



ASSEMBLY
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Agenda item 16

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**CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF
WASTES AND OTHER MATTER, 1972 AND THE 1996 PROTOCOL THERETO:
REPORT ON THE PERFORMANCE
OF SECRETARIAT FUNCTIONS AND OTHER DUTIES**

Note by the Secretary-General

SUMMARY

<i>Executive summary:</i>	This document reports on the outcome of the main activities considered by the 29th Consultative Meeting of Contracting Parties to the London Convention/2nd Meeting of Contracting Parties to the London Protocol.
<i>Action to be taken:</i>	Paragraph 22
<i>Related documents:</i>	A 25/16; LC 29/17; LC 29/WP.7 and Add.1

Introduction

1 Since the preparation of document A 25/16, the 29th Consultative Meeting of Contracting Parties to the London Convention and the 2nd Meeting of Contracting Parties to the London Protocol were held concurrently at the premises of the International Coffee Organization in London from 5 to 9 November 2007 under the chairmanship of Mr. Victor Escobar Paredes (Spain). The outcome of the main issues of these Meetings is reported in the following paragraphs.

Status of the 1996 Protocol to the London Convention 1972 (London Protocol)

2 The Meetings examined the reports of several countries on their preparations to join the London Protocol indicating that their analysis of the implications of the Protocol, and the preparation of national regulations, had been completed and that the approval process would be finalized during 2008. Others notified that accession to, or ratification of, the London Protocol was under consideration but no time estimate could be given. The London Protocol has to date been ratified, or acceded to, by **32** States.

CO₂ sequestration in sub-seabed geological formations

3 Further to the amendments to Annex 1 to the London Protocol to regulate CO₂ sequestration in sub-seabed geological formations under resolution LP.1(1), as reported in document A 25/16, paragraph 7, the Meeting of Contracting Parties adopted "Specific Guidelines for Assessment of Carbon Dioxide Streams for Disposal into Sub-seabed Geological Formations" to accompany these amendments. The Guidelines were regarded as a "living document" and it

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was agreed to keep them under review and update them in five years' time, or earlier, as warranted in light of new developments.

4 In this context, the Meeting of Contracting Parties also instructed the LP Scientific Group to develop a specific reporting format for CO₂ sequestration into a sub-seabed geological formation and present a proposal to its next session in 2008.

5 Furthermore, the Meeting of Contracting Parties addressed the issue that if a CO₂ stream injected into a sub-seabed geological formation is expected to cross a jurisdictional boundary between two or more countries, regulators should take special care to notify and seek input from those countries before issuing the permit in order to ensure compliance with relevant regulations under the London Protocol. In order to prepare comprehensive advice on this issue, the Meeting of Contracting Parties established a Legal and Technical Working Group on CO₂ sequestration Transboundary Issues and accepted with appreciation the offer of Germany to host the planned meeting of this Working Group in early 2008.

Response to plans for large-scale iron fertilization of the oceans

6 The governing bodies noted that, following consideration of several submissions relating to large-scale iron fertilization of the oceans to sequester CO₂, the Scientific Groups developed, at their joint session in June 2007, a 'Statement of Concern', taking the view that knowledge about the effectiveness and potential environmental impacts of ocean iron fertilization currently was insufficient to justify large-scale operations and that this could have negative impacts on the marine environment and human health. The Scientific Groups also requested the governing bodies to consider the issue of large-scale ocean iron fertilization operations with a view to ensuring adequate regulation of such operations.

7 The governing bodies noted, in this regard, statements by Vanuatu and by the observer of the Permanent Commission for the South Pacific (CPPS), on behalf of its members Chile, Colombia, Ecuador, Panama and Peru, in which they expressed their profound concern at the plan by the company Planktos Inc., to carry out iron fertilization of an area of 10,000 km² located 300 nautical miles west of the Galapagos Islands and rejected this experiment (LC 29/WP.3). The delegations of Argentina, Bolivia, Colombia, Ecuador, Italy, Spain, Panama, Peru, and Vanuatu strongly supported this latter statement.

