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**REPORT OF THE TWENTY-FOURTH CONSULTATIVE MEETING OF
CONTRACTING PARTIES TO THE LONDON CONVENTION 1972,
INCLUDING THE REPORT OF THE IMO/LC WORKING GROUP**

Outcome of the IMO/LC Working Group

Note by the Secretary-General

SUMMARY

Executive summary: Attached hereto are the conclusions and recommendations which the IMO/LC Working Group prepared at the end of its work.

Action to be taken: Paragraph 6

Related documents: IMO/LC-WG 1/6; IMO/LC-WG 2/7

1 In November 2001, the Council and the Consultative Meeting of Contracting Parties to the London Convention 1972 established the joint IMO/LC Working Group to carry out a comprehensive study on various aspects of the London Convention 1972/1996 Protocol, in accordance with agreed terms of reference as contained in the annex to this document.

2 The Council, at its 21st extraordinary session on 16 November 2001, also requested that the IMO members of the Working Group report back to it, "including other relevant issues" (C/ES.21/7/Add.1 and C/ES.21/D, paragraphs 7.1 and 7.2).

3 The Council nominated Brazil, China, Cyprus and India as IMO members and the Consultative Meeting nominated France, the Netherlands, the United Kingdom and the United States as LC members of the IMO/LC Working Group.

4 The IMO/LC Working Group completed its work during meetings held on 13 December 2001 and 17 June 2002. The overall conclusions and recommendations of the IMO/LC Working Group are attached at annex. The Working Group's final report, with supporting material, is distributed, in English only, as IMO/LC-WG 2/7. A record of the first meeting of the Working Group is distributed, in English only, as IMO/LC-WG 1/6.

5 The outcome of discussions on these conclusions and recommendations by the Twenty-fourth Consultative Meeting (11 - 15 November 2002) will be reported in an addendum to document C 89/8.

For reasons of economy, this document is printed in a limited number. Delegates are kindly asked to bring their copies to meetings and not to request additional copies.

Action requested of the Council

6 The Council is invited to consider the results of the IMO/LC Working Group, and the response thereto by the Consultative Meeting, and to comment and decide as it deems appropriate.

ANNEX

**CONCLUSIONS, RECOMMENDATIONS, OTHER FINDINGS AND SUGGESTIONS
OF THE IMO/LC WORKING GROUP**

Conclusions and Recommendation No.1

- 1 The IMO/LC Working Group, based on the information submitted and reviewed:
- .1 **NOTES** that the Office for the London Convention 1972 is already integrated into the IMO Secretariat, and that the IMO Secretariat as a whole provides, subject to the other findings and suggestions set out in paragraph 2.4 below, services to carry out IMO's commitment, vis-à-vis the Contracting Parties to the London Convention 1972, established by IMO Assembly Resolution A.395(X). The costs of the Office for the London Convention 1972 are financed by IMO through its regular budget;
 - .2 **CONSIDERS** that the establishment of separate secretariats will not yield benefits to either IMO or to the Contracting Parties to the London Convention 1972. In this respect it is noted that all but four (i.e. Afghanistan, Belarus, Kiribati and Nauru) of the 79 Contracting Parties to the London Convention 1972 are already Member States of IMO;
 - .3 **CONSIDERS** that the establishment of separate secretariats would require the adoption and entry into force of amendments to the London Convention 1972 in order to put in place the needed administrative and financial framework and that, in its view, the effort and expenditure involved as well as other possible unintended consequences, e.g., the likelihood of delaying the entry into force of the 1996 Protocol, would not be of benefit;
 - .4 **NOTES** that the Office for the London Convention 1972 already provides services to support the activities of the Contracting Parties to the London Convention 1972 in connection with the 1996 Protocol to that Convention. In this respect it is noted that the IMO Council in 1996 agreed to:

“...authorize the Secretary-General and the Organization to accept the functions assigned by the 1996 Protocol, taking into account the intention of the Secretary-General to review the current situation in relation to technical co-operation and assistance within the framework of the London Convention and to consider possibilities of how to strengthen related arrangements within the Organization, on the understanding that additional functions shall not result in additional costs to the Organization”¹; and
 - .5 **RECOMMENDS** that, in view of the benefits to both organisations, in terms of efficiency and cost effectiveness, the current organisational arrangements for

¹ Document C 77/D, paragraph 8.1.

providing secretariat services to the London Convention 1972 be maintained and continued.

Conclusions and Recommendation No.2

- 2 The IMO/LC Working Group, based on the information submitted and reviewed:
- .1 **NOTES** that the IMO Technical Co-operation Division has, where and when it was possible, made proposals to potential donors and delivered technical co-operation and assistance projects through the IMO-ITCP, which combined elements of the IMO-ITCP and the LC-TC&AP;
 - .2 **ACKNOWLEDGES** that the development and adoption of the LC-TC&AP and the setting of priorities within that programme is the exclusive prerogative of the Consultative Meeting of Contracting Parties;
 - .3 **RECOMMENDS** that, subject to the forthcoming discussion of the Long-term Strategy for the London Convention 1972², the IMO Technical Co-operation Division and the Office for the London Convention 1972 be invited to develop proposals for closer linkages between the IMO-ITCP and the current LC-TC&AP. This could, for example, involve:
 - .1 identifying the synergies and opportunities for collaboration between proposed LC-TC&AP and IMO-ITCP projects which will lead to mutual benefits; and
 - .2 accessing the expertise residing within the IMO Technical Co-operation Division to provide assistance in identifying potential donors willing to fund either LC-TC&AP projects or IMO-ITCP projects, which contain LC-TC&AP programme elements;

