

**CONVENTION ON THE PREVENTION OF MARINE POLLUTION
BY DUMPING OF WASTES AND OTHER MATTER**

(This text contains all the amendments which entered into force)

THE CONTRACTING PARTIES TO THIS CONVENTION,

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

RECOGNIZING that the capacity of the sea to assimilate wastes and render them harmless, and its ability to regenerate natural resources, is not unlimited;

RECOGNIZING that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and 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;

RECALLING resolution 2749(XXV) of the General Assembly of the United Nations on the principles governing the sea-bed and the ocean floor and the subsoil thereof, beyond the limits of national jurisdiction;

NOTING that marine pollution originates in many sources, such as dumping and discharges through the atmosphere, rivers, estuaries, outfalls and pipelines, and that it is important that States use the best practicable means to prevent such pollution and develop products and processes which will reduce the amount of harmful wastes to be disposed of;

BEING CONVINCED that international action to control the pollution of the sea by dumping can and must be taken without delay but that this action should not preclude discussion of measures to control other sources of marine pollution as soon as possible; and

WISHING to improve protection of the marine environment by encouraging States with a common interest in particular geographical areas to enter into appropriate agreements supplementary to this Convention;

HAVE AGREED as follows:

Article I

Contracting Parties shall individually and collectively promote the effective control of all sources of pollution of the marine environment, and pledge themselves especially to take all practicable steps to prevent the pollution of the sea by the dumping of waste and other

matter that is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

Article II

Contracting Parties shall, as provided for in the following articles, take effective measures individually, according to their scientific, technical and economic capabilities, and collectively, to prevent marine pollution caused by dumping and shall harmonize their policies in this regard.

Article III

For the purposes of this Convention:

- 1 (a) "Dumping" means:
 - (i) any deliberate disposal at sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea;
 - (ii) any deliberate disposal at sea of vessels, aircraft, platforms or other man-made structures at sea.
- (b) "Dumping" does not include:
 - (i) the disposal at sea of wastes or other matter incidental to, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures;
 - (ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Convention.
- (c) The disposal of wastes or other matter directly arising from, or related to the exploration, exploitation and associated off-shore processing of sea-bed mineral resources will not be covered by the provisions of this Convention.
- 2 "Vessels and aircraft" means waterborne or airborne craft of any type whatsoever. This expression includes air cushioned craft and floating craft, whether self-propelled or not.
- 3 "Sea" means all marine waters other than the internal waters of States.

- 4 "Wastes or other matter" means material and substance of any kind, form or description.
- 5 "Special permit" means permission granted specifically on application in advance and in
accordance with Annex II and Annex III.
- 6 "General permit" means permission granted in advance and in accordance with Annex III.
- 7 "The Organization" means the Organization designated by the Contracting Parties in
accordance with article XIV(2).

Article IV

- 1 In accordance with the provisions of this Convention Contracting Parties shall prohibit
the dumping of any wastes or other matter in whatever form or condition except as
otherwise specified below:
- (a) the dumping of wastes or other matter listed in Annex I is prohibited;
 - (b) the dumping of wastes or other matter listed in Annex II requires a prior special
permit;
 - (c) the dumping of all other wastes or matter requires a prior general permit.
- 2 Any permit shall be issued only after careful consideration of all the factors set forth in
Annex III, including prior studies of the characteristics of the dumping site, as set forth in
sections B and C of that Annex.
- 3 No provision of this Convention is to be interpreted as preventing a Contracting Party
from prohibiting, insofar as that Party is concerned, the dumping of wastes or other
matter not mentioned in Annex I. That Party shall notify such measures to the
Organization.

Article V

- 1 The provisions of article IV shall not apply when it is necessary to secure the safety of
human life or of vessels, aircraft, platforms or other man-made structures at sea in cases
of force majeure caused by stress of weather, or in any case which constitutes a danger to
human life or a real threat to vessels, aircraft, platforms or other man-made structures at
sea, if dumping appears to be the only way of averting the threat and if there is every
probability that the damage consequent upon such dumping will be less than would
otherwise occur. Such dumping shall be so conducted as to minimize the likelihood of
damage to human or marine life and shall be reported forthwith to the Organization.

- 2 A Contracting Party may issue a special permit as an exception to article IV(1)(a), in emergencies, posing unacceptable risk relating to human health and admitting no other feasible solution. Before doing so the Party shall consult any other country or countries that are likely to be affected and the Organization which, after consulting other Parties, and international organizations as appropriate, shall, in accordance with article XIV promptly recommend to the Party the most appropriate procedures to adopt. The Party shall follow these recommendations to the maximum extent feasible consistent with the time within which action must be taken and with the general obligation to avoid damage to the marine environment and shall inform the Organization of the action it takes. The Parties pledge themselves to assist one another in such situations.
- 3 Any Contracting Party may waive its rights under paragraph (2) at the time of, or subsequent to ratification of, or accession to this Convention.

Article VI

- 1 Each Contracting Party shall designate an appropriate authority or authorities to:
 - (a) issue special permits which shall be required prior to, and for, the dumping of matter listed in Annex II and in the circumstances provided for in article V(2);
 - (b) issue general permits which shall be required prior to, and for, the dumping of all other matter;
 - (c) keep records of the nature and quantities of all matter permitted to be dumped and the location, time and method of dumping;
 - (d) monitor individually, or in collaboration with other Parties and competent international organizations, the condition of the seas for the purposes of this Convention.
- 2 The appropriate authority or authorities of a contracting Party shall issue prior special or general permits in accordance with paragraph (1) in respect of matter intended for dumping:
 - (a) loaded in its territory;
 - (b) loaded by a vessel or aircraft registered in its territory or flying its flag, when the loading occurs in the territory of a State not party to this Convention.
- 3 In issuing permits under sub-paragraphs (1)(a) and (b) above, the appropriate authority or authorities shall comply with Annex III, together with such additional criteria, measures and requirements as they may consider relevant.
- 4 Each Contracting Party, directly or through a Secretariat established under a regional

agreement, shall report to the Organization, and where appropriate to other Parties, the information specified in sub-paragraphs(c) and (d) of paragraph (1) above, and the criteria, measures and requirements it adopts in accordance with paragraph (3) above. The procedure to be followed and the nature of such reports shall be agreed by the Parties in consultation.

Article VII

- 1 Each Contracting Party shall apply the measures required to implement the present Convention to all:
 - (a) vessels and aircraft registered in its territory or flying its flag;
 - (b) vessels and aircraft loading in its territory or territorial seas matter which is to be dumped;
 - (c) vessels and aircraft and fixed or floating platforms under its jurisdiction believed to be engaged in dumping.
- 2 Each Party shall take in its territory appropriate measures to prevent and punish conduct in contravention of the provisions of this Convention.
- 3 The Parties agree to co-operate in the development of procedures for the effective application of this Convention particularly on the high seas, including procedures for the reporting of vessels and aircraft observed dumping in contravention of the Convention.
- 4 This Convention shall not apply to those vessels and aircraft entitled to sovereign immunity under international law. However, each Party shall ensure by the adoption of appropriate measures that such vessels and aircraft owned or operated by it act in a manner consistent with the object and purpose of this Convention, and shall inform the Organization accordingly.
- 5 Nothing in this Convention shall affect the right of each Party to adopt other measures, in accordance with the principles of international law, to prevent dumping at sea.

Article VIII

In order to further the objectives of this Convention, the Contracting Parties with common interests to protect in the marine environment in a given geographical area shall endeavour, taking into account characteristic regional features, to enter into regional agreements consistent with this Convention for the prevention of pollution, especially by dumping. The Contracting Parties to the present Convention shall endeavour to act consistently with the objectives and provisions of such regional agreements, which shall be notified to them by the Organization. Contracting Parties shall seek to co-operate with the Parties to regional agreements in order to develop harmonized procedures to be

followed by Contracting Parties to the different conventions concerned. Special attention shall be given to co-operation in the field of monitoring and scientific research.

