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POLLUTION



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Convention

for the Prevention of Marine Pollution by Dumping from Ships and Aircraft

Oslo, 15 February–15 August 1972

[The United Kingdom instrument of ratification was deposited on 30 June 1975 and the Convention entered into force for the United Kingdom on 30 July 1975]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
October 1975*

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**CONVENTION
FOR THE PREVENTION OF MARINE POLLUTION
BY DUMPING FROM SHIPS AND AIRCRAFT**

The Contracting Parties

Recognizing that the marine environment and the living resources which it supports are of vital importance to all nations;

Mindful that the ecological equilibrium and the legitimate uses of the sea are increasingly threatened by pollution;

Recognizing that concerted action by Governments at national, regional and global levels is essential to prevent and combat marine pollution;

Noting that this pollution has many sources, including dumping from ships and aircraft and discharges through rivers, estuaries, outfalls and pipelines within national jurisdiction, that it is important that states use the best practicable means to prevent such pollution, and that products and processes which will minimize the amount of harmful waste requiring disposal should be developed;

Being convinced that international action to control the pollution of the sea by the dumping of harmful substances from ships and aircraft can and should 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;

Considering that the states bordering the North-East Atlantic have a particular responsibility to protect the waters of this region;

Have agreed as follows:

ARTICLE 1

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, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

ARTICLE 2

The area to which this Convention applies shall be the high seas and the territorial sea which are situated

- a) within those parts of the Atlantic and Arctic Oceans and their dependent seas which lie north of 36° north latitude and between 42° west longitude and 51° east longitude, but excluding
 - (i) the Baltic Sea and Belts lying to the south and east of lines drawn from Hasenore Head to Gniben Point, from Korshage to Spodsbjerg and from Gilbjerg Head to the Kullen, and

- (ii) the Mediterranean Sea and its dependent seas as far as the point of intersection of the parallel of 36° north latitude and the meridian of 5° 36' west longitude.
- b) within that part of the Atlantic Ocean north of 59° north latitude and between 44° west longitude and 42° west longitude.

ARTICLE 3

The Contracting Parties agree to apply the measures which they adopt in such a way as to prevent the diversion of dumping of harmful substances into seas outside the area to which this Convention applies.

ARTICLE 4

The Contracting Parties shall harmonize their policies and introduce, individually and in common, measures to prevent the pollution of the sea by dumping by or from ships and aircraft.

ARTICLE 5

The dumping of the substances listed in Annex I to this Convention is prohibited.

ARTICLE 6

No waste containing such quantities of the substances and materials listed in Annex II to this Convention as the Commission established under the provisions of Article 16, hereinafter referred to as "the Commission", shall define as significant, shall be dumped without a specific permit in each case from the appropriate national authority or authorities. When such permits are issued, the provisions of Annexes II and III to this Convention shall be applied.

ARTICLE 7

No substance or material shall be dumped without the approval of the appropriate national authority or authorities. When such approval is granted, the provisions of Annex III to this Convention shall be applied.

ARTICLE 8

1) The provisions of Articles 5, 6 and 7 shall not apply in case of *force majeure* due to stress of weather or any other cause when the safety of human life or of a ship or aircraft is threatened. Such dumping shall immediately be reported to the Commission, together with full details of the circumstances and of the nature and quantities of the substances and materials dumped.

2) The provisions of Article 5 shall not apply where these substances occur as trace contaminants in waste to which they have not been added for the purpose of being dumped. However, such dumping shall remain subject to Articles 6 and 7.

ARTICLE 9

If a Contracting Party in an emergency considers that a substance listed in Annex I to this Convention cannot be disposed of on land without unacceptable danger or damage, the Contracting Party concerned shall forthwith consult the Commission. The Commission shall recommend methods of storage or the most satisfactory means of destruction or disposal under the prevailing circumstances. The Contracting Party shall inform the Commission of the steps adopted in pursuance of its recommendation. The Contracting Parties pledge themselves to assist one another in such situations.

ARTICLE 10

The composition of the waste shall be ascertained by the appropriate national authority or authorities in accordance with the provisions of Annex III to this Convention before any permit or approval for the dumping of waste at sea is issued.

ARTICLE 11

Each Contracting Party shall keep, and transmit to the Commission, according to a standard procedure, records of the nature and the quantities of the substances and materials dumped under permits or approvals issued by that Contracting Party, and of the dates, places and methods of dumping.

ARTICLE 12

The Contracting Parties agree to establish complementary or joint programmes of scientific and technical research, including research on alternative methods of disposal of harmful substances, and to transmit to each other the information so obtained. In doing so they will have regard to the work carried out by the appropriate international organizations and agencies.

ARTICLE 13

The Contracting Parties agree to institute, in co-operation with appropriate international organizations and agencies, complementary or joint programmes for monitoring the distribution and effects of pollutants in the area to which this Convention applies.

