the twenty-third meeting of the Scientific Group.

7.7 **Review of the dumping protocol to the Bucharest Convention for the Protection of the Black Sea.** The aim was to replace the black and grey list approach with the reverse list approach as adopted under the 1996 London Protocol. IMO expected to receive in the near future a request for assistance with a Workshop on how such a review could be carried out.

Planned projects

7.8 **Workshop on management of hazardous wastes in East Asia.** This project would link the implementation of the London Convention with that of the Basel Convention and of the UNEP Global Programme of Action in a practical manner.

7.9 **Request from the Government of Kiribati for assistance regarding the implementation of the London Convention.** Contact had been made with Kiribati and the necessary assistance was being identified. Kiribati had shown an interest in taking part in the Townsville Workshop (see paragraph 7.5 above).

Discussion

7.10 **Environmental agenda for ports in Brazil.** IMO had recently received a request from the Brazilian Government to assist it in preparing and implementing some issues of an environmental agenda for ports in Brazil. The request involved in particular dredged material management, environmental risk and accident prevention, spill response management, and waste management. The scope, timing and the modalities for the development of a project were to be discussed.

7.11 The Secretariat pointed out that the Technical Co-operation and Assistance Programme was a young and small programme. With the voluntary and ad-hoc financial support provided by Contracting Parties and other organizations, a couple of projects may be implemented per year. These projects could be implemented on an ad-hoc basis but not on a programmatic basis. A solid follow-up to the activities which had been started in a particular region could often not be provided and therefore there might be no benefit from the momentum created. It should be borne in mind that the Consultative Meeting might at some time wish to evaluate the effectiveness of the programme, and determine its strong points and weaknesses in the delivery of technical co-operation projects.

7.12 The Canadian delegation pointed out that the London Convention 1972 followed an integrated approach in the field of marine environmental protection and recommended, supported by other delegations, a partnership approach with other programmes in developing and implementing technical co-operation projects.

7.13 The United Kingdom stated that it would continue to provide funding for the London Convention Technical Co-operation and Assistance Programme wherever possible and discuss with the Secretariat how this could best be targeted.

7.14 South Africa proposed the development of a project addressing the compliance issue.

7.15 The United States delegation noted the importance of technical co-operation and assistance under the London Convention 1972 and described a number of technical assistance activities of relevance to that Convention that it had undertaken. It noted that the Internet and electronic means of communication could be used in support of technical co-operation and assistance and had submitted a paper describing some of the activities in which it was involved (LC 21/INF.6). The United States further reported on dredging training modules that can be assessed via the Internet, an upcoming Dredged Material Assessment and Management Seminar and numerous activities being carried out in this regard in the Wider Caribbean Region.

Consideration of the report of the Scientific Group: Technical Co-operation and Assistance (LC 21/5, paragraphs .9 – .13)

7.16 Recommendations made by the Scientific Group concerning technical co-operation and assistance (LC 21/5), were introduced under this agenda item by its Chairman. The Meeting was invited to take the following action:

.1 to **note** that the Group regarded the draft Waste Assessment Guidance Training Set as presented by the Secretariat as a good starting point for further development, but that intensive re-writing and re-structuring were needed before it could be used as a teaching and training tool (LC/SG 22/13, paragraph 5.6);

.2 to **note** the intersessional arrangements for the further development of the WAG Training Set and to **endorse**:

.1 the conclusion by the Group that once the content of the Training Set had been approved, it should be made available on the internet; and

.2 the recommendation that the text of the generic Waste Assessment Guidance itself be put on the IMO - website (LC/SG 22/13, paragraphs 5.6 - 5.8);

.3 to **note** the consideration of advice on various technical co-operation issues and that adequate funding for several projects had not yet been secured (LC/SG 22/13, paragraphs 5.9-5.20); and

.4 to **note** the arrangements in preparation of the Workshop on the Prevention of Marine Pollution in the Asia-Pacific Region, which is to be held in Townsville, Australia, from 8 to 12 May 2000, and that sufficient funding had been secured for this Workshop (LC/SG 22/13, paragraphs 5.21 - 5.24).

7.17 The Meeting agreed to take action as requested above. The Chairman of the Scientific Group pointed out that in particular the Waste Assessment Guidance Training Set comprised a fundamental component of this programme.

Conclusion

7.18 In summing up, the Chairman highlighted the fact that technical co-operation and assistance was a very important issue for the future of the Convention and the Protocol. It was a critical element of implementation as well as an important tool to attract new Parties. He encouraged Contracting Parties to assist the technical co-operation programme by, for example, the provision of financial resources, technical expertise and material, and through innovative approaches, e.g., twinning. In light of the importance of assessing the effectiveness of the programme he proposed to address this issue at the next Consultative Meeting.

8 MONITORING FOR THE PURPOSES OF THE LONDON CONVENTION 1972

8.1 The delegation of the United States presented information on the coastal monitoring and research activities of its Environmental Protection Agency (EPA), including a wide range of near-coastal monitoring as well as individual ocean dumping site management and monitoring programmes (LC 21/INF.7). A National Estuary Programme (NEP) had been established to identify, restore and protect significant estuaries.

8.2 The United States delegation further noted that in 1998 the United States government developed an initiative called the Clean Water Action Plan to protect public health and restore waterways by providing the tools and resources to meet the standards established for that monitoring.

8.3 The delegation of the Russian Federation drew attention to the results of monitoring activities carried out in the Northern Seas jointly by a Norwegian-Russian Expert Group. These had been submitted to previous Consultative Meetings demonstrating that the concentration of radionuclides in waters, sediments and biota in the areas where radioactive material had been dumped until 1993 was very low as compared with other sea areas. However, a regular monitoring programme needed to be established to measure potential leakages from the containerized wastes. In general, internal and external sea areas of the Russian Federation were the subject of intensive monitoring programmes.

8.4 The delegation of the Russian Federation then drew attention to the fact that defence industries in Russia had been converted to other programmes, including those for ecology. Under these programmes environmental pollution monitoring patrol ships had been designed and were operating in the Baltic and Caspian Seas. Other environmental pollution monitoring patrol ships were being built. The model of such a ship was presented during the Meeting to IMO for inclusion in its exhibition of ship models.

8.5 The delegation of China informed the Consultative Meeting of its dumping site monitoring programmes. These included regular monitoring activities carried out every one to two years at each site, and special activities carried out within shorter times in cases where uncertainties existed. The quality of the marine areas around the dumping sites had shown to be unaffected by dumping. A report on China's dumping site monitoring programme would be submitted to the twenty-third meeting of the Scientific Group.

8.6 The Chairman of the Scientific Group drew attention to the review of national monitoring reports carried out by his Group (LC/SG 22/13, section 6). He described the different types of activities: compliance monitoring and field monitoring.

8.7 The Meeting agreed that certain aspects of monitoring activities, particularly those related to research and assessment, were of particular interest to the Scientific Group, whilst others, specifically those on compliance issues, should be submitted to the Consultative Meeting. The Chairman drew attention to the importance of monitoring in relation to dumping activities and encouraged other countries to report on their monitoring activities at the next Consultative Meeting. The Consultative Meeting should therefore keep this item on its agenda.