Article IX

The Contracting Parties shall promote, through collaboration within the Organization and other international bodies, support for those Parties which request it for:

- (a) the training of scientific and technical personnel;
- (b) the supply of necessary equipment and facilities for research and monitoring;
- (c) the disposal and treatment of waste and other measures to prevent or mitigate pollution caused by dumping;

preferably within the countries concerned, so furthering the aims and purposes of this Convention.

Article X

In accordance with the principles of international law regarding State responsibility for damage to the environment of other States or to any other area of the environment, caused by dumping of wastes and other matter of all kinds, the Contracting Parties undertake to develop procedures for the assessment of liability and the settlement of disputes regarding dumping.

Article XI

The Contracting Parties shall at their first consultative meeting consider procedures for the settlement of disputes concerning the interpretation and application of this Convention.

Article XII

The Contracting Parties pledge themselves to promote, within the competent specialized agencies and other international bodies, measures to protect the marine environment against pollution caused by:

- (a) hydrocarbons, including oil and their wastes;
- (b) other noxious or hazardous matter transported by vessels for purposes other than dumping;
- (c) wastes generated in the course of operation of vessels, aircraft, platforms and

other man-made structures at sea;

- (d) radio-active pollutants from all sources, including vessels;
- (e) agents of chemical and biological warfare;
- (f) wastes or other matter directly arising from, or related to the exploration, exploitation and associated off-shore processing of sea-bed mineral resources.

The Parties will also promote, within the appropriate international organization, the codification of signals to be used by vessels engaged in dumping.

Article XIII

Nothing in this Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750 C(XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction. The Contracting Parties agree to consult at a meeting to be convened by the Organization after the Law of the Sea Conference, and in any case not later than 1976, with a view to defining the nature and extent of the right and the responsibility of a coastal State to apply the Convention in a zone adjacent to its coast.

Article XIV

- 1 The Government of the United Kingdom of Great Britain and Northern Ireland as a depositary shall call a meeting of the Contracting Parties not later than three months after the entry into force of this Convention to decide on organizational matters.
- 2 The Contracting Parties shall designate a competent Organization existing at the time of that meeting to be responsible for secretariat duties in relation to this Convention. Any Party to this Convention not being a member of this Organization shall make an appropriate contribution to the expenses incurred by the Organization in performing these duties.
- 3 The Secretariat duties of the Organization shall include:
 - (a) the convening of consultative meetings of the Contracting Parties not less frequently than once every two years and of special meetings of the Parties at any time on the request of two thirds of the Parties;
 - (b) preparing and assisting, in consultation with the Contracting Parties and appropriate International Organizations, in the development and implementation

of procedures referred to in sub-paragraph (4)(e) of this article;

- (c) considering enquiries by, and information from the Contracting Parties, consulting with them and with the appropriate International Organizations, and providing recommendations to the Parties on questions related to, but not specifically covered by the Convention;
- (d) conveying to the Parties concerned all notifications received by the Organization in accordance with articles IV(3), V(1) and (2), VI(4), XV, XX and XXI.

Prior to the designation of the Organization these functions shall, as necessary, be performed by the depositary, who for this purpose shall be the Government of the United Kingdom of Great Britain and Northern Ireland.

4 Consultative or special meetings of the Contracting Parties shall keep under continuing review the implementation of this Convention and may, inter alia:

- (a) review and adopt amendments to this Convention and its Annexes in accordance with article XV;
- (b) invite the appropriate scientific body or bodies to collaborate with and to advise the Parties or the Organization on any scientific or technical aspect relevant to this Convention, including particularly the content of the Annexes;
- (c) receive and consider reports made pursuant to article VI(4);
- (d) promote co-operation with and between regional organizations concerned with the prevention of marine pollution;
- (e) develop or adopt, in consultation with appropriate International Organizations, procedures referred to in article V(2), including basic criteria for determining exceptional and emergency situations, and procedures for consultative advice and the safe disposal of matter in such circumstances, including the designation of appropriate dumping areas, and recommend accordingly;
- (f) consider any additional action that may be required.

5 The Contracting Parties at their first consultative meeting shall establish rules of procedure as necessary.

Article XV

- 1 (a) At meetings of the Contracting Parties called in accordance with article XIV amendments to this Convention may be adopted by a two-thirds majority of those present. An amendment shall enter into force for the Parties which have accepted

it on the sixtieth day after two thirds of the Parties shall have deposited an instrument of acceptance of the amendment with the Organization. Thereafter the amendment shall enter into force for any other Party 30 days after that Party deposits its instrument of acceptance of the amendment.

- (b) The Organization shall inform all Contracting Parties of any request made for a special meeting under article XIV and of any amendments adopted at meetings of the Parties and of the date on which each such amendment enters into force for each Party.
- 2 Amendments to the Annexes will be based on scientific or technical considerations. Amendments to the annexes approved by a two-thirds majority of those present at a meeting called in accordance with article XIV shall enter into force for each Contracting Party immediately on notification of its acceptance to the Organization and 100 days after approval by the meeting for all other Parties except for those which before the end of the 100 days make a declaration that they are not able to accept the amendment at that time. Parties should endeavour to signify their acceptance of an amendment to the Organization as soon as possible after approval at a meeting. A Party may at any time substitute an acceptance for a previous declaration of objection and the amendment previously objected to shall thereupon enter into force for that Party.
 - 3 An acceptance or declaration of objection under this article shall be made by the deposit of an instrument with the Organization. The Organization shall notify all Contracting Parties of the receipt of such instruments.
 - 4 Prior to the designation of the Organization, the Secretarial functions herein attributed to it shall be performed temporarily by the Government of the United Kingdom of Great Britain and Northern Ireland, as one of the depositaries of this Convention.

Article XVI

This Convention shall be open for signature by any State at London, Mexico City, Moscow and Washington from 29 December 1972 until 31 December 1973.

Article XVII

This Convention shall be subject to ratification. The instruments of ratification shall be deposited with the Governments of Mexico, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

Article XVIII

After 31 December 1973, this Convention shall be open for accession by any State. The instruments of accession shall be deposited with the Governments of Mexico, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America.

Article XIX

- 1 This Convention shall enter into force on the thirtieth day following the date of deposit of the fifteenth instrument of ratification or accession.
- 2 For each Contracting Party ratifying or acceding to the Convention after the deposit of the fifteenth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such Party of its instrument of ratification or accession.

Article XX

The depositaries shall inform Contracting Parties:

- (a) of signatures to this Convention and of the deposit of instruments of ratification, accession or withdrawal, in accordance with articles XVI, XVII, XVIII and XXI, and
- (b) of the date on which this Convention will enter into force, in accordance with article XIX.

Article XXI

Any Contracting Party may withdraw from this Convention by giving six months' notice in writing to a depositary, which shall promptly inform all Parties of such notice.

Article XXII

The original of this Convention of which the English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Governments of Mexico, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America who shall send certified copies thereof to all States.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention¹.

DONE in quadruplicate at London, Mexico City, Moscow and Washington, this twenty-ninth day of December, 1972.

1 Signatures omitted.

ANNEX I

- 1 Organohalogen compounds.
- 2 Mercury and mercury compounds.
- 3 Cadmium and cadmium compounds.
- 4 Persistent plastics and other persistent synthetic materials, for example, netting and ropes, which may float or may remain in suspension in the sea in such a manner as to interfere materially with fishing, navigation or other legitimate uses of the sea.
- 5 Crude oil and its wastes, refined petroleum products, petroleum, distillate residues, and any mixtures containing any of these, taken on board for the purpose of dumping.
- 6 Radioactive wastes or other radioactive matter.
- 7 Materials in whatever form (e.g. solids, liquids, semi-liquids, gases or in a living state) produced for biological and chemical warfare.
- 8 With the exception of paragraph 6 above, the preceding paragraphs of this Annex do not apply to substances which are rapidly rendered harmless by physical, chemical or biological processes in the sea provided they do not:
 - (i) make edible marine organisms unpalatable, or
 - (ii) endanger human health or that of domestic animals.

