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

Submitted by Brazil, China and Cyprus

SUMMARY

Executive summary: This document provides a number of comments relevant to the work of the IMO/LC WG and on the outcome of the consideration of the final report of the IMO/LC WG by the Twenty-fourth Consultative Meeting of Contracting Parties to the London Convention 1972 and suggests a number of actions to be taken by the Council

Action to be taken: Paragraph 21

Related documents: C 89/8, C 89/8/Add.1, C 89/8/1, IMO/LC-WG 1/6, IMO/LC-WG 2/7, LC 24/WP.4, LC 24/WP.4/Add.1 and LC 24/WP.6

Guiding principles

1 The principles which guided the IMO representatives during the deliberations of the IMO/LC Working Group (IMO/LC WG), were:

- (1) the achievement by the Consultative Meeting of the most efficient use of the resources allocated in the Organization's budget for the needs of the London Convention 1972;
- (2) the establishment by the Consultative Meeting of the necessary tools to manage their work efficiently and cost effectively; and
- (3) the identification of the expectations, at least in the short term, of the Consultative Meeting from the Organization.

The results of the IMO/LC Working Group

2 Although the IMO representatives made considerable efforts, and put forward much more far-reaching recommendations and conclusions in line with the guiding principles, the results shown in document C 89/8/1 (and in IMO/LC WG 2/7) were what could be achieved through the consensus decision-making process under which the IMO/LC WG operated and for which the concurring view of the representatives of the Consultative Meeting was required.

The LC Long-term Programme

3 The Twenty-fourth Consultative Meeting revised their *Long-Term Programme for the London Convention 1972 and the promotion of the 1996 Protocol thereto (2003 – 2005)* and made a first attempt to include salient elements from the outcome of the recently completed World Summit on Sustainable Development (WSSD) in that programme.

4 The majority of elements included in the Long-term Programme (see Annex to LC 24/WP.6) are on-going tasks and very few of them have either a starting or an end date. The management of such a programme will require work and agenda management tools similar to those used by the Committees of the Organization and which the Consultative Meeting presently lacks.

Future objectives of the London Convention 1972 and of the 1996 Protocol

5 A document was presented and discussed covering the future objectives of the London Convention and 1996 Protocol thereto (see LC 24/14).

6 In ensuing discussions, several delegations expressed the view that the “status quo” (one of three options) was not static and much work remains to be done. In addition, expanding the remit of the London Convention by either of the two other options would require changes in the current work programme, additional funding, would create possible overlap with other UN agencies and would require amendments to the London Convention and 1996 Protocol thereto.

7 Some delegations, however, expressed the view that the future work programme of the London Convention under the existing framework should be more strategic and should strengthen the collaboration with other UN agencies, taking into consideration the outcome of WSSD and, in particular, paragraphs 122 and 123 of the Plan of Implementation.

8 LC 24 agreed that the immediate priority of their Long-term Programme was the implementation of the London Convention and promotion of the 1996 Protocol thereto. It was also agreed that collaboration with other UN agencies, international and regional organizations/programmes should be strengthened for better implementation of their Long-term Programme and should build on the provisions of the WSSD Plan of Implementation.

The LC Technical Co-operation and Assistance Programme

9 The Twenty-third Consultative Meeting (LC 23) developed a Long-term Strategy for Technical Co-operation and Assistance under the London Convention (LC TC&AP) and instructed the Twenty-fifth Meeting of the Scientific Group (LC/SG 25) to revise it.

10 LC 24 considered the revision of the LC TC&AP prepared by LC/SG 25 (see LC/SG 25/11, annex 3) and decided to instruct the Chairman of the Consultative Meeting, in consultation with the Secretariat to revise it and submit a proposal for consideration and adoption at the Twenty-fifth Consultative Meeting (LC 25).

11 Notwithstanding the aforesaid, the funding of the LC TC&AP remains on an *ad hoc* basis and their decision is not to establish any trust funds.

12 The Secretariat provided a comprehensive study on the integration of the LC TC&AP into the IMO ITCP (see IMO/LC 2/7, annex 2, paragraphs 5.6 to 5.50) which concluded (see paragraphs 5.56 and 5.57) that the LC TC& AP *present objectives, strategies and activities could easily be integrated into the IMO ITCP in view of their common purpose of capacity building for the protection of the marine environment and that such integration would allow the LC TC&AP to benefit from the Organization's capacity in terms of funding, programme building process, execution and assessment and thus benefit from the efficiency and cohesiveness of the IMO ITCP, thus avoiding the current ad hoc approach of the LC TC&AP.*

The 1996 Protocol to the London Convention 1972

13 It is recalled that the Council has already decided, and the Assembly has approved, the acceptance by the Secretary-General of depository functions for the 1996 Protocol and that the Organization will provide the required secretariat services.