8.8 The observer from the Environmental Crime Prevention Programme (ECPP) informed the Meeting about the facilities at the Fucino Space Centre in Italy and the potential application of maritime satellite monitoring for the purposes of the London Convention 1972.

9 RELATIONS WITH OTHER ORGANIZATIONS IN THE FIELD OF MARINE ENVIRONMENT PROTECTION

International Seabed Authority

9.1 The Consultative Meeting was informed of current activities of the International Seabed Authority regarding the development of guidelines on environmental assessments of deep sea mining (LC 21/INF.3). Noting that such guidelines should be compatible with the specific guidance developed by the Scientific Group for the Assessment of Inert, Inorganic Geological Material, the Secretariat had contacted the International Seabed Authority requesting it to keep the Consultative Meeting informed of relevant developments, particularly regarding the preparation under its aegis of Mining Codes and Environmental Assessment Guidelines.

9.2 Several delegations, emphasizing the importance of such contacts and the co-operation with other organizations working in this field, requested the Secretariat to intensify its contacts with a view to keeping the Consultative Meeting informed of future developments regarding the assessment of environmental impacts from the exploration and exploitation at sea of mineral resources.

9.3 Greenpeace International informed the Consultative Meeting that a number of copies of its comments on " Draft Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area" submitted to the International Seabed Authority for consideration at its fifth session (Jamaica, August 1999), had been made available to the Meeting and that further copies could be made available upon request.

GESAMP

9.4 The Secretariat informed the Meeting orally of current activities carried out by the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP) which held its twenty-ninth session at IMO headquarters from 23 to 26 August 1999.

9.5 The Meeting noted that the preparation of two reports by GESAMP's Marine Environmental Assessments Working Group was currently the main issue in which GESAMP was involved. The reports would be entitled:

.1 "The state of the marine environment – current major issues and emerging problems"; and

.2 "Land-based sources and activities affecting the quality and uses of the marine, coastal and associated freshwater environment".

The final draft texts of both these reports would be submitted to GESAMP XXX in May 2000 with a view to their adoption.

9.6 The Consultative Meeting was also informed of matters of particular concern raised by GESAMP members regarding the degradation of the marine environment. Matters of particular relevance to the Consultative Meeting included the following:

.1 the 1998 bleaching of corals and other invertebrates on coral reefs worldwide which coincided with the 1997-1998 'El Nino' event;

.2 the over-fertilization and eutrophication phenomena associated with nutrient inputs and resultant oxygen reduction in coastal areas; and

.3 the fact that in South-East Asia oil and gas exploration activities continued to be carried out with little regard for pre-requisite proper Environmental Impact Assessments.

Global International Waters Assessment (GIWA)

9.7 The Meeting was informed that co-operation had been established between GESAMP and GIWA which was a four-year UNEP-led and GEF-funded initiative, executed by the Kalmer University in Sweden. The objective of GIWA was to develop a comprehensive strategic assessment to identify priorities for remedial and mitigatory actions in international water bodies. GIWA produce an integrated global assessment of international waters, including the ecological status and causes of environmental problems of transboundary freshwater basins.

Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA)

9.8 In 1998 a UNEP co-ordination office had been established under GPA in the Hague and was now operational involving nine staff members. Its main task was to co-ordinate the various programme elements adopted by an intergovernmental conference in Washington, D.C. in December 1995.

9.9 As a priority task, it had been recommended that an information and data clearinghouse be established as a means to mobilize experience and expertise. Subsequently, the UN General Assembly through resolution 51/189 identified organizations responsible for the various components of the GPA clearinghouse . IMO was identified as being responsible for oil and litter in the marine environment. The IMO Assembly, however, felt that IMO was not in a position to carry out such tasks without the provision of extra-budgetary resources.

9.10 The Meeting was informed that a co-operation agreement between the Marine Environment Division of IMO and the Government of Canada had been concluded promoting the establishment of clearinghouse functions on oil and litter in the marine environment.

10 FUTURE WORK PROGRAMME

10.1 The delegation of Canada proposed that the future work programme should seek more information on what is considered eligible for dumping at sea and invite Contracting Parties to submit such information for further legal and policy consideration to the Twenty-second Consultative Meeting. The objective was to develop a more common and consistent interpretation of “industrial waste” and the reverse list (Annex I, paragraph 11). The delegation of Germany endorsed this proposal, particularly in light of the discussions held on the interpretation of materials dumped by Japan (see paragraphs 5.10 – 5.12 above).

10.2 The Consultative Meeting agreed that the interpretarion of “industrial waste” should be discussed at the Twenty-second Consultative Meeting. Other substantive items to be included in the agenda of the Twenty-second Consultative Meeting are shown in annex 7 to this report.

10.3 The Meeting adopted the work programme of its Scientific Group covering 2000 to 2002 as set out in the report of the Scientific Group (LC/SG 22/13, annex 6).

Dates of the Twenty-second Consultative Meeting and of its Scientific Group

10.4 The Consultative Meeting agreed that:

.1 the Twenty-second Consultative Meeting should be held from 18 to 22 September 2000; and

.2 the twenty-third meeting of the Scientific Group should be held from 15 to 19 May 2000 in Townsville (Australia).

10.5 The Consultative Meeting expressed its appreciation to Australia for hosting the twenty-third meeting of the Scientific Group. In conjunction with this meeting, a workshop on the Prevention of Marine Pollution in the Asia-Pacific Region will be held from 8 to 12 May 2000.

11 ANY OTHER BUSINESS

Name of the sea area between the Korean peninsula and the Japanese archipelago

11.1 The delegation of the Republic of Korea drew to the attention of the Consultative Meeting the concerns expressed at the Twentieth Consultative Meeting by its Government on the above subject and to the agreement reached at that time that this matter would be further discussed at this Twenty-first Consultative Meeting (LC 20/14, paragraphs 12.19 to 12.25). The point was whether the Secretariat of the London Convention, by law, is allowed to make an alteration in "conveying to the Parties concerned all notification received by the Organization" and that the alteration that the Secretariat had made last year was the sort of change that the delegation of the Republic of Korea could not let pass by.

11.2 The delegation further noted that the name of the sea area lying between the Korean peninsula and the Japanese archipelago has long been the source of dispute between the Republic of Korea and its neighbouring countries; some call it the "East Sea"; others call it by a different name.

11.3 The Republic of Korea will continue to discuss this matter with all parties concerned including the London Convention Secretariat until a solution can be found which would satisfy all those concerned. Until then, the delegation would like to reserve the right to raise this issue again at further plenary meetings in the future as and when it deems necessary.

11.4 Finally, the Republic of Korea pointed out that in the light of the unresolved dispute on this matter at the last Meeting, it was regrettable to see the denomination of the sea in question appear in a document (LC 21/4/5, page 12) circulated at this Meeting, in a manner different from that of the Republic of Korea.

11.5 The Consultative Meeting took note of the position described above by the Republic of Korea.

Disposal of hazardous waste in Alaska

11.6 Greenpeace International drew the attention of the Meeting to a short media report, published by the Environmental News Service on 27 September 1999, regarding the sub-seabed disposal of hazardous waste by BP Exploration Inc. on the Alaskan North Slope and asked the delegation of the United States whether it was able to provide further details to the Meeting. The United States delegation noted that it did not have the information necessary to respond at that time but invited Greenpeace International to submit to the United States any further information available concerning this incident.