The consultative procedure provided for under article XIV should be followed by a Party if there is doubt about the harmlessness of the substance.

- 9 Except for industrial waste as defined in paragraph 11 below, this Annex does not apply to wastes or other materials (e.g. sewage sludge and dredged material) containing the matters referred to in paragraphs 1 - 5 above as trace contaminants. Such wastes shall be subject to the provisions of Annexes II and III as appropriate.

Paragraph 6 does not apply to wastes or other materials (e.g. sewage sludge and dredged material) containing de minimis (exempt) levels of radioactivity as defined by the IAEA and adopted by the Contracting Parties. Unless otherwise prohibited by Annex I, such wastes shall be subject to the provisions of Annexes II and III as appropriate.

- 10 (a) Incineration at sea of industrial waste, as defined in paragraph 11 below, and sewage sludge is prohibited.

- (b) The incineration at sea of any other wastes or other matter requires the issue of a special permit.
- (c) In the issue of special permits for incineration at sea Contracting Parties shall apply regulations as are developed under this Convention².
- (d) For the purpose of this Annex:
 - (i) "Marine incineration facility" means a vessel, platform, or other man-made structure operating for the purpose of incineration at sea.
 - (ii) "Incineration at sea" means the deliberate combustion of wastes or other matter on marine incineration facilities for the purpose of their thermal destruction. Activities incidental to the normal operation of vessels, platforms or other man-made structures are excluded from the scope of this definition.

11 Industrial waste as from 1 January 1996.

For the purposes of this Annex:

"Industrial waste" means waste materials generated by manufacturing or processing operations and does not apply to:

- (a) dredged material;
- (b) sewage sludge;
- (c) fish waste, or organic materials resulting from industrial fish processing operations;
- (d) vessels and platforms or other man-made structures at sea, provided that material capable of creating floating debris or otherwise contributing to pollution of the marine environment has been removed to the maximum extent;
- (e) uncontaminated inert geological materials the chemical constituents of which are unlikely to be released into the marine environment;
- (f) uncontaminated organic materials of natural origin.

²

Regulations for the Control of Incineration of Wastes and Other Matter at Sea, as adopted in 1978, have not been reproduced in this document.

Dumping of wastes and other matter specified in subparagraphs (a) - (f) above shall be subject to all other provisions of Annex I, and to the provisions of Annexes II and III.

This paragraph shall not apply to the radioactive wastes or any other radioactive matter referred to in paragraph 6 of this Annex.

- 12 Within 25 years from the date on which the amendment to paragraph 6 enters into force and at each 25 year interval thereafter, the Contracting Parties shall complete a scientific study relating to all radioactive wastes and other radioactive matter other than high level wastes or matter, taking into account such other factors as the Contracting Parties consider appropriate, and shall review the position of such substances on Annex I in accordance with the procedures set forth in article XV.

ANNEX II

The following substances and materials requiring special care are listed for the purposes of article VI(1)(a).

A Wastes containing significant amounts of the matters listed below:

arsenic)	
beryllium)	
chromium)	
copper)	and their compounds
lead)	
nickel)	
vanadium)	
zinc)	
organosilicon compounds		
cyanides		
fluorides		
pesticides and their by-products not covered in Annex I.		

B Containers, scrap metal and other bulky wastes liable to sink to the sea bottom which may present a serious obstacle to fishing or navigation.

C In the issue of special permits for the incineration of substances and materials listed in this Annex, the Contracting Parties shall apply the Regulations for the Control of Incineration of Wastes and Other Matter at Sea set forth in the Addendum to Annex I and take full account of the Technical Guidelines on the Control of Incineration of Wastes and Other Matter at Sea adopted by the Contracting Parties in consultation, to the extent specified in these Regulations and Guidelines.

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

ANNEX III

Provisions to be considered in establishing criteria governing the issue of permits for the dumping of matter at sea, taking into account article IV(2), include:

A - Characteristics and composition of the matter

- 1 Total amount and average composition of matter dumped (e.g. per year).
- 2 Form, e.g. solid, sludge, liquid, or gaseous.
- 3 Properties: physical (e.g. solubility and density), chemical and biochemical (e.g. oxygen demand, nutrients) and biological (e.g. presence of viruses, bacteria, yeasts, parasites).
- 4 Toxicity.
- 5 Persistence: physical, chemical and biological.
- 6 Accumulation and biotransformation in biological materials or sediments.
- 7 Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials.
- 8 Probability of production of taints or other changes reducing marketability of resources (fish, shellfish, etc.).
- 9 In issuing a permit for dumping, Contracting Parties should consider whether an adequate scientific basis exists concerning characteristics and composition of the matter to be dumped to assess the impact of the matter on marine life and on human health.

B - Characteristics of dumping site and method of deposit

- 1 Location (e.g. co-ordinates of the dumping area, depth and distance from the coast), location in relation to other areas (e.g. amenity areas, spawning, nursery and fishing areas and exploitable resources).
- 2 Rate of disposal per specific period (e.g. quantity per day, per week, per month).
- 3 Methods of packaging and containment, if any.
- 4 Initial dilution achieved by proposed method of release.
- 5 Dispersal characteristics (e.g. effects of currents, tides and wind on horizontal transport and vertical mixing).
- 6 Water characteristics (e.g. temperature, pH, salinity, stratification, oxygen indices of pollution-dissolved oxygen (DO), chemical oxygen demand (COD), biochemical oxygen demand (BOD) - nitrogen present in organic and mineral form including ammonia, suspended matter, other nutrients and productivity).
- 7 Bottom characteristics (e.g. topography, geochemical and geological characteristics and biological productivity).
- 8 Existence and effects of other dumpings which have been made in the dumping area (e.g. heavy metal background reading and organic carbon content).
- 9 In issuing a permit for dumping, Contracting Parties should consider whether an adequate scientific basis exists for assessing the consequences of such dumping, as outlined in this Annex, taking into account seasonal variations.

C - General considerations and conditions

- 1 Possible effects on amenities (e.g. presence of floating or stranded material, turbidity, objectionable odour, discolouration and foaming).
 - 2 Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed harvesting and culture.
 - 3 Possible effects on other uses of the sea (e.g. impairment of water quality for industrial use, underwater corrosion of structures, interference with ship operations from floating materials, interference with fishing or navigation through deposit of waste or solid objects on the sea floor and protection of areas of special importance for scientific or conservation purposes).
 - 4 The practical availability of alternative land-based methods of treatment, disposal or elimination, or of treatment to render the matter less harmful for dumping at sea.
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**1996 PROTOCOL TO THE CONVENTION ON THE PREVENTION OF
MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER, 1972**

(as amended in 2006)

THE CONTRACTING PARTIES TO THIS PROTOCOL,

STRESSING the need to protect the marine environment and to promote the sustainable use and conservation of marine resources,

NOTING in this regard the achievements within the framework of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 and especially the evolution towards approaches based on precaution and prevention,

NOTING FURTHER the contribution in this regard by complementary regional and national instruments which aim to protect the marine environment and which take account of specific circumstances and needs of those regions and States,

REAFFIRMING the value of a global approach to these matters and in particular the importance of continuing co-operation and collaboration between Contracting Parties in implementing the Convention and the Protocol,

RECOGNIZING that it may be desirable to adopt, on a national or regional level, more stringent measures with respect to prevention and elimination of pollution of the marine environment from dumping at sea than are provided for in international conventions or other types of agreements with a global scope,

TAKING INTO ACCOUNT relevant international agreements and actions, especially the United Nations Convention on the Law of the Sea, 1982, the Rio Declaration on Environment and Development and Agenda 21,

RECOGNIZING ALSO the interests and capacities of developing States and in particular small island developing States,

BEING CONVINCED that further international action to prevent, reduce and where practicable eliminate pollution of the sea caused by dumping can and must be taken without delay to protect and preserve the marine environment and to manage human activities in such a manner that the marine ecosystem will continue to sustain the legitimate uses of the sea and will continue to meet the needs of present and future generations,

HAVE AGREED as follows:

ARTICLE 1

DEFINITIONS

For the purposes of this Protocol:

- 1 "Convention" means the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, as amended.