8 The governing bodies agreed which legal and scientific issues needed to be addressed in the intersessional period so that they could take an informed decision on regulation of this issue at their next joint meeting in 2008. To address the immediate concerns, the governing bodies also:

- .1 endorsed the "Statement of Concern" on large-scale fertilization as agreed by the Scientific Groups in June 2007 (LC/SG 30/14, paragraphs 2.23 to 2.25);
- .2 agreed that the scope of work of the London Convention and Protocol included ocean fertilization, as well as iron fertilization;
- .3 agreed that the London Convention and Protocol were competent to address this issue due to their general objective to protect and preserve the marine environment from **all** sources (Article I of the Convention and Article 2 of the Protocol);

- .4 agreed that they would further study the issue from the scientific and legal perspectives with a view to its regulation; and
- .5 recognizing that it was within the purview of each State to consider proposals on a case-by-case basis in accordance with the London Convention and Protocol, urged States to use the utmost caution when considering proposals for large-scale ocean fertilization operations. The governing bodies took the view that, given the present state of knowledge regarding ocean fertilization, such large-scale operations were currently not justified.

Compliance procedures and mechanisms under Article 11 of the London Protocol

9 Building on the preparatory work of the *Ad Hoc* Working Group on Reporting and Compliance, which met in London from 1 to 2 November 2007, the Meeting of Contracting Parties finalized and adopted the compliance procedures and mechanisms within the deadline set in Article 11 of the Protocol, i.e., 24 March 2008. The Meeting of Contracting Parties also agreed practical arrangements for the first meeting of the new Compliance Group (CG) established under these arrangements (presumably back-to-back with the meeting of the Scientific Groups in May 2009) and with regard to nominations and elections of members of the CG.

Terms of reference for the Scientific Groups

10 The Meeting of Contracting Parties adopted resolution LP.2(2) reviewing the terms of reference for the LP Scientific Group, and taking into account the need to communicate on compliance matters between it and the Compliance Group.

11 The Consultative Meeting adopted resolution LC.59(29) reviewing the terms of reference for the LC Scientific Group in light of the confirmation of the terms of reference for its sister Scientific Group under resolution LP.2(2).

Technical co-operation and assistance

12 The governing bodies adopted a Work Plan aimed at a strategic approach to implementation of the “Barriers to accession, implementation and compliance” project. This Work Plan would help to prioritize support for States to overcome the legislative, institutional, technical and socio-economic barriers that have been identified towards full compliance with the London Protocol. The governing bodies noted with appreciation the substantial contributions pledged to execute this Work Plan by Canada C\$25,000, France US\$250,000, Italy €10,000, United States US\$20,000, UNEP US\$8,000 and Spain (amount yet to be confirmed), while the Secretariat informed the Meetings that US\$63,500 had been set aside in the IMO-ITCP for this purpose focusing on countries in Eastern Europe and the CIS States for the period 2008 to 2009, as well as US\$30,000 for Africa in 2008.

13 The governing bodies also noted with appreciation the completion of the Participants’ Manual of the long-awaited Waste Assessment Guidance Tutorial and the progress with execution of the communication plan to distribute the Tutorial to the various intended audiences.

Co-operation with the MEPC to clarify boundary issues between the London Convention and Protocol and MARPOL Annex V

Guidance on management of spoilt cargoes

14 Building on the history of the co-operation between the governing bodies and MEPC, as described in document A 25/16, paragraph 11, which is aimed at the development of practical guidance for mariners to manage spoilt cargoes, the governing bodies noted a progress report by the lead country, Canada, since June 2007. Some comments had been received recently on the draft guidance and a revised draft was being prepared for distribution to both the LC/LP and MEPC members in the Working Group on Boundary Issues. A final draft text would be submitted for review by the Scientific Groups in May 2008 and, subsequently, for review and adoption at the next sessions of the governing bodies and MEPC 58.