11.7 At the conclusion of the Meeting, Greenpeace International brought forward other informaton indicating that both civil and criminal proceedings had already been undertaken nationally regarding this disposal operation. The information indicated that the illegal activity (disposal into oil shafts from an artificial island) was not relevant for consideration under the terms of the London Convention 1972.

Disposal of offshore platforms in Australia

11.8 Greenpeace International drew the attention of the Meeting to the ongoing consultative process relating to the development by the Government of Australia of a "whole of Government position" on the disposal of offshore platforms and other man-made structures, noting that an application for a sea dumping permit for a platform was in preparation. Greenpeace International invited Australia to provide further details of the scope and timetable for the consultation process and also invited other Contracting Parties to report on the status of any policy decisions or considerations on this issue within their own States or regions.

11.9 In response, the Australian delegation informed the Meeting that a draft policy had been distributed for comment to government departments and stakeholders, including environmental groups. Meetings of interested parties had also been held. No specific timeframe had been set for completion of the policy.

11.10 During discussion, the delegation of Denmark noted the legally binding decision adopted under the OSPAR Convention (OSPAR Decision 98/3) which prohibits (with very limited exceptions) the dumping of platforms and other man-made structures at sea within the North East Atlantic Region. Another delegation noted that other regional groups had adopted different approaches.

Location of munitions in the Adriatic Sea

11.11 Greenpeace International raised the issue of the dumping of explosives and other munitions into the Adriatic Sea from aircraft during the recent conflict in Kosovo. While such operations were likely to fall under the provisions of "*force majeure*" with respect to the London Convention 1972, Greenpeace International stressed that the obligation remained for those Contracting Parties responsible for the dumping to report the locations and quantities of munitions dumped. Greenpeace International further requested that those Contracting Parties report on the steps that would be taken to recover these munitions.

11.12 The Chairman suggested that this might be a topic for consideration at the Twenty-second Consultative Meeting. The delegation of France suggested that the issue be pursued through the Barcelona Convention and the Regional Seas Programme for the Mediterranean. The Secretariat undertook to contact the Secretariat of the Barcelona Convention on this matter.

Dredging: The Facts

11.13 The observer from the Permanent International Association of Navigation Congresses (PIANC) introduced a brochure on dredging matters which PIANC had prepared jointly with the International Association of Dredging Companies (IADC), the International Association of Ports and Harbors (IAPH) and the World Organization of Dredging Associations (WODA) (LC 21/INF.4). This brochure, produced in everyday terminology, was intended to increase public awareness of the importance of dredging, including information on dredging operations, types of dredgers and environmental issues. Additional copies could be ordered from the IADC Secretariat[2].

[2] Duinweg 21, NL 2585, JV The Hague, The Netherlands

International Coral Reef Initiative

11.14 The French delegation informed the Meeting that France would provide the Secretariat for the International Coral Reef Initiative (ICRI) for the period 1999-2000, following Australia and the United States. One of the Secretariat's tasks would be to draw up a complete inventory of the action programmes initiated throughout the world to prevent the degradation of coral reefs, and the corresponding funding, to ensure that the campaign was continued in a co-ordinated way and new sources of funding were found.

11.15 The Consultative Meeting welcomed this information and requested the French delegation to report at the Twenty-second Consultative Meeting on the status and progress achieved within the framework of the Initiative.

Farewell to M. Nauke, Chief of the Office for the London Convention 1972

11.16 The Chairman noted that because of Manfred Nauke's upcoming retirement, this would be his last Consultative Meeting. In a special celebration to thank Mr. Nauke for his 22 years of dedicated service to the IMO and to the London Convention 1972, the Chairman recalled Mr. Nauke's many accomplishments. The Chairman noted in particular Mr. Nauke's pioneering work in the field of international marine protection, and the leadership he had shown in moulding the London Convention and its Secretariat into a model of international co-operation. The Chairman also noted that Manfred Nauke was considered a good and valued friend by many delegates and that he would be greatly missed. It was sincerely hoped that he would continue his association with the London Convention as he embarked on a new stage of his life.

12 ELECTION OF CHAIRMAN AND VICE-CHAIRMEN

In accordance with rule 19 of the Rules of Procedure, the Meeting re-elected Mr. A.B. Sielen (United States) as Chairman for the intersessional period and for the Twenty-second Consultative Meeting. Ambassador G.E. do Nascimento e Silva (Brazil) was re-elected as First Vice-Chairman and Mr. V.S. Knyazev (Russian Federation) was re-elected as Second Vice-Chairman.

13 CONSIDERATION AND ADOPTION OF THE REPORT

The report of the Twenty-first Consultative Meeting of Contracting Parties to the London Convention 1972 was adopted on the final day of the Meeting (8 October 1999).

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ANNEX 1

AGENDA FOR THE TWENTY-FIRST CONSULTATIVE MEETING

1 **Adoption of the Agenda**

LC 21/1 - Secretariat: Provisional agenda

LC 21/1/1 - Secretariat: Annotations to the Provisional Agenda and Draft Timetable

2 **Status of the London Convention 1972 and of the 1996 Protocol thereto**

LC 21/2 - Report of the Secretary-General on the Status of the London Convention 1972

LC 21/2/1 - Report of the Secretary-General on the Status of the 1996 Protocol to the London Convention 1972

3 **Administrative procedures and arrangements for the 1996 Protocol**

LC 21/3 - Secretariat: Proposals for Public Relations Material to promote the London Convention 1972 and its 1996 Protocol

LC 21/WP.1 - Secretariat: Administrative arrangements for convening meetings under the London Convention 1972 and its 1996 Protocol

4 **Compliance issues**

LC 21/4 - Secretariat: Overview of reports received from Contracting Parties on selected issues: "Gap – Analysis"

LC 21/4/1 - Secretariat: Final report on permits issued in 1996

LC 21/4/2 - Secretariat: Draft questionnaire on compliance issues

LC 21/4/3 - Secretariat: Consideration of "minimum requirements" for implementation of the 1996 Protocol

LC 21/4/4 - Canada: Follow-up compliance issues considered at the Twentieth Consultative Meeting

LC 21/4/5 - Secretariat: Draft report on permits issued in 1997

LC 21/WP.3 - Report of the *ad hoc* Working Group on Reporting and Compliance

5 **Consideration of the report of the Scientific Group**

LC 21/5 - Secretariat: Action by the Consultative Meeting

LC 21/5/1 - Secretariat: Decommissioning/Recycling/Scrapping of Ships

LC 21/5/2 - Japan: Sea disposal of wastes in Japan from 1996 onwards

LC 21/INF.2 - Secretariat: "Ocean Storage of CO_2 "

6 **Matters related to the management of radioactive wastes, including the application of the *de minimis* concept**

LC 21/6 - Secretariat: Report of the ad hoc Group of Experts on the Definition and Application of the *de minimis* Concept under the London Convention 1972: Action by the Consultative Meeting

LC 21/INF.5 - IAEA: IAEA-TECDOC-1105: Inventory of radioactive waste disposals at sea