- 2 "Organization" means the International Maritime Organization.
- 3 "Secretary-General" means the Secretary-General of the Organization.
- 4 .1 "Dumping" means:
- .1 any deliberate disposal into the sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea;
 - .2 any deliberate disposal into the sea of vessels, aircraft, platforms or other man-made structures at sea;
 - .3 any storage of wastes or other matter in the seabed and the subsoil thereof from vessels, aircraft, platforms or other man-made structures at sea; and
 - .4 any abandonment or toppling at site of platforms or other man-made structures at sea, for the sole purpose of deliberate disposal.
- .2 "Dumping" does not include:
- .1 the disposal into the sea of wastes or other matter incidental to, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or other man-made structures;
 - .2 placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Protocol; and
 - .3 notwithstanding paragraph 4.1.4, abandonment in the sea of matter (e.g., cables, pipelines and marine research devices) placed for a purpose other than the mere disposal thereof.
- .3 The disposal or storage of wastes or other matter directly arising from, or related to the exploration, exploitation and associated off-shore processing of seabed mineral resources is not covered by the provisions of this Protocol.
- 5 .1 "Incineration at sea" means the combustion on board a vessel, platform or other man-made structure at sea of wastes or other matter for the purpose of their deliberate disposal by thermal destruction.
- .2 "Incineration at sea" does not include the incineration of wastes or other matter on board a vessel, platform, or other man-made structure at sea if such wastes or other matter were generated during the normal operation of that vessel, platform or other man-made structure at sea.
- 6 "Vessels and aircraft" means waterborne or airborne craft of any type whatsoever. This expression includes air-cushioned craft and floating craft, whether self-propelled or not.

- 7 "Sea" means all marine waters other than the internal waters of States, as well as the seabed and the subsoil thereof; it does not include sub-seabed repositories accessed only from land.
- 8 "Wastes or other matter" means material and substance of any kind, form or description.
- 9 "Permit" means permission granted in advance and in accordance with relevant measures adopted pursuant to article 4.1.2 or 8.2.
- 10 "Pollution" means the introduction, directly or indirectly, by human activity, of wastes or other matter into the sea which results or is likely to result in such deleterious effects as harm to living resources and marine ecosystems, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities.

ARTICLE 2

OBJECTIVES

Contracting Parties shall individually and collectively protect and preserve the marine environment from all sources of pollution and take effective measures, according to their scientific, technical and economic capabilities, to prevent, reduce and where practicable eliminate pollution caused by dumping or incineration at sea of wastes or other matter. Where appropriate, they shall harmonize their policies in this regard.

ARTICLE 3

GENERAL OBLIGATIONS

- 1 In implementing this Protocol, Contracting Parties shall apply a precautionary approach to environmental protection from dumping of wastes or other matter whereby appropriate preventative measures are taken when there is reason to believe that wastes or other matter introduced into the marine environment are likely to cause harm even when there is no conclusive evidence to prove a causal relation between inputs and their effects.
- 2 Taking into account the approach that the polluter should, in principle, bear the cost of pollution, each Contracting Party shall endeavour to promote practices whereby those it has authorized to engage in dumping or incineration at sea bear the cost of meeting the pollution prevention and control requirements for the authorized activities, having due regard to the public interest.
- 3 In implementing the provisions of this Protocol, Contracting Parties shall act so as not to transfer, directly or indirectly, damage or likelihood of damage from one part of the environment to another or transform one type of pollution into another.
- 4 No provision of this Protocol shall be interpreted as preventing Contracting Parties from taking, individually or jointly, more stringent measures in accordance with international law with respect to the prevention, reduction and where practicable elimination of pollution.

ARTICLE 4

DUMPING OF WASTES OR OTHER MATTER

- 1.1 Contracting Parties shall prohibit the dumping of any wastes or other matter with the exception of those listed in Annex 1.
- 1.2 The dumping of wastes or other matter listed in Annex 1 shall require a permit. Contracting Parties shall adopt administrative or legislative measures to ensure that issuance of permits and permit conditions comply with provisions of Annex 2. Particular attention shall be paid to opportunities to avoid dumping in favour of environmentally preferable alternatives.
- 2 No provision of this Protocol shall be interpreted as preventing a Contracting Party from prohibiting, insofar as that Contracting Party is concerned, the dumping of wastes or other matter mentioned in Annex 1. That Contracting Party shall notify the Organization of such measures.

ARTICLE 5

INCINERATION AT SEA

Contracting Parties shall prohibit incineration at sea of wastes or other matter.

ARTICLE 6

EXPORT OF WASTES OR OTHER MATTER

Contracting Parties shall not allow the export of wastes or other matter to other countries for dumping or incineration at sea.

ARTICLE 7

INTERNAL WATERS

- 1 Notwithstanding any other provision of this Protocol, this Protocol shall relate to internal waters only to the extent provided for in paragraphs 2 and 3.
- 2 Each Contracting Party shall at its discretion either apply the provisions of this Protocol or adopt other effective permitting and regulatory measures to control the deliberate disposal of wastes or other matter in marine internal waters where such disposal would be "dumping" or "incineration at sea" within the meaning of article 1, if conducted at sea.
- 3 Each Contracting Party should provide the Organization with information on legislation and institutional mechanisms regarding implementation, compliance and enforcement in marine internal waters. Contracting Parties should also use their best efforts to provide on a voluntary basis summary reports on the type and nature of the materials dumped in marine internal waters.

ARTICLE 8

EXCEPTIONS

- 1 The provisions of articles 4.1 and 5 shall not apply when it is necessary to secure the safety of human life or of vessels, aircraft, platforms or other man-made structures at sea in cases of force majeure caused by stress of weather, or in any case which constitutes a danger to human life or a real threat to vessels, aircraft, platforms or other man-made structures at sea, if dumping or incineration at sea appears to be the only way of averting the threat and if there is every probability that the damage consequent upon such dumping or incineration at sea will be less than would otherwise occur. Such dumping or incineration at sea shall be conducted so as to minimize the likelihood of damage to human or marine life and shall be reported forthwith to the Organization.
- 2 A Contracting Party may issue a permit as an exception to articles 4.1 and 5, in emergencies posing an unacceptable threat to human health, safety, or the marine environment and admitting of no other feasible solution. Before doing so the Contracting Party shall consult any other country or countries that are likely to be affected and the Organization which, after consulting other Contracting Parties, and competent international organizations as appropriate, shall, in accordance with article 18.1.6 promptly recommend to the Contracting Party the most appropriate procedures to adopt. The Contracting Party shall follow these recommendations to the maximum extent feasible consistent with the time within which action must be taken and with the general obligation to avoid damage to the marine environment and shall inform the Organization of the action it takes. The Contracting Parties pledge themselves to assist one another in such situations.
- 3 Any Contracting Party may waive its rights under paragraph 2 at the time of, or subsequent to ratification of, or accession to this Protocol.

ARTICLE 9

ISSUANCE OF PERMITS AND REPORTING

- 1 Each Contracting Party shall designate an appropriate authority or authorities to:
 - .1 issue permits in accordance with this Protocol;
 - .2 keep records of the nature and quantities of all wastes or other matter for which dumping permits have been issued and where practicable the quantities actually dumped and the location, time and method of dumping; and
 - .3 monitor individually, or in collaboration with other Contracting Parties and competent international organizations, the condition of the sea for the purposes of this Protocol.
- 2 The appropriate authority or authorities of a Contracting Party shall issue permits in accordance with this Protocol in respect of wastes or other matter intended for dumping or, as provided for in article 8.2, incineration at sea:

- .1 loaded in its territory; and
 - .2 loaded onto a vessel or aircraft registered in its territory or flying its flag, when the loading occurs in the territory of a State not a Contracting Party to this Protocol.
- 3 In issuing permits, the appropriate authority or authorities shall comply with the requirements of article 4, together with such additional criteria, measures and requirements as they may consider relevant.
- 4 Each Contracting Party, directly or through a secretariat established under a regional agreement, shall report to the Organization and where appropriate to other Contracting Parties:
- .1 the information specified in paragraphs 1.2 and 1.3;
 - .2 the administrative and legislative measures taken to implement the provisions of this Protocol, including a summary of enforcement measures; and
 - .3 the effectiveness of the measures referred to in paragraph 4.2 and any problems encountered in their application.
- The information referred to in paragraphs 1.2 and 1.3 shall be submitted on an annual basis. The information referred to in paragraphs 4.2 and 4.3 shall be submitted on a regular basis.
- 5 Reports submitted under paragraphs 4.2 and 4.3 shall be evaluated by an appropriate subsidiary body as determined by the Meeting of Contracting Parties. This body will report its conclusions to an appropriate Meeting or Special Meeting of Contracting Parties.

