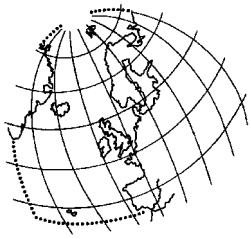
Biodiversity and Dumped Material Series

OSPAR Framework for Reporting Encounters with Marine Dumped Chemical Weapons and Munitions



OSPAR Commission
2003

The Convention for the Protection of the Marine Environment of the North-East Atlantic (the "OSPAR Convention") was opened for signature at the Ministerial Meeting of the former Oslo and Paris Commissions in Paris on 22 September 1992. The Convention entered into force on 25 March 1998. It has been ratified by Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Luxembourg, Netherlands, Norway, Portugal, Sweden, Switzerland and the United Kingdom and approved by the European Community and Spain.

La Convention pour la protection du milieu marin de l'Atlantique du Nord-Est, dite Convention OSPAR, a été ouverte à la signature à la réunion ministérielle des anciennes Commissions d'Oslo et de Paris, à Paris le 22 septembre 1992. La Convention est entrée en vigueur le 25 mars 1998. La Convention a été ratifiée par l'Allemagne, la Belgique, le Danemark, la Finlande, la France, l'Irlande, l'Islande, le Luxembourg, la Norvège, les Pays-Bas, le Portugal, le Royaume-Uni de Grande Bretagne et d'Irlande du Nord, la Suède et la Suisse et approuvée par la Communauté européenne et l'Espagne.

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1. INTRODUCTION

As part of a broader overview of the issue of dumped chemical weapons and munitions in the OSPAR area, in response to a request by OSPAR (OSPAR 00/20/1, §10.15), Ireland has prepared the following proposal, along with a justification, for an OSPAR framework for reporting encounters with marine dumped munitions and chemical weapons.

The first step in this process was to gather information from Contracting Parties on existing mechanisms for recording encounters with munitions and chemical weapons. The results of this exercise are presented as a separate document (BDC 03/4/13a). Briefly, all of the Contracting Parties that responded to the request for information indicated that they have formal systems in place for the reporting of encounters with marine dumped chemical weapons and munitions. However, many of the Contracting Parties were unable to provide information on reported incidents in the last 10 years. Thus, whilst there are formal procedures in place for reporting encounters, these procedures do not go as far as maintaining easily accesible central records of historic incidents.

2. JUSTIFICATION FOR AN OSPAR REPORTING FRAMEWORK

Updating of information

The current information available on the location of dumpsites in the OSPAR overview document (DUMP 00/6/1) is, for a variety of reasons, not comprehensive or complete. Contracting Parties acknowledge that it would be difficult to arrive at a comprehensive picture (DUMP 00/6/2). This is partly due to the practice of 'short dumping', whereby munitions were dumped outside of designated dumpsites. BDC has requested an '*ongoing update of information supplied by Contracting Parties on the location and available details of all known dumpsites and areas where marine dumped chemical weapons or munitions have been detected*' (BDC Work Programme Product 32, BDC 03/1/Info.1). Recording of encounters, particularly where clusters occur, may lead to the identification of previously unknown, or unrecorded, areas and allow an update of the overview.

Changes in site conditions

Conditions at munitions dumpsites can change over time. Such changes can be brought about by natural processes or through human activities in the vicinity of dumpsites. For example, the hydrodynamic regime in the area may result in exposure of previously buried devices. If disturbed, as was the case during pipe-laying near the Beaufort's Dyke dumpsite in the Irish Sea, positively buoyant devices, such as phosphorus canisters, may float to the surface and represent a real risk to the seafarers and to the general public should they be washed ashore. If only one or two incidents were reported per year near a dump location this could possibly be considered acceptable, depending on the nature of the incident. However, if the number of encounters was to increase, say to ten in one year, this may be indicative of a change in conditions and measures to investigate the cause may need to be implemented and a possible management option considered. Without adequate records being maintained on encounters with dumped munitions and chemical weapons it is not possible to monitor the risk posed by such munitions and weapons to either humans or the marine environment.

Extension of prohibited/high risk areas

The large number of strandings of phosphorus devices on coasts in the Irish Sea in the 1990s led to an investigation to confirm the distribution and densities of dumped munitions in the Beaufort's Dyke survey area (SOAEFD, 1997). The results of this study showed munitions and munitions-related materials at high densities outside the charted dumpsite. Encounters with munitions in areas not previously closed to fishing/anchorage or classified as 'high risk' may, possibly following confirmatory survey work, allow

for the boundaries of such areas to be extended. Once again such actions cannot be taken unless adequate information is recorded and reported.