ARTICLE 14

The Contracting Parties pledge themselves to promote, within the competent specialized agencies and other international bodies, measures concerning the protection of the marine environment against pollution caused by oil and oily wastes, other noxious or hazardous cargoes, and radioactive materials.

ARTICLE 15

1) Each Contracting Party undertakes to ensure compliance with the provisions of this Convention:

- a) by ships and aircraft registered in its territory;
- b) by ships and aircraft loading in its territory the substances and materials which are to be dumped;
- c) by ships and aircraft believed to be engaged in dumping within its territorial sea.

2) Each Contracting Party undertakes to issue instructions to its maritime inspection vessels and aircraft and to other appropriate services to report to its authorities any incidents or conditions on the high seas which give rise to suspicions that dumping in contravention of the provisions of the present Convention has occurred or is about to occur. That Contracting Party shall, if it considers it appropriate, report accordingly to any other Contracting Party concerned.

3) Each Contracting Party shall take in its territory appropriate measures to prevent and punish conduct in contravention of the provisions of this Convention.

4) The Contracting Parties undertake to assist one another as appropriate in dealing with pollution incidents involving dumping at sea, and to exchange information on methods of dealing with such incidents.

5) The Contracting Parties further agree to work together in the development of co-operative procedures for the application of the Convention, particularly on the high seas.

6) Nothing in this Convention shall abridge sovereign immunity to which certain vessels are entitled under international law.

ARTICLE 16

A Commission, made up of representatives of each of the Contracting Parties, is hereby established. The Commission shall meet at regular intervals and at any time when, due to special circumstances, it is so decided in accordance with the Rules of Procedure.

ARTICLE 17

It shall be the duty of the Commission:

- a) To exercise overall supervision over the implementation of this Convention;

- b) To receive and consider the records of permits and approvals issued and of dumping which has taken place, as provided for in Articles 8, 9 and 11 of this Convention, and to define the standard procedure to be adopted for this purpose;
- c) To review generally the condition of the seas within the area to which this Convention applies, the efficacy of the control measures being adopted, and the need for any additional or different measures;
- d) To keep under review the contents of the Annexes to this Convention, and to recommend such amendments, additions or deletions as may be agreed;
- e) To discharge such other functions as may be appropriate under the terms of this Convention.

ARTICLE 18

1) The Commission shall draw up its own Rules of Procedure which shall be adopted by unanimous vote. The Government of Norway shall call the first meeting of the Commission as soon as practicable after the coming into force of this Convention.

2) Recommendations for modification of the Annexes to this Convention in accordance with Article 17 (d) shall be adopted by a unanimous vote in the Commission, and the modifications contained therein shall enter into force after unanimous approval by the Governments of the Contracting Parties.

ARTICLE 19

For the purpose of this Convention :

1) "Dumping" means any deliberate disposal of substances and materials into the sea by or from ships or aircraft other than :

- a) any discharge incidental to or derived from the normal operation of ships and aircraft and their equipment;
- b) the placing of substances and materials for a purpose other than the mere disposal thereof, if not contrary to the aim of this Convention.

2) "Ships and aircraft" means sea-going vessels and air-borne craft of any type whatsoever. This expression includes air-cushion craft, floating craft whether self-propelled or not, and fixed or floating platforms.

ARTICLE 20

This Convention shall be open for signature at Oslo until 15th August 1972 by the States invited to participate in the Conference on Marine Pollution, held there from 19th to 22nd October, 1971.

ARTICLE 21

This Convention shall be subject to ratification. The instruments of ratification shall be deposited with the Government of Norway.

ARTICLE 22

This Convention shall be open for accession by any State referred to in Article 20. The Contracting Parties may unanimously invite other States to accede to the Convention. The instruments of accession shall be deposited with the Government of Norway.

ARTICLE 23

1) This Convention shall enter into force on the thirtieth day following the date of deposit of the seventh instrument of ratification or accession⁽¹⁾.

2) For each State ratifying or acceding to the Convention after the deposit of the seventh instrument of ratification or accession the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

ARTICLE 24

At any time after two years from the date on which this Convention has come into force with respect to a Contracting Party, that Party may withdraw from the Convention by means of a notice in writing addressed to the depositary Government. Any such withdrawal shall take effect twelve months after the date of its receipt.

ARTICLE 25

A conference for the purpose of revising or amending this Convention may be convened by the depositary Government at the request of the Commission adopted by a two-thirds majority.

ARTICLE 26

The depositary Government shall inform the Contracting Parties and the States referred to in Article 20:

- a) of signatures to this Convention, of the deposit of instruments of ratification or accession, and of the receipt of a notice of withdrawal, in accordance with Articles 20, 21, 22 and 24;
- b) of the date on which this Convention will come into force in accordance with Article 23;
- c) of the receipt of notification of approval relating to modifications of the Annexes to this Convention and of the entry into force of such modifications in accordance with Article 18.

