
2. Annex A.
   List of participants

3. Annex B.
   Agenda of the meeting

4. Annex C.
   (a) Text of draft article amending Article IX (d) of the draft Articles of a Convention for the prevention of marine pollution by dumping (Document INOD/2) agreed in Reykjavik.

   (b) Text of proposed amendment to para. 6 of annex I of Document INOD/2

   (c) Treatment of agents of chemical and biological warfare in Annex I.

5. Annex D.

   Record of discussion of other articles of Document INOD/2.
1. REPORT OF THE MEETING

1. The Government of the United Kingdom invited representatives of all those countries that attended the intergovernmental meeting on ocean dumping at Reykjavik held from 10 to 15 April 1972 to meet in London on 30 and 31 May 1972 in order to resolve issues outstanding from that meeting.

2. Seventeen nations sent delegates, and one was represented by an observer. A list is at Annex A.

3. The leader of the United Kingdom delegation, Dr H W Holdgate, welcomed delegates and was subsequently elected Chairman of the meeting. Mr H R Kórdarson, leader of the Iceland delegation, was elected Vice-Chairman.

4. The Agenda as adopted is at Annex B.

5. The sole working document for the meeting was the text of draft Articles of a Convention for the prevention of marine pollution by dumping, drawn up at the Reykjavik meeting. The meeting endeavoured first to agree on text to replace the disputed clauses in the Reykjavik text (Article IX (d) and paras. 6 and 7 in Annex I). Agreement was reached on a proposed new form of Article IX (d) and para. 6 of Annex 1. while substantial progress was achieved on the treatment of the question of agents of chemical and biological warfare, in para. 7 of that Annex. The resulting form of words is at Annex C.

RESTRICTED
6. Articles I to XI inclusive of the Reykjavik draft were examined seriatim. A number of delegations raised points of substance on certain articles, while various drafting amendments were also proposed. A record is at Annex D.

7. The meeting agreed that the results of its work should be regarded as supplementing the report of the Reykjavik meeting, which had been submitted by the Government of Iceland to the Secretary General of the United Nations Conference on the Human Environment, and requested its Chairman to convey a summary of its report together with Annex C to that Conference and to circulate the full report to all those countries that were present at the Reykjavik meeting.

8. Many delegates said that their Governments would wish to consider how best to proceed to the conclusion of the proposed Convention after the Stockholm Conference. The delegate of the United Kingdom reminded the meeting that his Government had announced its wish to convene a plenipotentiary meeting to complete and sign the Convention in the late summer of 1972 and said that a final decision on this meeting and its timing would be taken after the Stockholm Conference. A number of delegations stressed that it was important that the conclusions of the Stockholm Conference be awaited before any further meetings were decided upon.
# Annex A

**List of Participants**

<table>
<thead>
<tr>
<th>Country</th>
<th>Participants</th>
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<tr>
<td>Algeria</td>
<td>A. Abdelaziz</td>
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<td>Australia</td>
<td>W. Flanagan</td>
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<td>Belgium</td>
<td>W.B. Nicholson</td>
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<td>Denmark</td>
<td>R. Vankaeynest</td>
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<td>Federal Republic of Germany</td>
<td>F.W. Marienfeld</td>
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<td>E. Jauck</td>
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<td>India</td>
<td>H.R. Bardarson</td>
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<td>A.S. Mani</td>
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<td>Japan</td>
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<td>Kenya</td>
<td>H. Sagara</td>
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<td>Netherlands</td>
<td>K. Tsutomichi</td>
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<td>Norway</td>
<td>O. Pakih</td>
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<td>Spain</td>
<td>JCNKheer, H.R. van De Oorn</td>
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<td>Sweden</td>
<td>J. Voorbraak</td>
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<td>F. Racke</td>
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<td>USA</td>
<td>J. Yturriaga</td>
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<td>H. Vindenes</td>
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<td>V.W. Holdgate</td>
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<td>J.G. Ure</td>
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<td>Miss E.M. Price</td>
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<td>K. Chamberlain</td>
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<td>F. Fedele</td>
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**Observer**

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<td>Canada</td>
<td>A. Mathewson</td>
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ANNEX B

INTERNATIONAL MEETING ON OCEAN DUMPING

London, 30,31 May 1972

AGENDA

1. Election of the Chairman.
2. Election of the Vice-Chairman.
3. Adoption of the agenda.
4. Action to resolve outstanding points on
   the draft articles of a Convention for
   the Prevention of Marine Pollution by
   Dumping (Reykjavik Document INOD/2).
5. Discussion of future action.
6. Any other business.
a. **Suggested Substitution for Article IX (d)**

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 other parties and the organisation mentioned in Article XII (b) of the measures it adopts.

b. **Proposed Amendments to Annex I**

Replace paragraph 6 by:

"6. High-level radioactive wastes as specified by the IAEA, in co-operation with other international bodies, as unsuitable for dumping at sea".


c. **Treatment of Agents of Chemical and Biological Warfare**

It was agreed that while some of these materials were both hazardous enough and sufficiently a cause of public concern to merit inclusion in Annex I others were not, and precise scientific definition would be needed by experts. For the time being it was agreed to retain the square brackets around paragraph 7. The best way of dealing with exemption of harmless materials might be to amend paragraph 9 of Annex I, for example to read:

"9. Paragraphs 1 and 7 of this Annex do not apply to substances which are rapidly rendered harmless by physical, chemical or biological processes in the sea, and which do not make the flesh of edible marine organisms unpalatable or lead to a danger to human health or that of domestic animals".