LC 21/WP.2 - Amended draft Guidelines for the application of the *de minimis* concept under the London Convention 1972 (LC/DEMIN 1/7, annex 2)

7 **Technical Co-operation and Assistance under the London Convention 1972**

LC 21/7 - Secretariat: Status report of Technical Co-operation and Assistance Projects

LC 21/INF.6 - United States: Report on Technical Co-operation Activities

8 **Monitoring for the purposes of the London Convention 1972**

LC 21/INF.7 - United States: Report on Monitoring Programs

9 **Relations with other organizations in the field of marine environment protection**

LC 21/INF.3 - Secretariat: Draft Guidelines for the Assessment of the Environmental Impacts from the Exploration for Polymetallic Nodules in the Area

10 **Future work programme and date of Twenty-second Consultative Meeting**

No documents submitted under this agenda item

11 **Any other business**

LC 21/INF.4 - PIANC: Dredging: The Facts

12 **Election of Chairman and Vice-Chairmen**

13 **Consideration and adoption of the report**

LC 21/13 - Report of the Twenty-first Consultative Meeting

LC 21/INF.1 - List of Participants

LC 21/WP.4 - Secretariat: Draft report of the Twenty-first Consultative Meeting

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ANNEX 2

DRAFT QUESTIONNAIRE ON LONDON CONVENTION COMPLIANCE ISSUES

Many Contracting Parties are not currently providing full reports on their activities under the London Convention 1972. We are uncertain of the reasons for this and are concerned that countries may be experiencing difficulties in relation to the Convention, or that barriers to compliance may exist with which the Secretariat or other Contracting Parties may be able to assist. In particular, the Convention's Technical Co-operation and Assistance Programme may be able to provide support in helping to develop administrative, institutional and other relevant capacities.

In order to help the London Convention Secretariat in understanding the nature of any difficulties Contracting Parties may have, and in providing appropriate assistance, it would be very helpful if you could complete the following questionnaire on behalf of your country and return it to the address below by 17 March 2000.

QUESTION 1: Country name _____

We have identified the following as areas where barriers to compliance with the Convention could exist. Please feel free to provide additional documents and/or information that would allow us to better understand your responses.

DUMPING STATUS

QUESTION 2:

A) Did dumping at sea occur from your country or vessels, platforms, aircraft or other manmade structures at sea under your jurisdiction in:

1996?	Yes	☐	No	☐	Uncertain	☐
1997?	Yes	☐	No	☐	Uncertain	☐
1998?	Yes	☐	No	☐	Uncertain	☐

B) Was this dumping at sea authorized by your country?

	Yes	☐	No	☐	Uncertain	☐

C) Do you expect dumping at sea to occur from your country in 1999 or future years?

Yes ☐ No ☐ Uncertain ☐

D) Do you have a "no dumping at sea" policy?

Yes ☐ No ☐

LEGISLATION

QUESTION 3:

A) Do you have:

- national legislation to implement the London Convention?

Yes ☐ No ☐

- administrative arrangements to implement the London Convention?

Yes ☐ No ☐

B) If you answered "yes" to either part of (A), please attach copies to this questionnaire or forward under separate cover.

C) If you answered "no" to either part of (A), please explain:

_____

_____

_____

D) Are there ways in which we could assist with the development of legislation or administrative arrangements?

Yes ☐ No ☐

E) If yes, what form(s) of assistance would be useful?

_____

_____

_____

F) What national authority or authorities are responsible for dumping at sea and issuing reports to the Secretariat?

_____

_____

_____

REPORTING

QUESTION 4:

A) Did you submit dumping or "no dumping" (nil) reports to the Secretariat in:

1996? Yes ☐ No ☐

1997? Yes ☐ No ☐

1998? Yes ☐ No ☐

B) If you did not submit reports in every year listed above, what are the reasons for this?

_____

_____

_____

C) What form of assistance would be useful to you to improve reporting (please specify)?

_____

_____

_____

MONITORING

QUESTION 5:

A) Do you have mechanisms in place to conduct environmental monitoring and assessment of sites used for dumping at sea?

Yes ☐ No ☐

B) If "yes", please describe the mechanism(s) and type(s) of monitoring you conduct:

_____

_____

_____

C) If no, please give reasons below:

_____

_____

_____

D) Do you require assistance?

Yes ☐ No ☐

E) If yes, what form(s) of assistance would be useful?

_____

_____

_____

QUESTION 6:

A) Do you have mechanisms in place to monitor compliance with permit conditions?

Yes ☐ No ☐

B) If yes, please describe the mechanism(s):

_____

_____

_____

C) If no, please explain:

_____

_____

_____

D) Do you require assistance?

Yes ☐ No ☐

E) If yes, what form(s) of assistance would be useful?

_____

_____

_____

ENFORCEMENT

QUESTION 7

A) Do you have mechanisms in place to detect illegal dumping at sea?

Yes ☐ No ☐

B) If yes, please describe the mechanism:

_____

_____

_____

C) If no, please explain:

_____

_____

_____

D) Do you require assistance?

Yes ☐ No ☐

E) If yes, what form(s) of assistance would be useful?

_____

_____

_____

QUESTION 8:

A) Do you have mechanisms in place to take enforcement action against illegal dumping at sea?

Yes ☐ No ☐

B) If yes, please describe the mechanism:

_____

_____

_____

C) If no, please explain:

_____

_____

_____

D) Do you require assistance?

Yes ☐ No ☐

E) If yes, what form(s) of assistance would be useful?

_____

_____

_____

MEETINGS

QUESTION 9

A) Has your country been represented at London Convention Consultative Meetings?

Always ☐ Usually ☐ Sometimes ☐ Never ☐

B) If you have attended, have you found the meetings useful or what could be done to make it more useful?:

_____

_____

_____

C) If you have not attended, what barriers have prevented attendance by your country?

_____

_____

_____

QUESTION 10:

A) Has your country been represented at meetings of the Scientific Group of the London Convention?

Always ☐ Usually ☐ Sometimes ☐ Never ☐

B) If you have attended, have you found the meetings useful or what could be done to make it more useful?

_____

_____

_____

C) If you have not attended, what barriers have prevented attendance by your country?

_____

_____

_____

GENERAL

QUESTION 11:

A) Would you find it helpful to discuss any concerns you may have in relation to the Convention with an expert from the London Convention Secretariat, who could advise on the development of an appropriate technical co-operation project?

Yes ☐ No ☐

B) If yes, are there any particular issues you would like to address:

_____

_____

_____

C) Do you have any other comments?

_____

_____

_____

Thank you for participating in this survey.

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International Maritime Organization
4 Albert Embankment
London SE1 7SR
United Kingdom
Tel: +44-171-7357611
Fax: +44-171-5873210
E-mail: rcoenen@imo.org

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ANNEX 3

CONCEPT PROJECT PROPOSAL
(e.g., for the GEF, or other funding source)

PROJECT TITLE: Barriers to compliance with the provisions of the London Convention

INTRODUCTION/MOTIVATION

1 Background to the London Convention 1972 and the 1996 Protocol. (Brief history and objectives).

2 Status of the Convention (and Protocol).

3 Compliance under the Convention – summary of the information presented in the "gap analysis".

4 Initial assessment of the information in the "gap analysis" together with experience from the Cape Town Workshop suggests that in many cases the lack of compliance is probably a consequence of a lack of administrative, institutional and other relevant capacity. If this is the case, then the cause of compliance could be greatly furthered by providing appropriate technical assistance to such countries through a project under the auspices of the London Convention Technical Co-operation and Assistance programme. It is therefore suggested that the ad hoc Working Group, together with the Secretariat, initiates a process for the development of a proposal aimed at securing funding for such a project.

