The Permanent Mission of Iceland to the United Nations presents its compliments to the Permanent Missions to the United Nations and has the honour to transmit Working Paper No. 1, Draft articles on ocean-dumping, in preparation for the Inter-Governmental Meeting on Ocean Dumping, commencing in Reykjavik April 10.

It would be appreciated if the Permanent Missions to the United Nations would, as soon as possible, inform the Permanent Mission of Iceland to the United Nations on the participation of their Governments in the above-mentioned meeting.

The Permanent Mission of Iceland avails itself of this opportunity to renew to the Permanent Missions to the United Nations the assurances of its highest consideration.

New York, 2 March 1972
Intergovernmental Meeting on Ocean Dumping

Reykjavik Iceland

10 – 15 April 172

Working paper 1

DRAFT ARTICLES ON OCEAN DUMPING

Extract from the report of the Second session of the Intergovernmental Working Group on Marine Pollution held in Ottawa, 8 – 12 November 1971

N.B. The following document is of poor quality. A copy of the draft articles on Ocean Dumping (November 12, 1971) was reproduced in International Legal materials vol XI, no1, January 1972, p. 19 and is attached)
Intergovernmental Meeting on Ocean Dumping
Reykjavik (Iceland)
16-18 April 1972

DRAPES ARTICLES ON OCEAN DUMPING

Article I

(a) The contracting parties pledge themselves to take all possible steps to prevent the pollution of the sea by substances that are liable to create hazards to human health, sea-living resources and marine life, damage amenities or interfere with other legitimate uses of the sea.

(b) The contracting parties shall take the individual or collective measures appropriate to prevent marine pollution caused by the dumping of harmful substances from ships, aircraft (or stationary platforms at sea), and shall harmonize their policies in this regard.

Article II

1. "Dumping" means any deliberate disposal at sea of matter from vessels, including the deliberate disposal of vessels themselves, with the exception of matter resulting from the normal operation of vessels or the loss of vessels in the course of their normal operation.
2. "Vessels" includes aircraft, air-cushion vehicles and all other means of conveyance capable of operation in the air, on or under water.
3. "Sea" means the high seas and the territorial seas of all coastal States, but does not include internal waters.
4. "Matter", means material and substance of any kind or description.
5. "Person", refers to any natural or legal person, whether public or private, including a State and its political subdivisions.
6. "Law" includes law themselves, as well as decrees, regulations and other acts taken in application of law.
7. "General permit" means ... (not yet specified)
8. "Special permit" means ... (not yet specified)

Article III

It is forbidden to dump at sea toxic mercury, cadmium, organochlorine (and organosilicon) compounds, (and oil and derivative hydrocarbons), other than those which are rapidly converted in the sea into substances which are biologically harmless, except as noted in Article IV. (The dumping of biological and chemical warfare agents and (high level) radioactive waste is also prohibited.) The dumping of other matter which has a deleterious effect on the marine environment equivalent to the properties of the matter referred to above is also prohibited.
Article IV

The provisions of article III shall not apply:

(a) In cases of force majeure when human lives or when the safety of a vessel (or property) is endangered. In such cases, the contracting party shall immediately inform any other contracting party concerned and (the Commission) report to the registry of materials maintained by the General Conference (the international organization that would have to deal with this matter) (any regional organization or body concerned) that such dumping took place, reporting also on the circumstances under which it happened and the place, quantity and nature of the dumped substances.

(b) When the matter described by article III is present in low concentrations in wastes whose dumping is allowed, provided that these substances have not been added to the wastes in order to dump them at sea. (The Commission shall determine what is meant by a "low concentration" and shall also consider any other circumstances under which the terms of article III might be varied.)

Article V

The dumping of any matter other than that referred to in article III shall be regulated in accordance with the provisions of this convention.

Article VI

If a party desires to permit dumping, in accordance with the provisions of this convention, it shall create an appropriate national mechanism which may be empowered to grant permits for such dumping, and shall inform the (Secretariat) referred to in article ... how the mechanism is constituted. The (Secretariat) shall circulate such information to all parties.