ARTICLE 10

APPLICATION AND ENFORCEMENT

- 1 Each Contracting Party shall apply the measures required to implement this Protocol to all:
- .1 vessels and aircraft registered in its territory or flying its flag;
 - .2 vessels and aircraft loading in its territory the wastes or other matter which are to be dumped or incinerated at sea; and
 - .3 vessels, aircraft and platforms or other man-made structures believed to be engaged in dumping or incineration at sea in areas within which it is entitled to exercise jurisdiction in accordance with international law.
- 2 Each Contracting Party shall take appropriate measures in accordance with international law to prevent and if necessary punish acts contrary to the provisions of this Protocol.
- 3 Contracting Parties agree to co-operate in the development of procedures for the effective application of this Protocol in areas beyond the jurisdiction of any State, including procedures for the reporting of vessels and aircraft observed dumping or incinerating at sea in contravention of this Protocol.

- 4 This Protocol shall not apply to those vessels and aircraft entitled to sovereign immunity under international law. However, each Contracting Party shall ensure by the adoption of appropriate measures that such vessels and aircraft owned or operated by it act in a manner consistent with the object and purpose of this Protocol and shall inform the Organization accordingly.
- 5 A State may, at the time it expresses its consent to be bound by this Protocol, or at any time thereafter, declare that it shall apply the provisions of this Protocol to its vessels and aircraft referred to in paragraph 4, recognising that only that State may enforce those provisions against such vessels and aircraft.

ARTICLE 11

COMPLIANCE PROCEDURES

- 1 No later than two years after the entry into force of this Protocol, the Meeting of Contracting Parties shall establish those procedures and mechanisms necessary to assess and promote compliance with this Protocol. Such procedures and mechanisms shall be developed with a view to allowing for the full and open exchange of information, in a constructive manner.
- 2 After full consideration of any information submitted pursuant to this Protocol and any recommendations made through procedures or mechanisms established under paragraph 1, the Meeting of Contracting Parties may offer advice, assistance or co-operation to Contracting Parties and non-Contracting Parties.

ARTICLE 12

REGIONAL CO-OPERATION

In order to further the objectives of this Protocol, Contracting Parties with common interests to protect the marine environment in a given geographical area shall endeavour, taking into account characteristic regional features, to enhance regional co-operation including the conclusion of regional agreements consistent with this Protocol for the prevention, reduction and where practicable elimination of pollution caused by dumping or incineration at sea of wastes or other matter. Contracting Parties shall seek to co-operate with the parties to regional agreements in order to develop harmonized procedures to be followed by Contracting Parties to the different conventions concerned.

ARTICLE 13

TECHNICAL CO-OPERATION AND ASSISTANCE

- 1 Contracting Parties shall, through collaboration within the Organization and in co-ordination with other competent international organizations, promote bilateral and multilateral support for the prevention, reduction and where practicable elimination of pollution caused by dumping as provided for in this Protocol to those Contracting Parties that request it for:
 - .1 training of scientific and technical personnel for research, monitoring and enforcement, including as appropriate the supply of necessary equipment and

facilities, with a view to strengthening national capabilities;

- .2 advice on implementation of this Protocol;
- .3 information and technical co-operation relating to waste minimization and clean production processes;
- .4 information and technical co-operation relating to the disposal and treatment of waste and other measures to prevent, reduce and where practicable eliminate pollution caused by dumping; and
- .5 access to and transfer of environmentally sound technologies and corresponding know-how, in particular to developing countries and countries in transition to market economies, on favourable terms, including on concessional and preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights as well as the special needs of developing countries and countries in transition to market economies.

2 The Organization shall perform the following functions:

- .1 forward requests from Contracting Parties for technical co-operation to other Contracting Parties, taking into account such factors as technical capabilities;
- .2 co-ordinate requests for assistance with other competent international organizations, as appropriate; and
- .3 subject to the availability of adequate resources, assist developing countries and those in transition to market economies, which have declared their intention to become Contracting Parties to this Protocol, to examine the means necessary to achieve full implementation.

ARTICLE 14

SCIENTIFIC AND TECHNICAL RESEARCH

- 1 Contracting Parties shall take appropriate measures to promote and facilitate scientific and technical research on the prevention, reduction and where practicable elimination of pollution by dumping and other sources of marine pollution relevant to this Protocol. In particular, such research should include observation, measurement, evaluation and analysis of pollution by scientific methods.
- 2 Contracting Parties shall, to achieve the objectives of this Protocol, promote the availability of relevant information to other Contracting Parties who request it on:
 - .1 scientific and technical activities and measures undertaken in accordance with this Protocol;
 - .2 marine scientific and technological programmes and their objectives; and
 - .3 the impacts observed from the monitoring and assessment conducted pursuant to article 9.1.3.

ARTICLE 15

RESPONSIBILITY AND LIABILITY

In accordance with the principles of international law regarding State responsibility for damage to the environment of other States or to any other area of the environment, the Contracting Parties undertake to develop procedures regarding liability arising from the dumping or incineration at sea of wastes or other matter.

ARTICLE 16

SETTLEMENT OF DISPUTES

- 1 Any disputes regarding the interpretation or application of this Protocol shall be resolved in the first instance through negotiation, mediation or conciliation, or other peaceful means chosen by parties to the dispute.
- 2 If no resolution is possible within twelve months after one Contracting Party has notified another that a dispute exists between them, the dispute shall be settled, at the request of a party to the dispute, by means of the Arbitral Procedure set forth in Annex 3, unless the parties to the dispute agree to use one of the procedures listed in paragraph 1 of Article 287 of the 1982 United Nations Convention on the Law of the Sea. The parties to the dispute may so agree, whether or not they are also States Parties to the 1982 United Nations Convention on the Law of the Sea.
- 3 In the event an agreement to use one of the procedures listed in paragraph 1 of Article 287 of the 1982 United Nations Convention on the Law of the Sea is reached, the provisions set forth in Part XV of that Convention that are related to the chosen procedure would also apply, *mutatis mutandis*.
- 4 The twelve month period referred to in paragraph 2 may be extended for another twelve months by mutual consent of the parties concerned.
- 5 Notwithstanding paragraph 2, any State may, at the time it expresses its consent to be bound by this Protocol, notify the Secretary-General that, when it is a party to a dispute about the interpretation or application of article 3.1 or 3.2, its consent will be required before the dispute may be settled by means of the Arbitral Procedure set forth in Annex 3.

ARTICLE 17

INTERNATIONAL CO-OPERATION

Contracting Parties shall promote the objectives of this Protocol within the competent international organizations.

