



Unit 4 - Dumping of Wastes at Sea

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Course: Introductory Course to the International Legal Framework on Marine Pollution

Book: Unit 4 - Dumping of Wastes at Sea

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1. Dumping

Dumping is the deliberate disposal of wastes at sea.

Typical kinds of dumped wastes include dredged spoils, building construction debris, sewage sludge and municipal garbage. In international law, dumping covers operations by vessels, aircraft or offshore installations for the purpose of waste disposal, including the disposal of the vessels, aircraft or offshore installations themselves.

Dumping typically excludes disposal of wastes generated incidentally to the ordinary operations of vessels, aircraft or offshore installations since these activities are primarily covered under regimes specific to these types of operations (UNCLOS article 1(5)).

2. The Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter (London Convention)

UNCLOS provisions on dumping require that national laws must be no less effective than global rules and standards (article 210.6).

The 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter (“London Convention”), administered through the IMO, establishes the global rules and standards for dumping. For those states not party to the London Convention, UNCLOS has the effect of indirectly bringing the wider community of UNCLOS parties into line with the London Convention.

Under UNCLOS, waste dumping is subject to a permit system (article 210(3)) which is to be enforced by coastal states which has veto power over dumping in its territorial sea and exclusive economic zone or onto its continental shelf, flag states and waste loading states (article 216). Therefore, several permits may be needed from the various responsible states. The London Convention provides the details.

Key provisions

Article 4 of the London Convention prohibits dumping of hazardous wastes and substances into all marine environments, including high seas and territorial waters. Annex I sets out the “black list” of wastes for which no permits may be granted. The prohibited substances listed in Annex I include organochlorine compounds, mercury and mercury compounds, persistent plastics, high-level radioactive wastes and materials produced for chemical warfare. Article 5 allows the dumping of Annex II substances, for which permits may be issued subject to conditions specified in Annex III. The Annex II “grey list” substances include low concentrations of certain metals and incinerator ash.

Article 7 of the London Convention requires parties to enact national laws to provide a basis for their permitting system and to prevent dumping of wastes and other substances into the marine environment in contravention of the Convention. They are authorized to enact more stringent regulations in their national laws and may prohibit dumping of substances that the Convention permits.

Parties to the London Convention have adopted a range of important resolutions banning incineration at sea, dumping of low-level radioactive wastes at sea and establishing a process of phasing out dumping of all industrial wastes at sea, among other changes.

3. Protocol to the London Convention

In 1996 a new Protocol to the London Convention was adopted designed to reduce the practice of waste dumping by introducing waste management and avoidance practices and came into force in 2006. This Protocol included a new reverse listing that, instead of listing wastes prohibited for dumping, prohibited dumping of all wastes except those specifically listed. The old Annex I “black list” is accordingly replaced by a new Annex 1 “reverse list” of wastes which can be dumped subject to permit.

Parties to the Convention and the Protocol have also addressed geo-engineering activities, such as carbon capture and storage and ocean fertilization. In 2006, Annex 1 was amended to add CO₂ streams from CO₂ capture processes to the list of permitted substances and, in 2009, article 6 was amended to enable transboundary movement of streams of CO₂ for disposal in accordance with Annex 1. In 2013, Parties amended the Protocol and banned marine geo-engineering activities listed in the new Annex 4. Currently the only listing under Annex 4 is ocean fertilization, which is not allowed other than legitimate scientific research assessed in accordance with Framework contained in the new Annex 5.

4. Regional Conventions

Regional conventions concerning the dumping of waste have been adopted for the North East Atlantic Ocean (1992) and Baltic Sea (1992), and protocols have been adopted for the Mediterranean (1995), South Pacific (1986), and South East Pacific seas (1989). The North East Atlantic, Baltic and Mediterranean agreements have been revised since 1990 to incorporate the waste management and avoidance approaches of the London Convention's Protocol.