ARTICLE 27

The original of this Convention, of which the English and French texts are equally authentic,⁽²⁾ shall be deposited with the Government of Norway, which shall send certified copies thereof to the Contracting Parties and to

(1) The Convention entered into force on 5 April 1974.

(2) When the Convention has been registered with the United Nations, the French language text will be published in the United Nations Treaty Series, available through Agency Section, Her Majesty's Stationery Office, PO Box 569, London SE1 9NY—Tel. 01-928 6977 ext. 410.

the States referred to in Article 20, and which shall transmit a certified copy to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.⁽³⁾

In witness whereof the undersigned, being duly authorized by their respective Governments, have signed this Convention.

Done at Oslo, this fifteenth day of February 1972.

[For signatures see page 12]

⁽³⁾ Treaty Series No. 67 (1946), Cmd. 7015.

ANNEX I

The following substances are listed for the purpose of Article 5 of the Convention:

1. Organohalogen compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic, or which are rapidly converted in the sea into substances which are biologically harmless;
2. Organosilicon compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic, or which are rapidly converted in the sea into substances which are biologically harmless;
3. Substances which have been agreed between the Contracting Parties as likely to be carcinogenic under the conditions of disposal;
4. Mercury and mercury compounds;
5. Cadmium and cadmium compounds;
6. Persistent plastics and other persistent synthetic materials which may float or remain in suspension in the sea, and which may seriously interfere with fishing or navigation, reduce amenities, or interfere with other legitimate uses of the sea.

ANNEX II

1. The following substances and materials requiring special care are listed for the purposes of Article 6:

- a) Arsenic, lead, copper, zinc and their compounds, cyanides and fluorides, and pesticides and their by-products not covered by the provisions of Annex I;
- b) Containers, scrap metal, tar-like substances liable to sink to the sea bottom and other bulky wastes which may present a serious obstacle to fishing or navigation;
- c) Substances 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.

2. The substances and materials listed under paragraph 1(b) above should always be deposited in deep water.

3. In the issuance of permits or approvals for the dumping of large quantities of acids and alkalis, consideration should be given to the possible presence in such wastes of the substances listed in paragraph 1 above.

4. When, in the application of the provisions of Annexes II and III, it is considered necessary to deposit waste in deep water, this should be done only when the following two conditions are both fulfilled:

- a) that the depth is not less than 2,000 metres,
- b) that the distance from the nearest land is not less than 150 nautical miles.

ANNEX III

Provisions governing the issue of permits and approvals for the dumping of wastes at sea.

1. *Characteristics of the waste*

- a) Amount and composition;
- b) Amount of substances and materials to be deposited per day (per week, per month);
- c) Form in which it is presented for dumping, *i.e.* whether as a solid, sludge or liquid;
- d) Physical (especially solubility and specific gravity), chemical, biochemical (oxygen demand, nutrient production) and biological properties (presence of viruses, bacteria, yeasts, parasites, etc.);
- e) Toxicity;
- f) Persistence;
- g) Accumulation in biological materials or sediments;
- h) Chemical and physical changes of the waste after release, including possible formation of new compounds;
- i) Probability of production of taints reducing marketability of resources (fish, shellfish, etc.).

2. *Characteristics of dumping site and method of deposit*

- a) Geographical position, depth and distance from coast;
- b) Location in relation to living resources in adult or juvenile phases;
- c) Location in relation to amenity areas;
- d) Methods of packing, if any;
- e) Initial dilution achieved by proposed method of release;
- f) Dispersal, horizontal transport and vertical mixing characteristics;
- g) Existence and effects of current and previous discharges and dumping in the area (including accumulative effects).

3. *General considerations and conditions*

- a) Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate use of the sea;
- b) In applying these principles the practical availability of alternative means of disposal or elimination will be taken into consideration.

SIGNATURES AND RATIFICATIONS

<i>State</i>	<i>Date of Signature</i>	<i>Date of deposit of Ratification</i>
Belgium	15.2.1972	
Denmark	15.2.1972	28.7.1972
Finland	15.2.1972	
France	15.2.1972	7. 8.3.1974
Germany, Federal ¹ Republic of	15.2.1972	
Iceland	15.2.1972	27.6.1973
Ireland, Republic of	23.6.1972	
Netherlands	15.2.1972	
Norway	15.2.1972	2.6.1972
Portugal	15.2.1972	30.1.1973
Spain	15.2.1972	14.6.1973
Sweden	15.2.1972	13.9.1972
United Kingdom (including Guernsey, Jersey and the Isle of Man)*	15.2.1972	30.6.1975

* On ratifying the Convention the United Kingdom declared that "the Convention will not enter into force for the Bailiwick of Jersey until the thirtieth day following the date on which the Government of the United Kingdom notify the Government of the Kingdom of Norway that the measures required to implement the provisions of the Convention in the Bailiwick of Jersey have been taken."