ARTICLE 18

MEETINGS OF CONTRACTING PARTIES

- 1 Meetings of Contracting Parties or Special Meetings of Contracting Parties shall keep under continuing review the implementation of this Protocol and evaluate its effectiveness with a view to identifying means of strengthening action, where necessary, to prevent, reduce and where practicable eliminate pollution caused by dumping and incineration at sea of wastes or other matter. To these ends, Meetings of Contracting Parties or Special Meetings of Contracting Parties may:
 - .1 review and adopt amendments to this Protocol in accordance with articles 21 and 22;
 - .2 establish subsidiary bodies, as required, to consider any matter with a view to facilitating the effective implementation of this Protocol;
 - .3 invite appropriate expert bodies to advise the Contracting Parties or the Organization on matters relevant to this Protocol;
 - .4 promote co-operation with competent international organizations concerned with the prevention and control of pollution;
 - .5 consider the information made available pursuant to article 9.4;
 - .6 develop or adopt, in consultation with competent international organizations, procedures referred to in article 8.2, including basic criteria for determining exceptional and emergency situations, and procedures for consultative advice and the safe disposal of matter at sea in such circumstances;
 - .7 consider and adopt resolutions; and
 - .8 consider any additional action that may be required.
- 2 The Contracting Parties at their first Meeting shall establish rules of procedure as necessary.

ARTICLE 19

DUTIES OF THE ORGANIZATION

- 1 The Organization shall be responsible for Secretariat duties in relation to this Protocol. Any Contracting Party to this Protocol not being a member of this Organization shall make an appropriate contribution to the expenses incurred by the Organization in performing these duties.
- 2 Secretariat duties necessary for the administration of this Protocol include:
 - .1 convening Meetings of Contracting Parties once per year, unless otherwise decided by Contracting Parties, and Special Meetings of Contracting Parties at any time on the request of two-thirds of the Contracting Parties;
 - .2 providing advice on request on the implementation of this Protocol and on guidance and procedures developed thereunder;
 - .3 considering enquiries by, and information from Contracting Parties, consulting with them and with the competent international organizations, and providing recommendations to Contracting Parties on questions related to, but not specifically covered by, this Protocol;
 - .4 preparing and assisting, in consultation with Contracting Parties and the competent international organizations, in the development and implementation of procedures referred to in article 18.1.6;
 - .5 conveying to the Contracting Parties concerned all notifications received by the Organization in accordance with this Protocol; and
 - .6 preparing, every two years, a budget and a financial account for the administration of this Protocol which shall be distributed to all Contracting Parties.
- 3 The Organization shall, subject to the availability of adequate resources, in addition to the requirements set out in article 13.2.3.
 - .1 collaborate in assessments of the state of the marine environment; and
 - .2 co-operate with competent international organizations concerned with the prevention and control of pollution.

ARTICLE 20

ANNEXES

Annexes to this Protocol form an integral part of this Protocol.

ARTICLE 21**AMENDMENT OF THE PROTOCOL**

- 1 Any Contracting Party may propose amendments to the articles of this Protocol. The text of a proposed amendment shall be communicated to Contracting Parties by the Organization at least six months prior to its consideration at a Meeting of Contracting Parties or a Special Meeting of Contracting Parties.
- 2 Amendments to the articles of this Protocol shall be adopted by a two-thirds majority vote of the Contracting Parties which are present and voting at the Meeting of Contracting Parties or Special Meeting of Contracting Parties designated for this purpose.
- 3 An amendment shall enter into force for the Contracting Parties which have accepted it on the sixtieth day after two-thirds of the Contracting Parties shall have deposited an instrument of acceptance of the amendment with the Organization. Thereafter the amendment shall enter into force for any other Contracting Party on the sixtieth day after the date on which that Contracting Party has deposited its instrument of acceptance of the amendment.
- 4 The Secretary-General shall inform Contracting Parties of any amendments adopted at Meetings of Contracting Parties and of the date on which such amendments enter into force generally and for each Contracting Party.
- 5 After entry into force of an amendment to this Protocol, any State that becomes a Contracting Party to this Protocol shall become a Contracting Party to this Protocol as amended, unless two-thirds of the Contracting Parties present and voting at the Meeting or Special Meeting of Contracting Parties adopting the amendment agree otherwise.

ARTICLE 22**AMENDMENT OF THE ANNEXES**

- 1 Any Contracting Party may propose amendments to the Annexes to this Protocol. The text of a proposed amendment shall be communicated to Contracting Parties by the Organization at least six months prior to its consideration by a Meeting of Contracting Parties or Special Meeting of Contracting Parties.
- 2 Amendments to the Annexes other than Annex 3 will be based on scientific or technical considerations and may take into account legal, social and economic factors as appropriate. Such amendments shall be adopted by a two-thirds majority vote of the Contracting Parties present and voting at a Meeting of Contracting Parties or Special Meeting of Contracting Parties designated for this purpose.
- 3 The Organization shall without delay communicate to Contracting Parties amendments to the Annexes that have been adopted at a Meeting of Contracting Parties or Special Meeting of Contracting Parties.
- 4 Except as provided in paragraph 7, amendments to the Annexes shall enter into force for each Contracting Party immediately on notification of its acceptance to the Organization or 100 days after the date of their adoption at a Meeting of Contracting Parties, if that is later, except for those Contracting Parties which before the end of the 100 days make a declaration

that they are not able to accept the amendment at that time. A Contracting Party may at any time substitute an acceptance for a previous declaration of objection and the amendment previously objected to shall thereupon enter into force for that Contracting Party.

- 5 The Secretary-General shall without delay notify Contracting Parties of instruments of acceptance or objection deposited with the Organization.
- 6 A new Annex or an amendment to an Annex which is related to an amendment to the articles of this Protocol shall not enter into force until such time as the amendment to the articles of this Protocol enters into force.
- 7 With regard to amendments to Annex 3 concerning the Arbitral Procedure and with regard to the adoption and entry into force of new Annexes the procedures on amendments to the articles of this Protocol shall apply.

ARTICLE 23

RELATIONSHIP BETWEEN THE PROTOCOL AND THE CONVENTION

This Protocol will supersede the Convention as between Contracting Parties to this Protocol which are also Parties to the Convention.

ARTICLE 24

SIGNATURE, RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION

- 1 This Protocol shall be open for signature by any State at the Headquarters of the Organization from 1 April 1997 to 31 March 1998 and shall thereafter remain open for accession by any State.
- 2 States may become Contracting Parties to this Protocol by:
 - .1 signature not subject to ratification, acceptance or approval; or
 - .2 signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
 - .3 accession.
- 3 Ratification, acceptance, approval or accession shall be effected by the deposit of an instrument to that effect with the Secretary-General.

ARTICLE 25

ENTRY INTO FORCE

- 1 This Protocol shall enter into force on the thirtieth day following the date on which:
 - .1 at least 26 States have expressed their consent to be bound by this Protocol in accordance with article 24; and
 - .2 at least 15 Contracting Parties to the Convention are included in the number of States referred to in paragraph 1.1.
- 2 For each State that has expressed its consent to be bound by this Protocol in accordance with article 24 following the date referred to in paragraph 1, this Protocol shall enter into force on the thirtieth day after the date on which such State expressed its consent.

ARTICLE 26

TRANSITIONAL PERIOD

- 1 Any State that was not a Contracting Party to the Convention before 31 December 1996 and that expresses its consent to be bound by this Protocol prior to its entry into force or within five years after its entry into force may, at the time it expresses its consent, notify the Secretary-General that, for reasons described in the notification, it will not be able to comply with specific provisions of this Protocol other than those provided in paragraph 2, for a transitional period that shall not exceed that described in paragraph 4.
- 2 No notification made under paragraph 1 shall affect the obligations of a Contracting Party to this Protocol with respect to incineration at sea or the dumping of radioactive wastes or other radioactive matter.
- 3 Any Contracting Party to this Protocol that has notified the Secretary-General under paragraph 1 that, for the specified transitional period, it will not be able to comply, in part or in whole, with article 4.1 or article 9 shall nonetheless during that period prohibit the dumping of wastes or other matter for which it has not issued a permit, use its best efforts to adopt administrative or legislative measures to ensure that issuance of permits and permit conditions comply with the provisions of Annex 2, and notify the Secretary-General of any permits issued.
- 4 Any transitional period specified in a notification made under paragraph 1 shall not extend beyond five years after such notification is submitted.
- 5 Contracting Parties that have made a notification under paragraph 1 shall submit to the first Meeting of Contracting Parties occurring after deposit of their instrument of ratification, acceptance, approval or accession a programme and timetable to achieve full compliance with this Protocol, together with any requests for relevant technical co-operation and assistance in accordance with article 13 of this Protocol.
- 6 Contracting Parties that have made a notification under paragraph 1 shall establish procedures and mechanisms for the transitional period to implement and monitor submitted

programmes designed to achieve full compliance with this Protocol. A report on progress toward compliance shall be submitted by such Contracting Parties to each Meeting of Contracting Parties held during their transitional period for appropriate action.