PHASE ONE: PROPOSAL DEVELOPMENT

5 In developing the initial funding proposal, the ad hoc Working Group could consider the following steps:

- the distribution of the questionnaire on compliance issues;
- informal discussions in the ad hoc Working Group with countries attending the Workshop and Scientific Group meeting in Townsville in May 2000, as well as, possibly, the next Consultative Meeting;
- potential funding mechanisms

Based on information obtained from the above, the ad hoc Working Group could advise on which countries would be included in the project. The selection would be based on the following criteria:

- the perceived need of the country;
- the risk to the marine environment;
- the willingness of the country to participate.

PHASE TWO: PRELIMINARY PROJECT

6 A consultant should be hired to visit the selected countries with a view to:

- obtaining more detailed information on barriers to compliance;
- identifying possible actions to be taken to overcome these barriers.

PHASE THREE: FULL PROJECT

7 In addition to the above, the brief of a consultant should also include the development of a proposal aimed at securing funding for the implementation of the actions recommended (see point 6 above).

***

ANNEX 4

ELEMENTS FOR IMPLEMENTING THE 1996 PROTOCOL

OUTLINE OF PROPOSED WORKPLAN

This exercise is intended to provide assistance to countries desiring assistance in the implementation of the 1996 Protocol to the London Convention 1972. It is not intended to serve as an exclusive approach to implementation or an interpretation of the Protocol.

Work to be done:

1. Description of legal requirements: this step will involve a systematic review of all legal requirements in the Protocol

2. Description of how to achieve these requirements:

- policy action
- legislative action
- regulatory action
- administrative and institutional actions
- monitoring and assessment

3. Description of the operational aspects of implementation

Process:

1. The Secretariat is requested to simultaneously gather copies of legislation implementing the Protocol.

2. The outcome of this Workplan could be considered in future for integration with the project on barriers to compliance.

***

ANNEX 5

RESOLUTION LC.57(21)
ON THE TERMS OF REFERENCE OF THE SCIENTIFIC GROUP

THE TWENTY-FIRST CONSULTATIVE MEETING,

NOTING that substantial changes had been made to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Convention 1972) with the adoption in 1993 of the amendments to its Annexes I and II, concerning phasing out sea disposal of industrial waste (resolution LC.49(16)), the prohibition of incineration at sea of industrial waste and sewage sludge (resolution LC.50(16)) and the prohibition of disposal at sea of radioactive wastes and other radioactive matter (resolution LC.51(16));

NOTING ALSO the adoption of the 1996 Protocol to the London Convention 1972 which prohibits the dumping of any wastes or other matter, with the exception of those wastes or other matter listed in Annex 1 to this Protocol;

BEING AWARE of the importance of technical co-operation and assistance for the effective implementation of the Convention (resolution LC.55(SM));

RECOGNIZING that in light of these changes several elements of the terms of reference of the Scientific Group were no longer relevant since these had been adopted in 1984 by the Eighth Consultative Meeting (resolution LDC.18(8)), whereas other elements should be added;

1 **ADOPTS** the terms of reference of the Scientific Group as set out in the Annex to this resolution to supersede those contained in resolution LDC.18(8);

2 **REVOKES** resolution LDC.18(8).

ANNEX

TERMS OF REFERENCE OF THE SCIENTIFIC GROUP

The Scientific Group is responsible for the provision of scientific and technical advice in relation to the London Convention 1972 and the 1996 Protocol thereto. Its advice should meet the needs of, and be accessible to, all existing and potential Contracting Parties, recognizing their social, cultural and economic diversity.

The specific Terms of Reference are:

1 to respond to specific requests from the Consultative Meeting for scientific and technical advice on matters related to the Convention and the Protocol;

2 to keep under continuing review the provisions of the Annexes to the Convention and the Protocol and to recommend to the Consultative Meeting such changes as may be appropriate;

3 to identify information sources and to review relevant scientific information, particularly that arising from new scientific and technological developments;

4 to consider developments in waste management, source control, clean production, monitoring and surveillance techniques and to prepare reports and recommendations, as appropriate;

5 to evaluate the scientific, technical and compliance aspects of dumping, monitoring and other assessment reports submitted by Contracting Parties, and to advise the Consultative Meeting on that evaluation, as appropriate;

6 to maintain an awareness of all sources of marine pollution, to identify opportunities for the Scientific Group to co-operate on environmental protection issues with other international and regional initiatives, to draw the attention of the Consultative Meeting to areas of potential co-operation and, subject to the guidance of the Consultative Meeting, to engage in such co-operation;

7 to recommend to the Consultative Meeting the organization and conduct of scientific conferences, workshops or symposia relevant to the Convention and the Protocol;

8 to assist with the development of, and to keep under review, the Technical Co-operation and Assistance Programme, including individual projects, and to advise the Consultative Meeting as appropriate.

***

ANNEX 6

GUIDELINES FOR THE APPLICATION OF THE *DE MINIMIS* CONCEPT UNDER THE LONDON CONVENTION 1972

1 INTRODUCTION

1.1 The London Convention 1972 prohibits the disposal at sea of radioactive wastes and other radioactive matter. However, all materials, including natural and inert materials, contain natural radionuclides and are frequently contaminated with artificial radionuclides from such anthropogenic sources as fallout due to past atmospheric nuclear testing. Therefore, the Contracting Parties to the London Convention 1972 recognized the need to develop definitions and guidelines whereby candidate materials (those wastes or other matter not otherwise prohibited from disposal at sea in accordance with Annex I to the Convention) containing *de minimis* levels of radionuclides could be disposed of pursuant to the provisions of this Convention. The full text of Annex I to the London Convention 1972, as amended in 1993, is attached in an appendix to these Guidelines.

1.2 The concept of "*de minimis*" for radioactive substances was initially discussed in 1976 at the First Consultative Meeting of Contracting Parties to the London Convention 1972. Since that time, the International Atomic Energy Agency (IAEA) has prepared several reports on the subject, all of which reflect contemporary development of the concept at the time of publication. Parallel to progress in the field of radiation protection, there have been developments in the framework of the Convention itself. In 1993, the Annexes I and II to the London Convention 1972 were amended to prohibit the dumping at sea of radioactive wastes or other radioactive matter. At the Nineteenth Consultative Meeting in 1997, Contracting Parties agreed to request the IAEA to develop further the concept of *de minimis* and, in particular, to "provide guidance for making judgements on whether materials planned to be dumped could be exempted from radiological control or whether a specific assessment was needed" (LC 19/10, paragraph 6.31). This paragraph continues: "The IAEA would then further be requested to provide guidance to national authorities responsible for conducting specific assessments."