14 On the basis of discussion on this matter, the Consultative Meeting concluded that the prognosis was that the *1996 Protocol was likely to enter into force in 2004 or 2005.*

Expectation of the LC from IMO

15 During the last few Consultative Meetings of the Contracting Parties a number of Contracting Parties have repeatedly expressed dissatisfaction at the level of support provided by the Organization to the Office of the London Convention (see C 89/8/1, annex, paragraphs 4.1 to 4.3).

16 In order to bring the continued criticism of the Organization to an end, a suggestion (see C 89/8/1, annex, paragraph 4.4) addressed to the Consultative Meeting was included in the report of the IMO/LC-WG specifically to compel the Consultative Meeting to outline, and set on record, their expectations of the Organization.

17 LC 24 consider the issue and paragraphs 4.4, 4.10 and 4.11 of LC 24/WP.4 record the results of those discussions on this matter and, in particular, that the Consultative Meeting:

- (1) recognizes that the provision of human resources, with the budgetary limitations of the Organization as approved by the Council and the Assembly, was the responsibility of the Secretariat. Whilst satisfied with the information provided by the Director of the Marine Environment Division on improvement of the situation in 2003 and beyond (paragraph 4.3 of LC 24/WP.4 refers), the Consultative Meeting emphasized the continued importance of providing the necessary resources for the work of the London Convention and the 1996 Protocol thereto;
- (2) considers that the core services the Contracting Parties expect from the Organization are:
 - (a) secretariat support and conference services for Consultative Meetings and those of the Scientific Group, including inter-sessional work and in future of meetings of the Parties to the 1996 Protocol and its subsidiary organs;
 - (b) collaboration of the LC Technical Co-operation and Assistance Programme, including support for capacity building in developing countries;

- (c) preparatory work for the entry into force and implementation of the 1996 Protocol;
 - (d) secretariat responsibility for implementation of the London Convention 1972 and of the 1996 Protocol thereto; and
 - (e) secretariat responsibility for the transitional period from the London Convention 1972 to the 1996 Protocol thereto.
- (3) considers that, in order to fulfil the above level of responsibility the Office, at least one-and-a-half professional-year work force per year would be required and requested the Secretariat to maintain the resources to be allocated for the work of the Secretariat as indicated in paragraph 4.3. of LC 24/WP.4; and
- (4) considers that:
- (a) for 2003, the one meeting week allocation each for the Consultative Meeting and the Scientific Group, already included in the approved budget of the Organization for 2002 – 2003, will be required; and
 - (b) for the period 2004 – 2005 and beyond, one meeting week per year each should be allocated for the Consultative Meeting and the Scientific Group.

Comments

18 From discussions within the IMO/LC–WG and during LC 24 it is clear that the majority of representatives of Contracting Parties understood the need to put in place necessary arrangements to make the most efficient and effective use of resources allocated to them by the Organization.

19 In addition, they have acknowledged and accepted the need to have in place a long-term programme and a strategy and programme on technical co-operation and assistance.

20 It is hoped that those very few which have various other ideas (e.g. relations with the UNEP/GPA or Basel Convention) about the future objectives of the London Convention and the 1996 Protocol thereto, after the outcome of LC 24, will reconsider their views on the matter.

Action requested of the Council

21 The Council is invited to consider the matter and to decide as appropriate. It is suggested that the Council:

.1 *Recommendation 1*

accepts recommendation 1 (C 89/8/1, annex, paragraph 1.5);

.2 *Recommendation 2*

.1 accepts recommendation 2 (C 89/8/1, annex, paragraph 2.3);

- .2 instructs the Secretariat to pursue this recommendation when the Secretariat of the Office of the London Convention approaches them on this matter; and
 - .3 invites LC 25, when considering the proposals for the LC TC&AP, to reconsider their decision on the integration of the LC TC&AP with the IMO ITCP, bearing in mind the outcome of their discussions on the future objectives of the London Convention and the 1996 Protocol thereto, and instructs the Secretariat to make a submission on the matter to LC 25;
- .3 *Recommendation 3*
- .1 accepts recommendation 3 (C 89/8/1, annex, paragraph 3.3 to 3.5);
 - .2 reiterates its request to the Consultative Meeting “to establish appropriate guidelines on the organization and methods of work” to achieve levels of efficiency and cost effectiveness which are comparable to those which are expected to be achieved by the MSC and the MEPC; and
 - .3 instructs the Secretariat to specifically report to the C ES.22 on progress made by LC 25 on this matter; and
- .4 *Other findings and suggestions*
- notes the results of discussions on the core level of services the Contracting Parties to the London Convention 1972 (see paragraph 17 above) expect from the Organization and instructs the Secretary-General to make appropriate provisions in the proposals for the Organization’s budget for the period 2004 – 2005.
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