

防止倾倒废物及其他物质污染海洋的公约(附英文) (二)

(a) * review and adopt amendments to this Convention and its Annexes in accordance with Article XV;

[* See amendments adopted on October 12, 1978 reproduced after the text of the Convention.]

(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.

[* See amendments adopted on October 12, 1978 reproduced after the text of the Convention.]

(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

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 depositories of this Convention.

Article XVI

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

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 Convention. *

[* Signatures omitted.]

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

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, fuel oil, heavy diesel oil, and lubricating oils, hydraulic fluids, and any mixtures containing any of these, taken on board for the purpose of dumping.
 6. High-level radio-active wastes or other high-level radio-active matter, defined on public health, biological or other grounds, by the competent international body in this field, at present the International Atomic Energy Agency, as unsuitable for dumping at sea.
 7. Materials in whatever form (e. g. solids, liquids, semi-liquids, gases or in a living state) produced for biological and chemical warfare.
 8. 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. This Annex does not apply to wastes or other materials (e. g. sewage sludges and dredged spoils) 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.

ANNEX II

A. Wastes containing significant amounts of the matters listed below:

arsenic

lead

} and their compounds

copper

zinc

organosilicon compounds

cyanides

fluorides

pesticides and their by-products not covered in Annex I.

B. In the issue of permits for the dumping of large quantities of acids and alkalis, consideration shall be given to the possible presence in such wastes of the substances listed in paragraph A and to the following additional substances:

beryllium

chromium

} and their compounds

nickel

vanadium

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

D. Radio-active wastes or other radio-active matter not included in Annex I. In the issue of permits for the dumping of this matter, the Contracting Parties should take full account of the recommendations of the competent international body in this field, at present the International Atomic Energy Agency.

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 bio-transformation 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 resource (fish, shellfish, etc.)

B-Characteristics of dumping site and method of deposit

1. Location (e.g. co-ordinates of the dumping area, depth and distance

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 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, discoloration 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.

AMENDMENTS ADOPTED IN 1978 AND 1980 TO THE CONVENTION ON PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER

1. AMENDMENTS TO THE CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER CONCERNING SETTLEMENT OF DISPUTES (1978)

Article XI shall be replaced by the following:

Any dispute between two or more Contracting Parties concerning the interpretation or application of this Convention shall, if settlement by negotiation or by other means has not been possible, be submitted by agreement between the parties to the dispute to the International Court of Justice or upon the request of one of them to arbitration. Arbitration procedures, unless the parties to the dispute decide otherwise, shall be in accordance with the rules set out in the Appendix to this Convention.

Appendix in accordance with Article XV;".

The first sentence of Article XV (1) (a) shall be replaced by the following:

"At meetings of the Contracting Parties called in accordance with Article XIV amendments to this Convention and its Appendix may be adopted by a two-thirds majority of those present."

The Appendix mentioned in the amended Article XI above is set out hereunder:

APPENDIX

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 XI of the Convention. The request for arbitration shall consist of a statement of the case together with any supporting documents.

2. The requesting Party shall inform the Secretary-General of the Organization of:

- (i) its request for arbitration;
- (ii) the provisions of the Convention the interpretation or application of which is, in its opinion, the subject of disagreements.

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 Appendix, the Tribunal shall consist of three members:

- (i) one arbitrator nominated by each party to the dispute; and
- (ii) 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 of the Organization 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.

date of receipt of the request for arbitration, the other party may request the submission to the Secretary-General of the Organization 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 (ii) and 2 of this Article within 90 days of such death, disability or default.

5. A list of arbitrators shall be maintained by the Secretary-General of the Organization 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 of this Article, 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 the 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 Appendix, but shall have no rights with respect to

Article 7

A Tribunal established under the provisions of this Appendix 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:

(i) provide the Tribunal with all necessary documents and information;

(ii) 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) of this Article shall not preclude the Tribunal from reaching a decision and rendering an award.

Article 9

1. 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 of the Organization who shall inform the Contracting Parties. The parties to the dispute shall immediately comply with the award.