ARTICLE 27

WITHDRAWAL

- 1 Any Contracting Party may withdraw from this Protocol at any time after the expiry of two years from the date on which this Protocol enters into force for that Contracting Party.
- 2 Withdrawal shall be effected by the deposit of an instrument of withdrawal with the Secretary-General.
- 3 A withdrawal shall take effect one year after receipt by the Secretary-General of the instrument of withdrawal or such longer period as may be specified in that instrument.

ARTICLE 28

DEPOSITARY

- 1 This Protocol shall be deposited with the Secretary-General.
- 2 In addition to the functions specified in articles 10.5, 16.5, 21.4, 22.5 and 26.5, the Secretary-General shall:
 - .1 inform all States which have signed this Protocol or acceded thereto of:
 - .1 each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;
 - .2 the date of entry into force of this Protocol; and
 - .3 the deposit of any instrument of withdrawal from this Protocol together with the date on which it was received and the date on which the withdrawal takes effect.
 - .2 transmit certified copies of this Protocol to all States which have signed this Protocol or acceded thereto.
- 3 As soon as this Protocol enters into force, a certified true copy thereof shall be transmitted by the Secretary-General to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE 29

AUTHENTIC TEXTS

This Protocol is established in a single original in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic.

IN WITNESS WHEREOF the undersigned being duly authorized by their respective Governments for that purpose have signed this Protocol¹.

DONE AT LONDON, this seventh day of November, one thousand nine hundred and ninety-six.

¹ Signatures omitted.
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ANNEX 1

WASTES OR OTHER MATTER THAT MAY BE CONSIDERED FOR DUMPING

- 1 The following wastes or other matter are those that may be considered for dumping being mindful of the Objectives and General Obligations of this Protocol set out in articles 2 and 3:
 - .1 dredged material;
 - .2 sewage sludge;
 - .3 fish waste, or material resulting from industrial fish processing operations;
 - .4 vessels and platforms or other man-made structures at sea;
 - .5 inert, inorganic geological material;
 - .6 organic material of natural origin;
 - .7 bulky items primarily comprising iron, steel, concrete and similarly unarmful materials for which the concern is physical impact, and limited to those circumstances where such wastes are generated at locations, such as small islands with isolated communities, having no practicable access to disposal options other than dumping; and
 - .8 Carbon dioxide streams from carbon dioxide capture processes for sequestration.**
- 2 The wastes or other matter listed in paragraphs 1.4 and 1.7 may be considered for dumping, provided that material capable of creating floating debris or otherwise contributing to pollution of the marine environment has been removed to the maximum extent and provided that the material dumped poses no serious obstacle to fishing or navigation.
- 3 Notwithstanding the above, materials listed in paragraphs 1.1 to **1.8** containing levels of radioactivity greater than *de minimis* (exempt) concentrations as defined by the IAEA and adopted by Contracting Parties, shall not be considered eligible for dumping; provided further that within 25 years of 20 February 1994, and at each 25 year interval thereafter, Contracting Parties shall complete a scientific study relating to all radioactive wastes and other radioactive matter other than high level wastes or matter, taking into account such other factors as Contracting Parties consider appropriate and shall review the prohibition on dumping of such substances in accordance with the procedures set forth in article 22.
- 4 **Carbon dioxide streams referred to in paragraph 1.8 may only be considered for dumping, if:**
 - .1 disposal is into a sub-seabed geological formation; and**
 - .2 they consist overwhelmingly of carbon dioxide. They may contain incidental associated substances derived from the source material and the capture and sequestration processes used; and**

- .3 no wastes or other matter are added for the purpose of disposing of those wastes or other matter.**

ANNEX 2**ASSESSMENT OF WASTES OR OTHER MATTER
THAT MAY BE CONSIDERED FOR DUMPING****GENERAL**

- 1 The acceptance of dumping under certain circumstances shall not remove the obligations under this Annex to make further attempts to reduce the necessity for dumping.

WASTE PREVENTION AUDIT

- 2 The initial stages in assessing alternatives to dumping should, as appropriate, include an evaluation of:
 - .1 types, amounts and relative hazard of wastes generated;
 - .2 details of the production process and the sources of wastes within that process; and
 - .3 feasibility of the following waste reduction/prevention techniques:
 - .1 product reformulation;
 - .2 clean production technologies;
 - .3 process modification;
 - .4 input substitution; and
 - .5 on-site, closed-loop recycling.
- 3 In general terms, if the required audit reveals that opportunities exist for waste prevention at source, an applicant is expected to formulate and implement a waste prevention strategy, in collaboration with relevant local and national agencies, which includes specific waste reduction targets and provision for further waste prevention audits to ensure that these targets are being met. Permit issuance or renewal decisions shall assure compliance with any resulting waste reduction and prevention requirements.
- 4 For dredged material and sewage sludge, the goal of waste management should be to identify and control the sources of contamination. This should be achieved through implementation of waste prevention strategies and requires collaboration between the relevant local and national agencies involved with the control of point and non-point sources of pollution. Until this objective is met, the problems of contaminated dredged material may be addressed by using disposal management techniques at sea or on land.

CONSIDERATION OF WASTE MANAGEMENT OPTIONS

- 5 Applications to dump wastes or other matter shall demonstrate that appropriate consideration has been given to the following hierarchy of waste management options, which implies an order of increasing environmental impact:
 - .1 re-use;
 - .2 off-site recycling;
 - .3 destruction of hazardous constituents;
 - .4 treatment to reduce or remove the hazardous constituents; and
 - .5 disposal on land, into air and in water.

- 6 A permit to dump wastes or other matter shall be refused if the permitting authority determines that appropriate opportunities exist to re-use, recycle or treat the waste without undue risks to human health or the environment or disproportionate costs. The practical availability of other means of disposal should be considered in the light of a comparative risk assessment involving both dumping and the alternatives.

CHEMICAL, PHYSICAL AND BIOLOGICAL PROPERTIES

- 7 A detailed description and characterization of the waste is an essential precondition for the consideration of alternatives and the basis for a decision as to whether a waste may be dumped. If a waste is so poorly characterized that proper assessment cannot be made of its potential impacts on human health and the environment, that waste shall not be dumped.
- 8 Characterization of the wastes and their constituents shall take into account:
- .1 origin, total amount, form and average composition;
 - .2 properties: physical, chemical, biochemical and biological;
 - .3 toxicity;
 - .4 persistence: physical, chemical and biological; and
 - .5 accumulation and biotransformation in biological materials or sediments.

ACTION LIST

- 9 Each Contracting Party shall develop a national Action List to provide a mechanism for screening candidate wastes and their constituents on the basis of their potential effects on human health and the marine environment. In selecting substances for consideration in an Action List, priority shall be given to toxic, persistent and bioaccumulative substances from anthropogenic sources (e.g., cadmium, mercury, organohalogens, petroleum hydrocarbons, and, whenever relevant, arsenic, lead, copper, zinc, beryllium, chromium, nickel and vanadium, organosilicon compounds, cyanides, fluorides and pesticides or their by-products other than organohalogens). An Action List can also be used as a trigger mechanism for further waste prevention considerations.
- 10 An Action List shall specify an upper level and may also specify a lower level. The upper level should be set so as to avoid acute or chronic effects on human health or on sensitive marine organisms representative of the marine ecosystem. Application of an Action List will result in three possible categories of waste:
- .1 wastes which contain specified substances, or which cause biological responses, exceeding the relevant upper level shall not be dumped, unless made acceptable for dumping through the use of management techniques or processes;
 - .2 wastes which contain specified substances, or which cause biological responses, below the relevant lower levels should be considered to be of little environmental concern in relation to dumping; and
 - .3 wastes which contain specified substances, or which cause biological responses, below the upper level but above the lower level require more detailed assessment before their suitability for dumping can be determined.