European Community initiative

The European Community has set up a Community framework for cooperation in the field of accidental or deliberate marine pollution (Decision No. 2850/2000/EC)[1]. The framework for cooperation is intended to '*support and supplement Member States' efforts at national, regional and local levels for the protection of the marine environment, coastlines and human health against the risks of accidental or deliberate pollution at sea*'. The decision states that accidental marine pollution risks include '*those linked to the presence of dumped materials, such as munitions'* (Article 1, §1.2a). Furthermore, the framework states that '*In accordance with the internal division of competences within Member States, they shall exchange information on dumped munitions with a view to facilitating risk identification and preparedness measures*' (Article 1, §1.2b).

The Decision lists the types of actions under the framework for cooperation and included under the 'Support and Information Actions' is:

> *'Measures to encourage the exchange of information between the competent authorities on the risks linked to dumped munitions, on the areas concerned (including mapping) and on measures to be taken in response to an emergency.'* (Annex II, §C3)

Whilst there is no legal obligation on EC Member States to provide information on the areas concerned, the provision of an OSPAR framework for reporting encounters with dumped chemical weapons and munitions would assist in the aspirations of the EC framework for cooperation in the field of accidental or deliberate marine pollution.

3. PROPOSED REPORTING FRAMEWORK

Reporting structure

Contracting Parties should implement procedures, if these are not already in place, and nominate the appropriate national authority, if one is not already responsible, to allow for the proper recording of encounters with munitions and chemical weapons by fishermen and other users of the sea and its coastline. Such an authority should be responsible for informing fishermen of the importance of recording and reporting all information about encounters.

As encounters with devices by fishermen and coastline users are, at least in some countries, reported to different authorities it is important that authorities responsible for both jurisdictions are aware of the need to maintain adequate records.

In much the same way as dumping of dredge spoil is reported to OSPAR, the incidents recorded by national authorities should be compiled and reported on a regular basis, by the SEABED head of delegation for each country, to the OSPAR secretariat. Alternatively, the information could be reported to a nominated lead country. The information would then be compiled and distributed for consideration by the SEABED Working Group (or the appropriate WG as nominated by BDC).

[1] Decision No. 2850/2000/EC of the European Parliament and of the Council of 20 December 2000 setting up a Community framework for cooperation in the field of accidental or deliberate marine pollution. Official Journal L 332, 28/12/2000 P. 0001 – 0006.

Frequency of reporting

The frequency at which records of reported incidents are submitted to the OSPAR Secretariat (or lead country) needs to be considered. Annual reporting may not be justified given the current rate of reported encounters[2]. It may be sufficient to report on a two or three-yearly basis.

Within any established reporting framework, however, there should be provision to allow for reporting of 'clusters' of encounters within a short time-frame, such as was seen on the east coast of Ireland in 1998[3], or events which may be deemed noteworthy by Contracting Parties, for consideration by the SEABED Working Group (or the appropriate WG as nominated by BDC).

Type of information to be recorded

At a minimum the following information should be recorded by the relevant national authorities:

- Date;
- Location (to include co-ordinates);
- Nature of encounter (e.g. entanglement in nets, stranding);
- Type of device (chemical or conventional, and any other information gathered); and
- Action taken (e.g. destroyed, released).

In addition, the following information, if available, would be useful:

- Condition of device (corrosion state); and
- If released, co-ordinates of release.

In reporting information on encounters to OSPAR, Contracting Parties should also consider:

- The proximity of the location of encounters to the nearest known dumpsite;
- Known activities that may have resulted in disturbance of dumpsite, e.g. pipe/cable laying, changes in fishing practices; and
- Any other information deemed relevant.

4. CONCLUSIONS

Considerable quantities of munitions and chemical weapons have been dumped in the OSPAR Convention area. Intermittent encounters with such devices are reported, and are likely to continue as conditions at the dumpsites evolve. The provision of an OSPAR Framework for Reporting Encounters with Marine Dumped Chemical Weapons and Munitions will provide a means through which Contracting Parties can exchange information and allow for discussion and informed decisions on the management options for munitions dumpsites.

REFERENCES

SOAEFD, 1996. Survey of the Beaufort's Dyke Explosives Disposal Site, November 1995 – July 1996. Final Report – November 1996. The Scottish Office Agriculture, Environment and Fisheries Department, Marine Laboratory, Victoria Road, Aberdeen, Scotland.

2 See BDC 03/4/13 §2.3.

3 Twenty-nine phosphorus flares were washed ashore on the east coast of Ireland in a six-day period.