Any proposals to develop such linkages should be subject to review and approval by the IMO Technical Co-operation Committee, the IMO Council and the Consultative Meeting of Contracting Parties; and
 - .4 **IS OF THE VIEW** that, in the light of the forthcoming discussion of the Long-term Strategy for the London Convention 1972, it is premature, at present, to make any recommendations on the question of integration (or further incorporation) of the LC-TC&AP into the IMO-ITCP. Nevertheless this question should be revisited when the abovementioned review is completed.

² At the Twenty-third Consultative Meeting in 2001, the delegation of the Netherlands announced it would prepare a submission for consideration at the Twenty-fourth Consultative Meeting to explore future strategic objectives for the London Convention and policy options for co-operation with other international organizations and programmes (LC 23/16, paragraph 4.13).

Conclusions and Recommendation No.3

3 The IMO/LC Working Group:

- .1 **RECALLING** the request in 2000 of the IMO Council to the Consultative Meeting of Contracting Parties to:

“consider the efficiency of meetings under the London Convention and to present a report on work methods and procedures and on a long-term work programme for consideration by the extraordinary session of the Council in November 2001”³

- .2 **NOTES** that in 2001 the Twenty-third Consultative Meeting adopted:

- .1 the “Long-term Programme for the London Convention 1972 and the Promotion of the 1996 Protocol thereto (2002 - 2005)”; and
- .2 the “Long-term Strategy for Technical Co-operation and Assistance under the London Convention 1972”;

- .3 **RECOMMENDS** that the Consultative Meeting of Contracting Parties reviews its own work procedures and work management in comparison with the “Guidelines on the Organization and Method of Work of the Maritime Safety Committee and the Marine Environment Protection Committee and their Subsidiary Bodies (MSC/Circ. 931 / MEPC/Circ. 366);

- .4 **RECOMMENDS** that, in the light of this comparison, the Consultative Meeting of Contracting Parties considers, and as deemed necessary adopts, appropriate amendments to its methods of work in order to meet the specific needs of the London Convention 1972. The aim of this exercise is the achievement of levels of efficiency and cost effectiveness comparable to those which are expected to be achieved by the MSC and MEPC; and

- .5 **RECOMMENDS** that the Consultative Meeting of Contracting Parties reports to the IMO Council on the progress made in implementing the above recommendations.

Other Findings and Suggestions

4 The IMO/LC Working Group:

- .1 **NOTES** that in 2001 the Twenty-second Consultative Meeting of Contracting Parties acknowledged that the capacity constraints in the Office for the London Convention 1972 had led to bottlenecks even in the implementation of funded technical assistance projects, to the extent that in some cases, funding had been withdrawn;

³ Document C 85/D, paragraph 9.1(ii).

- .2 **NOTES** that the Twenty-second Consultative Meeting of Contracting Parties had requested IMO to fill the vacant post in the Office for the London Convention 1972;
- .3 **NOTES** that the professional staff member of the Office for the London Convention 1972 is not exclusively engaged in matters relating to either the London Convention 1972 or the 1996 Protocol thereto, and that part of his time is used in other duties of the Marine Environment Division (MED) of IMO⁴, i.e. the secretariat functions for the MEPC Ballast Water Working Group and GESAMP; and
- .4 **SUGGESTS** that the Consultative Meeting of Contracting Parties considers advising IMO of the services it expects from the Office for the London Convention 1972 and on the level of service it considers is required for the effective implementation of the London Convention 1972 and of the 1996 Protocol, including the delivery of the LC TC&AP.

⁴ In this respect the Director of the IMO Marine Environment Division informed the Working Group that every effort is made to assign, when and where this is possible other professional staff members of MED to provide services to the Office for the London Convention.

Terms of Reference of the IMO/LC Working Group

The IMO/LC Working Group should:

- TOR.1 identify and list the common objectives and distinct characteristics of both the London Convention 1972 and the 1996 Protocol thereto and of the IMO treaties regarding the protection of the marine environment;
- TOR.2 identify and list the duties and functions of the Secretariat of the London Convention 1972 and the 1996 Protocol thereto and of the IMO Secretariat in relation to the IMO treaties regarding the protection of the marine environment;
- TOR.3 identify and list the financial and administrative advantages and disadvantages of integrating the Secretariat of the London Convention 1972 and the 1996 Protocol thereto, including the LC Technical Co-operation and Assistance Programme, into the structures of IMO;
- TOR.4 identify, list and recommend as to how any possible financial and administrative issues may have to be addressed in order to adopt any recommendations which may be developed to provide effective services to the Contracting Parties and to contribute to the effective implementation of the London Convention 1972 and the acceptance and implementation of the 1996 Protocol thereto;
- TOR.5 recommend to the Consultative Meeting and to the IMO Council the best means of implementing any proposed activities; and
- TOR.6 list, without comments or priority, any other relevant findings.