Guidance on best management practices of removal of TBT paints from ships

15 Aware of the initiative of the Scientific Groups in 2006 to collate best management practices of removal of TBT paints from ships, and other marine structures, in the light of the impending entry into force of the Anti-Fouling Systems Convention (AFS), the governing bodies noted that this issue had now become a matter of urgency as the AFS Convention would enter into force on 17 September 2008 due to the recent accession to it by Panama and, as a consequence, ships would, either have to replace, or overcoat, their existing organotin based anti-fouling systems in the near future (see also document A 25/16, paragraph 14).

16 In view of the urgency of informing MEPC and the maritime industry as soon as possible of the available information on environmentally conscious removal methods of anti-fouling systems from ships, the governing bodies agreed that:

- .1 the current information collected by the Correspondence Group, led by the United Kingdom, should, by way of interim advice, already be submitted to MEPC 57 for its information;
- .2 the Scientific Groups, in May 2008, should continue their work, as planned, in reviewing the advice of the Correspondence Group on the management of waste streams resulting from the removal of anti-fouling systems from ships; and
- .3 the completed advice should then be submitted both to MEPC 58 and the next session of the governing bodies.

Outreach to prospective new Contracting Parties

17 The governing bodies discussed several ‘outreach’ activities to raise the profile of the London Protocol and, in particular, opportunities for lead-countries to promote this message at appropriate meetings.

18 The governing bodies, having recognized that the London Convention website was an important communication tool, reviewed the status since its migration to the IMO website in March 2007. Although the Meetings acknowledged the progress that had been made, further improvements were needed as many delegations had encountered difficulties in accessing

documents through the 'IMODOCS' site and the London Convention website. In conclusion, the governing bodies:

- .1 agreed that all documents on the London Convention website should be freely accessible by all users without the use of passwords and be located at a higher, clearly visible, level to allow quicker access. Documents should also be more clearly key-worded;
- .2 agreed that the downloading speed of documents should be improved; and
- .3 instructed the Secretariat to make the necessary arrangements to improve the website and provide the next Meetings with a progress report on this issue.

Preparation of a budget for the administration of the Protocol under Article 19.2.6 of the Protocol

19 In 2006, the Meeting of Contracting Parties had requested the Secretariat to submit a document linking the activities in the Joint Long-term Programme for the Convention and Protocol with possible budgetary implications for consideration at this session. This should include a budget forecast with assumptions of the costs for the Compliance Group. The Secretariat informed the Meeting that, while it had been unable to complete a full budget analysis due to factors including the IMO Headquarters refurbishment and the unknown outcome of the discussion of the Compliance Group, it had developed a preliminary estimate based on the Joint Long-Term Programme, and addressing the costs associated with:

- .1 the convening of the Compliance Group at IMO;
- .2 the maintenance of the London Convention website and dumping database;
- .3 publishing of guidelines and other London Convention/Protocol materials;
- .4 technical co-operation activities under the London Convention and Protocol; and
- .5 other specific activities, including activities under Articles 13.2.3 and 19.3 of the Protocol.

20 The Meeting of Contracting Parties instructed the Secretariat to complete this analysis for submission to its 3rd session in 2008.

Election of Chairmen and Vice-Chairmen

21 The Consultative Meeting unanimously re-elected Mr. Victor Escobar Paredes (Spain) and Ms. Chen Yue (China) as Chairman and 1st Vice-Chairman, respectively, for the intersessional period and for the 30th Consultative Meeting. The Meeting of Contracting Parties also unanimously re-elected the same officers for the intersessional period and for the 3rd Meeting of Contracting Parties. The election of 2nd Vice-Chairmen for both governing bodies was, yet again, postponed till 2008 in the absence of nominations at that stage.

Action requested of the Assembly

22 The Assembly is invited to take note of the information provided in this document and to comment, as it deems appropriate.