2. AMENDMENTS TO ANNEXES TO THE CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER CONCERNING INCINERATION AT SEA (1978)

The following paragraph shall be added to Annex I:

10. Paragraphs 1 and 5 of this Annex do not apply to the disposal of wastes or other matter referred to in these paragraphs by means of incineration at sea. Incineration of such wastes or other matter at sea requires a prior special permit. In the issue of special permits for incineration 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 this Annex (which shall constitute an integral part of this Annex) 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.

The following paragraph shall be added to Annex II.

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.

ADDENDUM REGULATIONS FOR THE CONTROL OF INCINERATION OF WASTES AND OTHER MATTER AT SEA

PART I

Regulation 1 Definitions

For the purposes of this Addendum:

- (1) "Marine incineration facility" means a vessel, platform, or other man-made structure operating for the purpose of incineration at sea.
- (2) "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.

Regulation 2 Application

- (1) Part II of these Regulations shall apply to the following wastes or other matter:
 - (a) those referred to in paragraph 1 of Annex I;
 - (b) pesticides and their by-products not covered in Annex I.
- (2) Contracting Parties shall first consider the practical availability of alternative landbased methods of treatment, disposal or elimination, or of treatment to render the wastes or other matter less harmful, before issuing a permit for incineration at sea in accordance with these Regulations. Incineration at sea shall in no way be interpreted as discouraging progress towards environmentally better solutions including the development of new techniques.
- (3) Incineration at sea of wastes or other matter referred to in paragraph 10 of Annex I and paragraph E of Annex II, other than those referred to in paragraph (1) of this Regulation, shall be controlled to the satisfaction of the Contracting Party issuing the special permit.
- (4) Incineration at sea of wastes or other matter not referred to in paragraphs (1) and (3) of this Regulation shall be subject to a general permit.
- (5) In the issue of permits referred to in paragraphs (3) and (4) of this Regulation, the Contracting Parties shall take full account of all applicable provisions of these Regulations and the Technical Guidelines on the Control of Incineration of Waste and Other Matter at Sea for the waste in question.

PART II

Regulation 3 Approval and Surveys of the Incineration System

facility shall be subject to the surveys specified below. In accordance with Article V II (1) of the Convention, the Contracting Party which proposes to issue an incineration permit shall ensure that the surveys of the marine incineration facility to be used have been completed and the incineration system complies with the provisions of these Regulations. If the initial survey is carried out under the direction of a Contracting Party a special permit, which specifies the testing requirements, shall be issued by the Party. The results of each survey shall be recorded in a survey report.

(a) An initial survey shall be carried out in order to ensure that during the incineration of waste and other matter combustion and destruction efficiencies are in excess of 99.9 per cent.

(b) As a part of the initial survey the State under whose direction the survey is being carried out shall:

(i) approve the siting, type and manner of use of temperature measuring devices;

(ii) approve the gas sampling system including probe locations, analytical devices, and the manner of recording;

(iii) ensure that approved devices have been installed to automatically shut off the feed of waste to the incinerator if the temperature drops below approved minimum temperatures;

(iv) ensure that there are no means of disposing of wastes or other matter from the marine incineration facility except by means of the incinerator during normal operations;

(v) approve the devices by which feed rates of waste and fuel are controlled and recorded;

(vi) confirm the performance of the incineration system by testing under intensive stack monitoring, including the measurements of O_2 , CO , CO_2 , halogenated organic content, and total hydrocarbon content

using wastes typical of those expected to be incinerated.

(c) The incineration system shall be surveyed at least every two years to ensure that the incinerator continues to comply with these Regulations. The scope of the biennial survey shall be based upon an evaluation of operating data and maintenance records for the previous two years.

(2) Following the satisfactory completion of a survey, a form of approval shall be issued by a Contracting Party if the incineration system is found to be in compliance with these Regulations. A copy of the survey report shall be attached to the form of approval. A form of approval issued by a Contracting Party shall be recognized by other Contracting Parties unless there are clear grounds for believing that the incineration system is not in compliance with these Regulations. A copy of each form of approval and survey report shall be submitted to the Organization.