DUMP-SITE SELECTION

- 11 Information required to select a dump-site shall include:
- .1 physical, chemical and biological characteristics of the water-column and the seabed;
 - .2 location of amenities, values and other uses of the sea in the area under consideration;
 - .3 assessment of the constituent fluxes associated with dumping in relation to existing fluxes of substances in the marine environment; and
 - .4 economic and operational feasibility.

ASSESSMENT OF POTENTIAL EFFECTS

- 12 Assessment of potential effects should lead to a concise statement of the expected consequences of the sea or land disposal options, i.e., the "Impact Hypothesis". It provides a basis for deciding whether to approve or reject the proposed disposal option and for defining environmental monitoring requirements.
- 13 The assessment for dumping should integrate information on waste characteristics, conditions at the proposed dump-site(s), fluxes, and proposed disposal techniques and specify the potential effects on human health, living resources, amenities and other legitimate uses of the sea. It should define the nature, temporal and spatial scales and duration of expected impacts based on reasonably conservative assumptions.
- 14 An analysis of each disposal option should be considered in the light of a comparative assessment of the following concerns: human health risks, environmental costs, hazards, (including accidents), economics and exclusion of future uses. If this assessment reveals that adequate information is not available to determine the likely effects of the proposed disposal option then this option should not be considered further. In addition, if the interpretation of the comparative assessment shows the dumping option to be less preferable, a permit for dumping should not be given.
- 15 Each assessment should conclude with a statement supporting a decision to issue or refuse a permit for dumping.

MONITORING

- 16 Monitoring is used to verify that permit conditions are met - compliance monitoring - and that the assumptions made during the permit review and site selection process were correct and sufficient to protect the environment and human health - field monitoring. It is essential that such monitoring programmes have clearly defined objectives.

PERMIT AND PERMIT CONDITIONS

- 17 A decision to issue a permit should only be made if all impact evaluations are completed and the monitoring requirements are determined. The provisions of the permit shall ensure, as far as practicable, that environmental disturbance and detriment are minimized and the benefits maximized. Any permit issued shall contain data and information specifying:
- .1 the types and sources of materials to be dumped;
 - .2 the location of the dump-site(s);
 - .3 the method of dumping; and
 - .4 monitoring and reporting requirements.

- 18 Permits should be reviewed at regular intervals, taking into account the results of monitoring and the objectives of monitoring programmes. Review of monitoring results will indicate whether field programmes need to be continued, revised or terminated and will contribute to informed decisions regarding the continuance, modification or revocation of permits. This provides an important feedback mechanism for the protection of human health and the marine environment.

ANNEX 3**ARBITRAL PROCEDURE****Article 1**

- 1 An Arbitral Tribunal (hereinafter referred to as the "Tribunal") shall be established upon the request of a Contracting Party addressed to another Contracting Party in application of article 16 of this Protocol. The request for arbitration shall consist of a statement of the case together with any supporting documents.
- 2 The requesting Contracting Party shall inform the Secretary-General of:
 - .1 its request for arbitration; and
 - .2 the provisions of this Protocol the interpretation or application of which is, in its opinion, the subject of disagreement.
- 3 The Secretary-General shall transmit this information to all Contracting States.

Article 2

- 1 The Tribunal shall consist of a single arbitrator if so agreed between the parties to the dispute within 30 days from the date of receipt of the request for arbitration.
- 2 In the case of the death, disability or default of the arbitrator, the parties to a dispute may agree upon a replacement within 30 days of such death, disability or default.

Article 3

- 1 Where the parties to a dispute do not agree upon a Tribunal in accordance with article 2 of this Annex, the Tribunal shall consist of three members:
 - .1 one arbitrator nominated by each party to the dispute; and
 - .2 a third arbitrator who shall be nominated by agreement between the two first named and who shall act as its Chairman.
- 2 If the Chairman of a Tribunal is not nominated within 30 days of nomination of the second arbitrator, the parties to a dispute shall, upon the request of one party, submit to the Secretary-General within a further period of 30 days an agreed list of qualified persons. The Secretary-General shall select the Chairman from such list as soon as possible. He shall not select a Chairman who is or has been a national of one party to the dispute except with the consent of the other party to the dispute.
- 3 If one party to a dispute fails to nominate an arbitrator as provided in paragraph 1.1 within 60 days from the date of receipt of the request for arbitration, the other party may request the submission to the Secretary-General within a period of 30 days of an agreed list of qualified persons. The Secretary-General shall select the Chairman of the Tribunal from such list as

soon as possible. The Chairman shall then request the party which has not nominated an arbitrator to do so. If this party does not nominate an arbitrator within 15 days of such request, the Secretary-General shall, upon request of the Chairman, nominate the arbitrator from the agreed list of qualified persons.

- 4 In the case of the death, disability or default of an arbitrator, the party to the dispute who nominated him shall nominate a replacement within 30 days of such death, disability or default. If the party does not nominate a replacement, the arbitration shall proceed with the remaining arbitrators. In the case of the death, disability or default of the Chairman, a replacement shall be nominated in accordance with the provision of paragraphs 1.2 and 2 within 90 days of such death, disability or default.
- 5 A list of arbitrators shall be maintained by the Secretary-General and composed of qualified persons nominated by the Contracting Parties. Each Contracting Party may designate for inclusion in the list four persons who shall not necessarily be its nationals. If the parties to the dispute have failed within the specified time limits to submit to the Secretary-General an agreed list of qualified persons as provided for in paragraphs 2, 3 and 4, the Secretary-General shall select from the list maintained by him the arbitrator or arbitrators not yet nominated.

Article 4

The Tribunal may hear and determine counter-claims arising directly out of the subject matter of the dispute.

Article 5

Each party to the dispute shall be responsible for the costs entailed by the preparation of its own case. The remuneration of the members of the Tribunal and of all general expenses incurred by the arbitration shall be borne equally by the parties to the dispute. The Tribunal shall keep a record of all its expenses and shall furnish a final statement thereof to the parties.

Article 6

Any Contracting Party which has an interest of a legal nature which may be affected by the decision in the case may, after giving written notice to the parties to the dispute which have originally initiated the procedure, intervene in the arbitration procedure with the consent of the Tribunal and at its own expense. Any such intervenor shall have the right to present evidence, briefs and oral argument on the matters giving rise to its intervention, in accordance with procedures established pursuant to article 7 of this Annex, but shall have no rights with respect to the composition of the Tribunal.

Article 7

A Tribunal established under the provisions of this Annex shall decide its own rules of procedure.

Article 8

- 1 Unless a Tribunal consists of a single arbitrator, decisions of the Tribunal as to its procedure, its place of meeting, and any question related to the dispute laid before it, shall be taken by majority vote of its members. However, the absence or abstention of any member of the Tribunal who was nominated by a party to the dispute shall not constitute an impediment to the Tribunal reaching a decision. In case of equal voting, the vote of the Chairman shall be decisive.
- 2 The parties to the dispute shall facilitate the work of the Tribunal and in particular shall, in accordance with their legislation and using all means at their disposal:
 - .1 provide the Tribunal with all necessary documents and information; and
 - .2 enable the Tribunal to enter their territory, to hear witnesses or experts, and to visit the scene.
- 3 The failure of a party to the dispute to comply with the provisions of paragraph 2 shall not preclude the Tribunal from reaching a decision and rendering an award.

Article 9

The Tribunal shall render its award within five months from the time it is established unless it finds it necessary to extend that time limit for a period not to exceed five months. The award of the Tribunal shall be accompanied by a statement of reasons for the decision. It shall be final and without appeal and shall be communicated to the Secretary-General who shall inform the Contracting Parties. The parties to the dispute shall immediately comply with the award.