Article VII

No party shall grant permits for dumping if the dumping of matter or the continued dumping thereof would (materially) endanger human health, welfare or amenities, the marine environment, living and other marine resources, ecological systems, or other legitimate uses of the sea.

Article VIII

Each party which desires to permit dumping shall establish criteria for the issuance of permits meeting the requirements of article VI. In establishing or revising the criteria, each party shall consider, in addition to those matters referred to in article VI, the possible persistence or permanence of the effects of the proposed dumping, the volume, concentration and toxicity of materials and substances involved, the geographical position of the location...
proposed for the dumping (including the depth of the water, the distance from the nearest coast line, the distances from fishing grounds and marine areas, the characteristics of the location in relation to decomposition and disposal of materials and in relation to exploitable resources, including adult and juvenile marine life and human amenities, alternative methods and locations for disposal, including impact on the public interest of the people of each party. For such substances as (radioactive waste), arsenic, lead, copper and zinc, and their compounds, cyanides and fluorides, and pesticides, a special permit for each dumping shall be required. The dumping of other matter having effects equivalent to the effects of the above substances should also require a special permit.

Article IX

Each party may issue general permits for the dumping of materials which do not harm or which beneficially affect the marine environment. In issuing such permits, parties shall use the criteria established under the provisions of Article VIII.

Article X

Each party shall submit a statement setting forth its criteria to the (Secretariat) referred to in Article VI, which shall circulate the statement to all parties. Any other State having laws establishing criteria for the issuance of such permits may also submit a statement setting forth such criteria to the (Secretariat), and the (Secretariat) shall also circulate such statement to all parties.

Article XI

Nothing in this convention shall prevent a party's individually or jointly establishing criteria and prohibitions stricter than are required under Articles VI, VII and VIII.

Article XII

Nothing in this convention supplants any recommendations designed to regulate the disposal of any material adopted by the International Atomic Energy Agency, or the International Convention for the Prevention of Pollution of the Sea by Oil, done at London, 22 May 1958, as amended, or as it may be further amended.

Parties to this convention undertake to comply with any requirements of the convention or of the recommendations referred to above.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Convention.

Chancellor: Washington
The Hague
Article VII

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 may enter into agreements on a regional level.
UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT: DRAFT ARTICLES ON OCEAN DUMPING* [November 12, 1971]

ARTICLE I

a) The Contracting Parties pledge themselves to take all possible steps to prevent the pollution of the sea by substances that are liable to create hazards to human health, harm living resources and marine life, damage amenities or interfere with other legitimate uses of the sea.

b) The Contracting Parties shall take the individual or collective measures appropriate to prevent marine pollution caused by the dumping of harmful substances from ships, aircraft [or stationary platforms at sea], and shall harmonize their policies in this regard.

ARTICLE II

1. "Dumping" means any deliberate disposal at sea of matter from vessels, including the deliberate disposal of vessels themselves, with the exception of matter resulting from the normal operation of vessels or the loss of vessels in the course of their normal operation.

2. "Vessels" includes aircraft, air-cushion vehicles and all other means of conveyance capable of operation in the air, or on or under water.

3. "Sea" means the high seas and the territorial seas of all coastal States, but does not include internal waters.

4. "Matter" means material and substance of any kind or description.

5. "Person" refers to any natural or legal person, whether public or private, including a State and its political subdivisions.

6. "Laws" includes laws themselves, as well as decrees, regulations and other acts taken in application of laws.

7. "General permit" means permission, however granted or evidenced, for the dumping of material of specified kind or description by all persons purporting to act pursuant to it without, however, the necessity of such persons making application for the permit.

8. "Special permit" means permission, however granted or evidenced, for the dumping of material of specified kind or description on the application of each person purporting to act pursuant to it.

ARTICLE III

It is forbidden to dump at sea toxic mercury, cadmium, organohalogen [and organosilicon] compounds, [and oil and derivative hydrocarbons], other than those which are rapidly converted in the sea into substances which are biologically harmless, except as noted in Article IV. [The dumping of biological and chemical warfare agents and (high level) radioactive waste is also prohibited]. The dumping of other matter which has a deleterious effect on the marine environment equivalent to the properties of the matter referred to above is also prohibited.