(3) After any survey has been completed, no significant changes which could affect the performance of the incineration system shall be made without approval of the Contracting Party which has issued the form of approval.

pilot scale tests shall be undertaken.

(2) Where a Contracting Party proposes to permit incineration of wastes or other matter over which doubts as to the efficiency of combustion exist, the incineration system shall be subject to the same intensive stack monitoring as required for the initial incineration system survey. Consideration shall be given to the sampling of particulate, taking into account the solid content of the wastes.

(3) The minimum approved flame temperature shall be that specified in Regulation 5 unless the results of tests on the marine incineration facility demonstrate that the required combustion and destruction efficiency can be achieved at a lower temperature.

(4) The results of special studies referred to in paragraphs (1), (2) and (3) of this Regulation shall be recorded and attached to the survey report. A copy shall be sent to the Organization.

Regulation 5 Operational Requirements

(1) The operation of the incineration system shall be controlled so as to ensure that the incineration of wastes or other matter does not take place at a flame temperature less than 1,250 degrees centigrade, except as provided for in Regulation 4.

(2) The combustion efficiency shall be at least $99.95 \pm 0.05\%$ based on:

$$\text{Combustion efficiency} = \frac{\left| \frac{C_{co} - C_{co2}}{2} \right|}{\left| \frac{C_{co}}{2} \right|} \times 100$$

where $\left| \frac{C_{co}}{2} \right|$ = concentration of carbon dioxide in the combustion gases

C_{co} = concentration of carbon monoxide in the combustion gases.

(3) There shall be no black smoke nor flame extension above the plane of the stack.

(4) The marine incineration facility shall reply promptly to radio calls at all times during the incineration.

Regulation 6 Recording Devices and Records

(1) Marine incineration facilities shall utilize recording devices or methods as approved under Regulation 3. As a minimum, the following data shall be recorded during each incineration operation and retained for inspection by the Contracting Party who has issued the permit:

(a) continuous temperature measurements by approved temperature measuring devices;

(b) date and time during incineration and record of waste being incinerated;

(c) vessel position by appropriate navigational means;

apply to vessels operating on or before January 1, 1979;

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(e) CO and I CO I concentration in combustion gases;

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|-----|

(f) vessel's course and speed.

(2) Approval forms issued, copies of survey reports prepared in accordance with Regulation 3 and copies of incineration permits issued for the wastes or other matter to be incinerated on the facility by a Contracting Party shall be kept at the marine incineration facility.

Regulation 7 Control over the Nature of Wastes Incinerated

A permit application for the incineration of wastes or other matter at sea shall include information on the characteristics of wastes or other matter sufficient to comply with the requirements of Regulation 9.

Regulation 8 Incineration Sites

(1) Provisions to be considered in establishing criteria governing the selection of incineration sites shall include, in addition to those listed in Annex III to the Convention, the following:

(a) the atmospheric dispersal characteristics of the area-including wind speed and direction, atmospheric stability, frequency of inversions and fog, precipitation types and amounts, humidity-in order to determine the potential impact on the surrounding environment of pollutants released from the marine incineration facility, giving particular attention to the possibility of atmospheric transport of pollutants to coastal areas;

(b) oceanic dispersal characteristics of the area in order to evaluate the potential impact of plume interaction with the water surface;

(c) availability of navigational aids.

(2) The co-ordinates of permanently designated incineration zones shall be widely disseminated and communicated to the Organization.

Regulation 9 Notification

Contracting Parties shall comply with notification procedures adopted by the Parties in consultation.

3. AMENDMENT OF THE LISTS OF SUBSTANCES CONTAINED IN ANNEXES I AND II TO THE LONDON DUMPING CONVENTION (1980)

Paragraph 5 of Annex I shall be amended as follows:

"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."

The following paragraph shall be added to Annex II:

"F 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."

The following paragraph shall be added to Annex III, Section A:

"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.",

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