

1972 年防止傾倒廢物及其他物質污染海洋公約

1972 公約綜合文本 (1972~1993)

含	1972 年公約	1972.12.29 / 1975.08.30
	1978 年(焚燒)修正	1978.12.12 / 1979.03.11
	1980 年(物質表列)修正	1980.09.24 / 1981.03.11
	1989 年(附則 III)修正	1989.11.03 / 1990.05.05
	1993 年(焚燒)修正	1993.11.12 / 1994.02.20
	1993 年(工業廢棄物)修正	1993.11.12 / 1994.02.20
	1993 年(放射性廢棄物)修正	1993.11.12 / 1994.02.20
	1978 年(爭議)修正	1978.12.12 / 尚未生效

CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER, 1972

1972 LC Consolidated Texts (1972~1993)

Including:	1972 年公約	1972.12.29 / 1975.08.30
	1978 (Incineration) Amendment	1978.12.12 / 1979.03.11
	1980 (Lists of Substances) Amendment	1980.09.24 / 1981.03.11
	1989 (Annex III) Amendment	1989.11.03 / 1990.05.05
	1993 (Incineration) Amendment	1993.11.12 / 1994.02.20
	1993 (Industrial Waste) Amendment	1993.11.12 / 1994.02.20
	1993 (Radioactive Wastes) Amendment	1993.11.12 / 1994.02.20
	1978 (Disputes) Amendment	1978.12.12 / not yet in force

LC 1972 綜合文本

生效門檻：15 國 + 30 天
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簡介：依據1972年6月於斯德哥爾摩所召開的聯合國人類環境會議，英國於1972年10月於倫敦召開有關海上傾倒廢棄物之政府間會議，並因此通過本公約，簡稱「倫敦傾廢公約」。公約禁止某些危險物質的傾倒、對某些物質的傾廢必須事先得到特別許可、對其他物質的傾廢則要求一般許可。公約並要求各國應指定一機關、處理許可、紀錄保持及監視作業，公約由22條文及數附則所組成。1972年倫敦公約歷經1978/1980/1989/1993年四次修正，然為求公約現代化(從正面表列→負面表列(亦即原則禁止傾廢，例外許可))，公約於1996年進行大幅修正，稱1996年倫敦公約議定書，該議定書最終目的係為取代1972年倫敦公約。

1972 年防止傾倒廢物及其他物質污染海洋公約

1972 年 12 月 29 日 通過，1975 年 08 月 30 日生效

1972 公約綜合文本 (1972~1993)

CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER, 1972

Adopted on 29 December, 1972, entered into force 30 August, 1975

1972 LC Consolidated Texts (1972~1993)

The Contracting Parties to this Convention,

Recognizing that the marine environment and the living organisms which it supports are of vital importance to humanity, and all people have an interest in assuring that it is so managed that its quality and resources are not impaired;

Recognizing that the capacity of the sea to assimilate wastes and render them harmless, and its ability to regenerate natural resources, is not unlimited;

Recognizing that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction;

Recalling Resolution 2749 (XXV) of the General Assembly of the United Nations on the principles governing the sea-bed and the ocean floor and the subsoil thereof beyond the limits of national jurisdiction;

Noting that marine pollution originates in many sources, such as dumping and discharges through the atmosphere, rivers, estuaries, outfalls and pipelines, and that it is important that States use the best practicable means to prevent such pollution and develop products and processes which will reduce the amount of harmful wastes to be disposed of;

Being convinced that international action to control the pollution of the sea by dumping can and must 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; and

Wishing to improve protection of the marine environment by encouraging States with a common interest in particular geographical areas to enter into appropriate agreements supplementary to this Convention;

Have agreed as follows:

Article I

本公約各締約國，

認識到海洋環境及賴以生存的生物對人類至關重要，確保對海洋環境進行管理使其品質及資源不致受到損害係關係到全體人民的利益；

認識到海洋吸收廢物與轉化廢物為無害物質，以及使自然資源再生的能力並非無止盡的；

認識到各國依照聯合國憲章及國際法原則，有權依照本國的環境政策開發其資源，並有義務確保在其管轄或控制範圍內的活動不致損害其他國家的環境或各國管轄範圍以外區域的環境；

回顧聯合國大會關於國家管轄範圍以外海床洋底及其底土的原則的第 2749 (XXV)號決議；

注意到海洋污染有許多來源，例如透過大氣、河流、河口、出海口及管道之傾倒及排放；各國有必要採取最切實可行的辦法防止這些污染，並發展能減少需處置的有害廢物數量的產品及處理辦法；

確信國際間能夠且必須刻不容緩地採取行動，以控制由於傾倒廢物而污染海洋，但此種行動不應排除儘快地討論控制海洋污染其他來源的措施；

希望通過鼓勵個別地理區域內具有共同利益的各國締結適當的協定作為本公約的補充，以增進對海洋環境的保護。

茲協議如下：

第 1 條

Contracting Parties shall individually and collectively promote the effective control of all sources of pollution of the marine environment, and pledge themselves especially to take all practicable steps to prevent the pollution of the sea by the dumping of waste and other matter that is 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 II

Contracting Parties shall, as provided for in the following Articles, take effective measures individually, according to their scientific, technical and economic capabilities, and collectively, to prevent marine pollution caused by dumping and shall harmonize their policies in this regard.

Article III

For the purpose of this Convention:

1.
 - (a) "Dumping" means:
 - (i) any deliberate disposal at sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea;
 - (ii) any deliberate disposal at sea of vessels, aircraft, platforms or other man-made structures at sea.
 - (b) "Dumping" does not include:
 - (i) the disposal at sea of wastes or other matter incidental to, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures;
 - (ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Convention.
 - (c) The disposal of wastes or other matter directly arising from, or related to the exploration, exploitation and associated off-shore processing of sea-bed mineral resources will not be covered by the provisions of this Convention.
2. "Vessels and aircraft" means waterborne or airborne craft of any type whatsoever. This expression includes air cushioned craft and floating craft, whether self-propelled or not.

各締約國應個別或集體地促進對海洋環境污染的一切來源進行有效的控制，並特別保證採取一切切實可行的步驟，防止因傾倒廢物及其他物質污染海洋，因為這些物質可能危害人類健康，損害生物資源及海洋生物、破壞娛樂設施、或妨礙對海洋的其他合法利用。

第 2 條

各締約國應依照下列條款之規定，依其科學、技術及經濟的能力，個別且集體地採取有效措施，以防止因傾倒造成的海洋污染，並在這方面協調其政策。

第 3 條

為本公約之目的：

1.
 - (a)“傾倒”意指：
 - (i)任何從船舶、航空器、平臺或其他海上人工構築物上有意地在海上傾棄廢物或其他物質的行為；
 - (ii)任何有意地在海上棄置船舶、航空器、平臺或其他海上人工構築物的行為。
 - (b)“傾倒”不包括：
 - (i)船舶、航空器、平臺或其他海上人工構築物及其設備的正常操作所附帶發生或產生的廢物或其他物質的處置。但為處置這種物質而操作的船舶、航空器、平臺或其他海上人工構築物所運載或向其輸送的廢物或其他物質，或在此種船舶、航空器、平臺或構築物上處理這種廢物或其他物質所產生的廢物或其他物質除外；
 - (ii)非為單純處置物質而放置物質，但以這種放置不違反本公約的目的為限。
 - (c)由於海底礦物資源的勘探、開發及相關的海上加工所直接產生或與此有關的廢物或其他物質的處置，不受本公約規定之拘束。
- 2.“船舶及航空器”係指任何類型的海、空運載工具，包括不論是否是自動推進的氣墊船及浮動機具。

3. "Sea" means all marine waters other than the internal waters of States.
4. "Wastes or other matter" means material and substance of any kind, form or description.
5. "Special permit" means permission granted specifically on application in advance and in accordance with Annex II and Annex III.
6. "General permit" means permission granted in advance and in accordance with Annex III.
7. "The Organisation" means the Organisation designated by the Contracting Parties in accordance with Article XIV (2).