1.3 In 1998, the IAEA presented its advice on *de minimis* in a draft document (LC 20/7) to the Twentieth Consultative Meeting of Contracting Parties. The Consultative Meeting requested the IAEA to revise this document based on comments made by Contracting Parties. The Consultative Meeting agreed that in further developing the concept of *de minimis*, the following issues should be considered in detail (LC 20/14, paragraph 7.9):

> *".1 to ensure that the de minimis concept applies only to those wastes or other matter not otherwise prohibited from disposal under the Convention;*
>
> *.2 the protection of the marine environment including human health, flora and fauna of the marine environment as well as legitimate uses of the sea; and*
>
> *.3 the need for practical and uniform guidance to national authorities responsible for authorizing sea disposal activities."*

1.4 The revised text of the IAEA report has been distributed as IAEA-TECDOC-1068 entitled: "Application of Radiological Exclusion and Exemption Principles to Sea Disposal".

1.5 The following text provides specific guidance[1] regarding the definition and application of the *de minimis* concept only to candidate materials. **Section 2** of this guidance reproduces relevant sections of the work of the International Atomic Energy Agency (IAEA) to develop a concept of *de minimis* for the purposes of the London Convention 1972, set forth in IAEA-TECDOC-1068, March 1999.

1.6 **Section 3** of this guidance sets forth a clarification of this IAEA advice, with relevant examples of how the IAEA would apply the *"de minimis"* concept under the London Convention 1972.

1.7 **Section 4** of this guidance sets forth a stepwise evaluation procedure for use under the London Convention 1972 for determining whether candidate materials can be treated as *de minimis*[2].

2 THE IAEA ADVICE ON " '*DE MINIMIS*' (EXEMPTION[5]) CRITERIA FOR CANDIDATE MATERIALS FOR SEA DUMPING UNDER THE LONDON CONVENTION"

2.1 In IAEA-TECDOC-1068, page 10, the first paragraph under this heading, deals with the criteria for exemption without further consideration as follows:

> *" Materials eligible for consideration for dumping at sea under the London Convention that can be assigned as 'de minimis' (exempt[5]) without further consideration from the perspective of their radionuclide content are therefore those containing only:*
>
> *(1) natural radionuclides in environmental and raw materials, unless there is concern on the part of the national regulatory authority that the radiation field would be substantially modified;*
>
> *(2) radionuclides in materials derived from activities involving some modification of the natural radionuclide composition that has been considered by the national regulatory authority, and deemed not to warrant radiological control, having taken proper account of the marine environmental and other conditions relevant to the disposal, re-use and relocation of such materials;*
>
> *(3) widely-distributed radionuclides resulting from global fallout from nuclear weapons tests, satellite burnup in the stratosphere, and accidents, that have led to widespread dispersion of radionuclides that are deemed by the national regulatory authority not to warrant intervention; and*

---

[1] This guidance is meant specifically for imple mentation of the *de minimis* aspects of Annex I to the London Convention 1972, and may have to be adapted for implementing the 1996 Protocol to the London Convention 1972 upon its entry into force.

[2] The IAEA has been tasked by the Twentieth Consultative Meeting to provide more detailed guidance to national authorities for conducting specific assessments (LC 20/14, paragraph 7.16).

(4) radionuclides arising from sources and practices that have been exempted or cleared nationally from radiological control, pursuant to the application of the international criteria for exemption and clearance, where proper account has been taken of the marine environmental and other conditions relevant to potential disposal, re-use and relocation of such materials."

Footnote 5 of IAEA-TECDOC-1068 reads as follows:

"The term 'exemption for the purposes of the London Convention' is taken to mean 'de minimis', that is, it includes both the radiological concepts of exclusion and exemption."

2.2 The concluding text of the final section of IAEA-TECDOC-1068 deals with materials that cannot be exempted without further consideration for the purposes of the London Convention 1972 (note that footnote 5 of IAEA-TECDOC-1068 applies equally here also). This text reads as follows:

"Candidate materials that cannot be exempted [5] without further consideration may then be subjected to a specific assessment to determine if they still qualify as exempt[5] for the purposes of the London Convention. Such specific assessments would need to be carried out by national regulatory authorities using the radiological criteria for exemption set out in Section 3 (of IAEA-TECDOC-1068). *It should be noted in this context that assessments are required for proposed dumping activities in relation to other characteristics and properties of candidate materials than radioactivity pursuant to the provisions of Article IV and Annex III of the Convention. The specific assessment required to consider further exemption[5] of materials for determining if they can be treated as 'non-radioactive', would include an evaluation of the radiological implications for human health and the environment (see Section 3* of IAEA-TECDOC-1068).

In cases where candidate materials are either contaminated by, or derived from, authorized or unauthorized releases, each situation would have to be reviewed in its specific context. The need for intervention may also be a relevant consideration in certain cases."

2.3 The principles and criteria for exemption are described in section 3 of IAEA-TECDOC-1068 and summarized in the concluding section of that report as follows:

"A practice, or source within a practice, may be exempted without further consideration provided that the following radiological criteria are met in all feasible situations:

(a) the effective dose expected to be incurred by any member of the public due to the exempted practice or source is of the order of 10 µSv or less in a year; and

(b) either the collective dose committed by one year of performance of the practice is not more than about 1 man·Sv or an assessment for the optimization of protection shows that exemption is the optimum option."

3 MEANING AND IMPLICATIONS OF THE IAEA ADVICE

3.1 The IAEA advice presented in Section 2 above may require some clarification for an audience unfamiliar with the terminology used in the field of radiological protection. Such explanation is provided here as a basis for developing appropriate definitions and guidelines under the London Convention 1972. It should be noted that all reference to the 'national regulatory authority' in the IAEA's advice quoted in Section 2 above refers to the national radiation protection authority.

3.2 All materials contain natural radionuclides. Sometimes human activities can result in changes to their concentrations, thus potentially increasing radiation doses. If this occurs, an activity could be subjected to radiological control. Previous human activities, particularly nuclear weapons testing in the atmosphere, have also introduced new radionuclides to the environment and slightly enhanced the overall concentrations of radionuclides.

3.3 The current system of radiological protection is based entirely on the protection of human health. This has been developed over many decades and there are now internationally accepted guidelines and standards for national radiation protection authorities. There is currently no internationally-accepted basis for the protection of the environment, including flora and fauna, from the effects of radiation. Accordingly, the IAEA advice with regard to the *de minimis* issue is based on the protection of human health.

3.4 The IAEA advice provides for two distinct categories in relation to the *de minimis* question:

- first, cases in which the radionuclide constituents of a candidate material fall within the provisions of Section 2.1 above and can be automatically (i.e., without further consideration) defined as *de minimis* under the London Convention 1972; and

- second, cases in which a specific assessment is required to determine whether the candidate materials are *de minimis* or not (see Section 2.2 above).

Automatic Exemption Criteria

3.5 The paragraph of the IAEA advice quoted in Section 2.1 above deals with materials eligible for dumping at sea under the London Convention 1972 without further consideration from the perspective of radiological protection. The provisions of this paragraph correspond to 'automatic' or 'default' assignment of *de minimis*, that is exempted from any concerns regarding the radioactive content of the candidate materials (i.e., materials eligible for dumping at sea) from the perspective of radiological protection. The following subparagraphs need to be considered before this assignment can be made. Each of the sub-paragraphs specifies classes of constituent radionuclides that according to the IAEA advice can be considered as *de minimis* for the purposes of the London Convention 1972.