It was agreed that these matters required further expert consideration.
ARTICLE I

Substantial difficulties arose on this article, and one delegation sought its deletion.

As drafting amendments it was proposed:
(a) to replace "to prevent" in line 1 by "adopt the best practicable means to control and abate".
(b) to replace "impairment of quality for use of sea water or reduction of amenities" in the final line by "or damage to amenities or interfere with legitimate uses of the sea".

These amendments were not generally acceptable and no agreement was reached.

ARTICLE II

The deletion of this Article was proposed by one delegation on grounds of redundancy, but if it was retained that delegation sought the deletion of the phrase "according to their capability" and that the phrase "as provided for in the following Articles of this Convention" be added at a point where its application to both predicates of the Articles was clear.

ARTICLE III

Difficulties arose concerning:
(a) The definition of dumping, and especially its application to fixed and floating platforms.
(b) Whether the definition of "vessels" should encompass platforms or cross-refer to the treatment of platforms in the definition of dumping.

(c) Whether the definition of "seas" should be limited to high seas and territorial seas or should include bays, possibly referred to as "bays as defined in Article VII of the Convention on the Territorial Sea and the Contiguous Zone".

(d) Whether an additional definition of permit or approval should be added, e.g.:

"6. "Permit or approval" means any instrument granting permission for the dumping at sea of matter not listed in Annex II".

**ARTICLE IV**

It was agreed to amend Article IV (b), in its final line, by inserting after "the other Parties" "and the organisation referred to in Article XII (b)."

Difficulties arose concerning:

(a) the cross-reference to Annex I in Article IV (b), and the problem of which matter in the Annex constituted a standard against which to assess "equivalent or greater" deleterious effect.

(b) whether to add a provision like Article IX of the Oslo Convention allowing dumping at sea if disposal on land posed exceptional difficulty.
(c) the need to develop words making the jurisdiction of parties in the operation of Article IV (b) clear.

(d) whether "shall" in line 5 of Article IV (b) should be replaced by "may" or whether the mandatory requirement should be retained.

ARTICLE V

It was agreed

a. to add after "human life" "at sea".

b. to insert in line 2 after "human life" "or of a vessel or aircraft".

c. to add at the end, after "threatened" ", but dumping carried out in such circumstances should be reported forthwith to the other Parties or the organization mentioned in Article XII (b)",
Article VI

Substantial issues

A substantial criticism was raised that this Article gives too much discretion to individual parties and provides inadequately for international supervision.

The question of issuing permits to the flag vessels of one party loading in the territory of another party may require further elaboration.

Drafting amendments

It was agreed:

(a) in (a), line 1, delete "national";

(b) in VI (a)(i), line 2, for "for" read "before";

(c) in VI (a)(ii), line 2, for "for" read "before";

(d) in VI (b), line 1, insert after "permits or approvals" "under sub-paragraphs (a) (i) and (ii) above";

(e) in line 2 of (b) delete "national" and replace by "appropriate";

(f) insert in line 1 of VI (c) after "manner to" "the organisation referred to in Article XIIb and to the".
Article VII

Substantial difficulty arose on VII(b), which it was considered would give powers to parties to a regional convention unilaterally to legislate for non-parties, being parties to the present Convention, and constrain their activities on the high seas. One delegate proposed for study the following alternative form of words:

"7b. The parties to such regional agreements may apply more stringent criteria or prohibitions to the vessels and aircraft referred to in Article IXa and may request the co-operation of other states parties to this Convention in furthering the objectives of such regional agreements."

No agreement was reached on this matter.

The following drafting amendment was proposed to the present text:

VII (b) add at end "Such criteria or prohibition shall be reported by the depository state of a regional convention to the organisation referred to in Article XII (b)."

It was also proposed to add at the end of VII (a) the phrase "consistent with this Convention", but this was not agreed.
ARTICLE VIII

II. Amendments proposed.

ARTICLE IX (excluding IX (d) dealt with in Annex C)

There was considerable discussion of alternative forms of wording to give effect to the objectives of Article IX of the Reykjavik text, with which there was general sympathy, but no general formula was agreed.

The reference to "fixed and floating platforms" in IX (a)(iii) is consistent with the definitions in Article III of the Reykjavik draft but will need attention when the definitions in that Article are finalised. At that stage the inclusion of a reference to platforms in (a)(i) may also be needed.

As a drafting amendment to the Reykjavik text:

In IX (a)(i) after "territory" add "and unregistered vessels flying the flag."

ARTICLE X

This article gives rise to serious difficulties.

ARTICLE XI

Time did not allow full discussion of this article, but no serious difficulties were indicated.