Article IV

1. In accordance with the provisions of this Convention Contracting Parties shall prohibit the dumping of any wastes or other matter in whatever form or condition except as otherwise specified below:
 - (a) the dumping of wastes or other matter listed in Annex I is prohibited;
 - (b) the dumping of wastes or other material listed in Annex II requires a prior special permit;
 - (c) the dumping of all other wastes or matter requires a prior general permit.
2. Any permit shall be issued only after careful consideration of all the factors set forth in Annex III, including prior studies of the characteristics of the dumping site as set forth in Sections B and C of that Annex.
3. No provision of this Convention is to be interpreted as preventing a Contracting Party from prohibiting, insofar as that Party is concerned, the dumping of wastes or other matter not mentioned in Annex I. That Party shall notify such measures to the Organisation.

Article V

1. The provisions of Article IV shall not apply when it is necessary to secure the safety of human life or of vessels, aircraft, platforms or other man-made structures at sea in cases of force majeure caused by stress of weather, or in any case which constitutes a danger to human life or a real threat to vessels, aircraft, platforms or other man-made structures at sea, if dumping appears to be the only way of averting the threat and if there is every probability that the damage consequent upon such dumping will be less than would otherwise occur. Such dumping shall be so conducted as to minimise the likelihood of damage to human or marine life and shall be reported forthwith to the Organisation.
2. A Contracting Party may issue a special permit as an exception to Article IV (1) (a), in emergencies, posing unacceptable risk relating to human health and admitting no other feasible solution. Before doing so the Party shall consult any other

- 3.“海”係指各國內水外的所有海域。
- 4.“廢物或其他物質”係指任何種類、任何形狀或任何式樣的材料及物質。
- 5.“特別許可證”係指依照附則二及附則三的規定，經過事先申請而特別頒發的許可證。
- 6.“一般許可證”係指依照附則三規定，事先發放的許可證。
- 7.“機構”係指各締約國依照第 14 條第 2 項規定所指定的機構。

第 4 條

1. 依照本公約規定，各締約國應禁止傾倒任何形式及狀態的任何廢物或其他物質，但以下規定者除外：
 - (a) 傾倒附則一所列的廢物或其他物質應予禁止；
 - (b) 傾倒附則二所列的廢物或其他物質需要事先獲得特別許可證；
 - (c) 傾倒一切其他廢物或物質需要事先獲得一般許可證。
2. 在發放任何許可證之前，必須慎重考慮附則三中所列舉的所有因素，包括對該附則第(B)部分及第(C)部分所規定的傾倒地點的特點的事先研究。
3. 本公約的任何規定不得解釋為阻止某一締約國在其所關心的範圍內禁止傾倒未列入附則一的廢物或其他物質。該締約國應向該“機構”報告這類措施。

第 5 條

1. 於惡劣天氣引發不可抗力的情況下，或對人命構成危險或對船舶、航空器、平臺或其他海上人工構築物構成實際威脅的任何情況下，為確保證人命安全或船舶、航空器、平臺或其他海上構築物的安全確有必要時，如傾倒是防止威脅的唯一辦法，並確信傾倒所造成的損失將小於用其他辦法而招致的損失，則不適用第 4 條的規定。進行這類傾倒活動應盡量減少對人類及海洋生物的損害，並應立即向該“機構”報告。
2. 當對人類健康造成不能容許的危險，並且沒有其他可行的解決辦法的緊急情況下，一締約國可以作為第 4 條第 1 項第 a 款的例外而頒發特別許可

country or countries that are likely to be affected and the Organisation which, after consulting other Parties, and international organisations as appropriate, shall in accordance with Article XIV promptly recommend to the party the most appropriate procedures to adopt. The Party shall follow these recommendations to the maximum extent feasible consistent with the time within which action must be taken and with the general obligation to avoid damage to the marine environment and shall inform the Organisation of the action it takes. The Parties pledge themselves to assist one another in such situations.