[The draft articles were prepared by a drafting group at the Ottawa meeting of November 8-12, 1971. The Working Group took note of the articles, without commitment on the part of the Governments concerned, and agreed that there should be further consultations in the hope that agreement on concrete global action might be reached prior to the Stockholm Conference in June 1972.

[The United States Draft Convention on the Regulation of Ocean Dumping appears at 10 International Legal Materials 1021 (1971).]
ARTICLE IV

The provisions of Article III shall not apply:

a) In cases of force majeure when human lives or when the safety of a vessel [or property] is endangered. In such cases, the Contracting Party shall immediately inform any other Contracting Party concerned by the General Conference that such dumping took place, reporting also on the circumstances under which it happened and the place, quantity and nature of the dumped substances.

b) When the matter described by Article III is present in low concentrations in wastes whose dumping is allowed, provided that these substances have not been added to the wastes in order to dump them at sea. [The Commission shall determine what is meant by a "low concentration" and shall also consider any other circumstances under which the terms of Article III might be varied.]

ARTICLE V

The dumping of any matter other than that referred to in Article III shall be regulated in accordance with the provisions of this Convention.

ARTICLE VI

If a Party desires to permit dumping, in accordance with the provisions of this Convention, it shall create an appropriate national mechanism which may be empowered to grant permits for such dumping, and shall inform the [Secretariat] referred to in Article how the mechanism is constituted. The [Secretariat] shall circulate such information to all Parties.

ARTICLE VII

No Party shall grant permits for dumping if the dumping of matter or the continued dumping thereof would [materially] endanger human health, welfare or amenities, the marine environment, living and other marine resources, ecological systems, or other legitimate uses of the sea.

ARTICLE VIII

Each Party which desires to permit dumping shall establish criteria for the issuance of permits meeting the requirements of Article VI. In establishing or revising the criteria, each Party shall consider, in addition to those matters referred to in Article VI, the possible persistence or permanence of the effects of the proposed dumping, the volume, concentration and toxicity of materials and substances involved, the geographical position of the location proposed for the dumping (including the depth of the water, the distance from the nearest coast [and the distances from fishing grounds and amenity areas]), the characteristics of the location in relation to exploitable resources, including adult and juvenile marine life and human amenities, alternative methods and location for disposal, including impact on the public interest of the people of each Party. For such substances as [radioactive wastes], arsenic, lead, copper and zinc, and other compounds, cyanides and fluorides, and pesticides, a special permit for each dumping shall be required. The dumping of other matter having effects equivalent to the effects of the above substances should also require a special permit.

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3) One delegation reserved its position with respect to the distinction drawn between special and general permits, and stated that, in its view, the central feature should be the stringency of the criteria to be applied rather than the form of the permit; if the definition contained in Article II, paragraph 7, was maintained, the words "or a general permit for dumping under strict criteria" should be added in Article VIII, after "a special permit for each dumping".
ARTICLE IX

Each Party may issue general permits for the dumping of materials which do not harm or which beneficially affect the marine environment. In issuing such permits, Parties shall use the criteria established under the provisions of Article VIII.

ARTICLE X

Each Party shall submit a statement setting forth its criteria to the [Secretariat] referred to in Article VI, which shall circulate the statement to all Parties. Any other State having laws establishing criteria for the issuance of such permits may also submit a statement setting forth such criteria to the [Secretariat] and the [Secretariat] shall also circulate such statement to all Parties.

ARTICLE XI

Nothing in this Convention shall prevent a Party's individually or jointly establishing criteria and prohibitions stricter than are required under Articles VI, VII and VIII.

ARTICLE XII

Nothing in this Convention supplants any recommendations designed to regulate the disposal of any material adopted by the International Atomic Energy Agency, or the International Convention for the Prevention of Pollution of the Sea by Oil, done at London, 12 May 1954, as amended, or as it may be further amended. Parties to this Convention undertake to comply with any requirements of the Convention or of the recommendations referred to above.

ARTICLE XIII

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 may enter into agreements on a regional level.