.1 Sub-paragraph 2.1(1) specifies that natural radionuclides in naturally-occurring materials are *de minimis* unless the national radiation protection authority has registered concern, from radiological perspectives, about the radiation field being substantially increased. In most cases, movement of such materials from one location in the marine environment to another presents relatively minor modification of the prevailing radiation fields in both the original and destination (dump)site. Thus, such cases are not regarded as of concern. The kind of natural materials over which such concerns might be registered by the national radiation protection authority could

include the deliberate relocation of natural materials that are naturally enriched in naturally-occurring radionuclides (e.g., monazite sands) to an environment in which the natural radiation field is low. Unless such concerns have been raised, natural radionuclides in unmodified natural environmental materials can be assigned as *de minimis* and automatically exempted without further consideration or assessment. In instances in which concerns had been expressed by the national radiation protection authority, a specific assessment would be required to determine their suitability for *de minimis* assignment.

.2 Sub-paragraph 2.1(2) deals with natural radionuclides associated with materials derived from human activities that have resulted in some redistribution of natural radionuclides such that the concentrations in otherwise natural materials may have been changed. For some countries such activities could include application to soil of phosphate fertilizer. For other countries, such activities could include the processing of minerals, e.g., fertilizer production from phosphate-rich geological materials. In this case the distribution of natural radionuclides (e.g., phosphorus-31, uranium and thorium decay radionuclides) is altered in the process. It should be noted that some countries regard processing of such materials as a regulated practice, not one from which the exposures are excluded. Wastes from the process may be discharged into the aquatic environment and incorporated into sediments that may need to be dredged. The national regulatory authority may have evaluated this practice and made a judgement regarding its inclusion or exclusion from regulatory control. If a decision on the exclusion of exposures associated with the practice has been made based on evaluations of the entire practice taking into account marine pathways of exposure, the decision translates into automatic exemption for the purposes of the London Convention 1972. No further account would then need to be taken of the radioactive constituents or radiological effects of materials derived from or affected by that practice. If such is not the case, a specific assessment would be needed to determine if the candidate material could be assigned as *de minimis* or not.

.3 Sub-paragraph 2.1(3) deals predominantly with artificial radionuclides stemming from nuclear weapons testing in the atmosphere, from satellite radiothermal power unit burnup in the stratosphere and nuclear accidents. Atmospheric fallout is a collective term but primarily comprises radionuclides, particularly fission products, from nuclear weapons tests that were conducted in the atmosphere in the period 1945 - 1981. These have been augmented by specific radionuclides such as plutonium-238 from thermonuclear generators that have burnt up during re-entry to the atmosphere and the more widely-dispersed radionuclides (i.e., radionuclides distributed globally rather than locally or regionally) from nuclear accidents. Global fallout results in the contamination of soils and sediments throughout the surface of the Earth. The relocation of aquatic sediments contaminated by global fallout over relatively small distances, as is effected by dredging and dumping activities, for example, neither significantly alters the distribution of such radionuclides nor significantly changes their environmental concentrations. In cases where contamination by radionuclides from such sources has been judged by the national radiation protection authority not to warrant intervention to reduce associated human exposures, the materials so contaminated can be assigned as *de minimis* and exempted without further consideration or assessment. In other circumstances a specific assessment would be needed to determine if the candidate material could be assigned as *de minimis* or not.

.4 Sub-paragraph 2.1(4) deals with radionuclides derived from sources and practices that have been exempted or cleared from radiological control by the national radiation protection authority, consistent with applicable international criteria. If the national radiation protection authority has exempted a practice, or cleared from radiological control a previously regulated practice, based on an assessment of the practice and any disposal, re-use and relocation of materials from the practice, including taking account of marine environmental exposure pathways, the radionuclides derived from that practice can be assigned as *de minimis* and automatically exempted from radiological concerns without further consideration. In instances in which these conditions are not fulfilled, a specific assessment would be needed to determine if the candidate materials could be assigned as *de minimis* or not.

3.6 Assignment of materials as *de minimis* based on the above criteria merely relieves the permitting authority of any requirement to further consider the radioactive properties of such materials and the radiological consequences of their disposal. The other characteristics and properties of candidate materials still remain to be assessed in the context of the suitability of the candidate materials for disposal at sea under the London Convention 1972 through application of the provisions of Article IV and Annexes I and III of the Convention and their suitability for disposal at sea through application of the Guidelines for the Assessment of Wastes or Other Matter, that May be Considered for Dumping.

Specific Assessments

3.7 The two paragraphs of the IAEA advice quoted in Section 2.2 above deal with the situation that applies if the assignment of *de minimis* cannot be made automatically (i.e., without further consideration). The first paragraph defines the nature of a 'specific assessment' that would be required to be undertaken by the national regulatory authority using the international radiological criteria for exemption as quoted in Section 2.3 above and other considerations relating to the radiological implications for the environment.

3.8 The second paragraph quoted in Section 2.2 above deals specifically with contamination of candidate materials by authorized discharges or unauthorized releases of radionuclides to the environment. Authorized discharges are those from regulated practices such as nuclear power reactor operations and nuclear fuel reprocessing. Unauthorized releases are either illicit or unintentional. In such cases, a specific assessment using relevant international radiological criteria for exemption would also be needed regarding the suitability of the material for assignment as *de minimis.*

3.9 Again, as in the case of *de minimis* assignment without further consideration (see paragraph 3.6 above), irrespective of any determination that a candidate material is *de minimis* from the perspective of its radionuclide content or radioactive properties, that material would still be subject to the provisions of the London Convention 1972, in particular, Article IV and Annexes I and III and its suitability for disposal at sea would require to be assessed through the application of the Guidelines for the Assessment of Wastes or Other Matter, that May be Considered for Dumping.

4 EVALUATION PROCEDURE FOR DEFINING *DE MINIMIS*

Introduction

4.1 This Section describes the application of the IAEA *de minimis* definition when assessing candidate materials under the London Convention 1972. The intent is to assess candidate materials to determine if they contain *de minimis* levels of radioactivity or if a specific assessment is required[3]. This evaluation procedure is intended to be implemented through judgements based on available information regarding the provenance of candidate materials and sediments in the receiving marine environment, specifically at the dump-site. The questions posed at each of the first five steps are designed to be answered without the need for direct measurements of radionuclides in either the candidate material or the marine environment. Indeed, had such a requirement been a prerequisite to the first five steps of this procedure, it would run entirely counter to the intent and interpretation of *de minimis*.

4.2 In cases when there is insufficient existing information on which to base such judgements a specific assessment would be required.

4.3 The field of radiological protection is evolving. Parties should take all relevant advances into account when applying the guidelines. For example, criteria for evaluating the impacts of radioactivity on the marine environment are advancing, and should, when available and as relevant, be expeditiously utilized.