3. Any Contracting Party may waive its rights under paragraph (2) at the time of, or subsequent to ratification of, or accession to this Convention.

Article VI

1. Each Contracting Party shall designate an appropriate authority or authorities to:
 - (a) issue special permits which shall be required prior to, and for, the dumping of matter listed in Annex II and in the circumstances provided for in Article V (2).
 - (b) issue general permits which shall be required prior to, and for, the dumping of all other matter;
 - (c) keep records of the nature and quantities of all matter permitted to be dumped and the location, time and method of dumping;
 - (d) monitor individually, or in collaboration with other Parties and competent International Organisations, the condition of the seas for the purposes of this Convention.
2. The appropriate authority or authorities of a Contracting Party shall issue prior special or general permits in accordance with paragraph (1) in respect of matter intended for dumping:
 - (a) loaded in its territory;
 - (b) loaded by a vessel or aircraft registered in its territory or flying its flag, when the loading occurs in the territory of a State not party to this Convention.
3. In issuing permits under sub-paragraphs (1) (a) and (b) above, the appropriate authority or authorities shall comply with Annex III, together with such additional criteria, measures and requirements as they may consider relevant.
4. Each Contracting Party, directly or through a Secretariat established under a regional agreement, shall report to the Organisation, and where appropriate to other Parties, the information specified in sub-paragraphs (c) and (d) of paragraph (1) above, and the criteria, measures and requirements it adopts in accordance with paragraph (3) above. The procedure to be followed and the nature of such reports shall be agreed by the Parties in consultation.

證。在發給這類特別許可證之前，該締約國應與可能涉及的任何國家及該“機構”協商，該“機構”在與其他締約國及適當的國際組織協商後，應依據第 14 條規定，立即建議該締約國應採取的最適當的程序。該締約國應於必須採取行動的時間內，並遵守避免損害海洋環境的普遍義務，而在最大可能範圍內遵循這些建議，並報告該“機構”其所採取的行動。各締約國保證在這類情況下互相說明。

3. 任一締約國在批准或加入該公約時或在此以後，可放棄第 2 項規定的權利。

第 6 條

1. 任一締約國應指定一或數個適當的機關，以執行下列事項：
 - (a) 頒發在傾倒附則二所列的物質之前及為傾倒這類物質，以及出現第 5 條第 2 項所規定情況時所需要的特別許可證；
 - (b) 頒發在傾倒一切其他物質之前及為傾倒這類物質所需要的一般許可證；
 - (c) 記錄許可傾倒的一切物質的性質及數量，以及傾倒的地點、時間及方法；
 - (d) 為本公約的目的，個別地或協同其他，締約國及主管的國際組織對海域狀況進行監測。
2. 締約國的適當機關，應依第 1 項規定對於準備傾倒的下列物質預先頒發特別許可證或一般許可證：
 - (a) 在其領土上裝載的物質；
 - (b) 在其領土上登記或懸掛其國旗的船舶或航空器所裝載的物質，如這類物質系在非本公約締約國的領土上裝載。
3. 依據上述第 1 項第 a、b 款規定頒發許可證時，適當機關應遵守附則三的規定以及其認為有關的其他標準、措施及要求。
4. 每一締約國應直接地或通過依據區域協定設立的秘書處向該“機構”以及必要時向其他締約國報告本條第 (1) 項第 c、d 款所規定的情報及依照本條第 3 項採用的標準、措施及要求。應遵循的程序及這類報告的性質應由各締約國協商同意。