STEPWISE EVALUATION PROCEDURE

STEP 1: CANDIDATE MATERIALS

Decision Criteria: Candidate materials are those wastes or other matter not otherwise prohibited from disposal by Annex I of the London Convention 1972.

1 Are the proposed materials eligible for dumping under the provisions of the London Convention 1972?

2 If **NO**, the material is not allowed to be dumped and no further consideration is warranted.

3 If **YES**, go to Step 2.

[3] The text in this evaluation procedure refers to the national radiation protection authority and the national permitting authority. It is recognized that these authorities could be the same agency in some countries, could be called by other titles, or could encompass more than two agencies.

STEP 2: INITIAL SCREEN FOR SOURCES OF CONTAMINATION

Decision Criteria: Virtually all candidate materials are likely to have some level of radioactivity due to natural radionuclides at background levels and artificial radionuclides derived from global fallout. Global atmospheric fallout is a collective term but primarily comprises radionuclides, particularly fission products, from nuclear weapons tests that were conducted in the atmosphere in the period 1945 - 1981. These have been augmented by specific radionuclides such as plutonium-238 from thermonuclear generators that have burnt up during re-entry into the atmosphere. If candidate materials for dumping at sea contain only such natural radionuclides at locally prevailing background levels in the vicinity of the proposed dump-site and artificial radionuclides from global fallout, they can be immediately assigned as *de minimis*.

If the result of the initial screen leads to a conclusion that there is no reason to believe that the candidate material is a modified natural material or contaminated from other sources, the material is considered *de minimis*, unless there is concern on the part of the regulatory authority that the radiation field in the vicinity of the dump-site would be substantially modified (this latter situation is dealt with at Step 4 of this procedure).

1 Is there reason to believe that the candidate material contains anything other than unmodified natural radionuclides at background comparable with that in the receiving environment and artificial radionuclides derived from global fallout?

2 If **NO**, the materials are *de minimis*.

3 If **YES**, go to Step 3.

STEP 3: ASSESSMENT OF ADDITIONAL CAUSES/SOURCES

Decision Criteria: If there are additional radionuclides in the candidate material, it is important to discriminate between the causes/sources of the presence of these additional radionuclides. Increases in the presence of radionuclides at the dump-site could result from two causes: (1) differences in the concentrations of natural radionuclides in the candidate material and in sediments at the dump-site, and; (2) human activities that increase the concentrations of natural radionuclides in candidate materials. The permitting authority should address both possibilities before determining if levels of radioactivity in the materials are *de minimis*. The first of these causes is addressed in Step 4 of this procedure. The second is considered in Step 5.

This Step is intended to determine the nature of causes/sources responsible for any additional radioactivity in the candidate material.

1 What are the likely additional causes/sources contributing to the radioactivity in the materials?

2 If only unmodified natural causes/sources, go to Step 4.

3 If only anthropogenic causes/sources, go to Step 5.

4 If both anthropogenic and natural causes/sources, go to Step 5

STEP 4: NATURAL CAUSES/SOURCES

Decision Criteria: Candidate materials of natural origin unmodified by human activities are *de minimis*, unless the national permitting authority is concerned that the radioactivity would be substantially increased at the dump-site as a result of the dumping action.

This Step addresses the issue of whether the radiation field at the dump-site will be substantially altered by dumping of a candidate material containing natural radionuclides at unusual concentrations as a result of natural processes.

Information pertinent to this determination would include any assessment conducted by the national radiation protection authority.

1 If the material were to be dumped, would it substantially increase radioactivity at the dump-site?

2 If **NO**, the materials are *de minimis.*

3 If **YES**, go to Step 6.

STEP 5: ANTHROPOGENIC CAUSES/SOURCES

Decision Criteria: For candidate materials containing artificial radionuclides (other than from global fallout that is referred to in Step 2) and/or altered natural radionuclides stemming from human activities, the national permitting authority should consider previous decisions and action taken by the national radiation protection authority. The national permitting authority should assess whether the human activity contributing to the radioactivity in the candidate material is from an activity that has been exempted or cleared or one from which radiation exposures have been excluded by the national radiation protection authority based upon international radiological criteria. The pertinent question in such cases is whether the decisions on exclusion, exemption, or clearance were made considering marine environmental pathways of exposure and whether these are suitable to an assessment of the proposed dumping operation. If this is the case, the materials are *de minimis*.

1 Were the likely anthropogenic causes/sources part of exempted or cleared practices or excluded exposures?

2 If **NO**, go to Step 6.

3 If **YES**, were the marine environmental exposure pathways considered by the national radiation protection authority and are these suitable to an assessment of the proposed dumping operation?

3.1 If **YES**, the materials are *de minimis*.

3.2 If **NO**, go to Step 6.

STEP 6: SPECIFIC ASSESSMENT

Materials not determined to be *de minimis* through the evaluation in Steps 1 - 5 above could also be determined to be *de minimis* by the application of a specific assessment. The foregoing Steps of this evaluation procedure lead to initial perspectives on the nature and requirements of a specific assessment as follows.

A specific assessment should provide an evaluation of the potential adverse impacts to the marine environment including effects upon human health and to flora and fauna, and to other legitimate uses of the sea. The nature and extent of the specific assessment should be determined in accordance with existing knowledge of the sources and likely extent of any radioactive contamination of the candidate material. For example, candidate dredged material containing only minor amounts of radionuclides may not need to be subjected to an unnecessarily detailed or unnecessarily complex assessment process. International radiological exemption criteria based on the protection of human health should be used for part of this assessment. Until complementary international radiological criteria for the protection of flora and fauna are developed, permitting authorities should use appropriate scientific information and a precautionary approach (as provided for in resolution LDC.44(14)) in conducting assessments of the potential impacts on the marine environment.

Guidance for the conduct of specific assessments is being developed by the IAEA. In the interim, when a Contracting Party authorizes the dumping of material in the area of the high seas, on the basis of a specific assessment, that Contracting Party should include in its reports to the Secretariat the assessment criteria used.

Application of the Waste Assessment Guidance

Candidate materials that are determined to be *de minimis* through the evaluation in Steps 1 - 6 above must then be evaluated through application of the generic Guidelines for the Assessment of Wastes or Other Matter that May be Considered for Dumping, and/or the waste-specific guidance developed thereunder. No further evaluation of the radionuclide content of the candidate materials that are *de minimis* is needed.

The present Guidelines have been developed on the basis of existing scientific knowledge of the radiation protection considerations and on a knowledge of current technology. Scientific work and technical development is, however, proceeding and consequently these Guidelines should be kept under review as the results of further research and investigation become available.

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ANNEX 7

LIST OF SUBSTANTIVE ITEMS AGREED FOR INCLUSION IN THE AGENDA FOR THE TWENTY-SECOND CONSULTATIVE MEETING

1 Consideration of the report of the Scientific Group

2 Compliance issues

3 The interpretation of "industrial waste" (Annex I, paragraph 11)

4 Administrative arrangements, including budgetary provisions for the London Convention 1972 and the 1996 Protocol thereto

5 Technical co-operation and assistance:

.1 proposed and ongoing activities

.2 evaluation of accomplishments

6 Monitoring for the purposes of the London Convention 1972

7 Matters related to the management of radioactive wastes

8 Relations with other organizations in the field of marine environmental protection