

COUNCIL
117th session
Agenda item 11

C 117/11
2 November 2016
Original: ENGLISH

**REPORT ON THE THIRTY-EIGHTH CONSULTATIVE MEETING OF CONTRACTING
PARTIES TO THE LONDON CONVENTION 1972 AND THE ELEVENTH MEETING
OF CONTRACTING PARTIES TO THE 1996 PROTOCOL
TO THE LONDON CONVENTION**

Note by the Secretary-General

SUMMARY

Executive summary: This document reports on the outcomes of the thirty-eighth Consultative Meeting of Contracting Parties to the London Convention 1972 and the eleventh Meeting of Contracting Parties to the 1996 Protocol to the London Convention

Strategic direction: 1 and 7

High-level action: 1.1.1, 1.1.2 and 7.3.2

Output: 1.1.1.1, 1.1.2.1 and 7.3.2.2

Action to be taken: Paragraph 23

Related document: LC 38/16

Introduction

1 The thirty-eighth Consultative Meeting of Contracting Parties to the London Convention and the eleventh Meeting of Contracting Parties to the London Protocol were held, concurrently, at IMO Headquarters from 19 to 23 September 2016, under the chairmanship of Vice-Chair Dr. Gi-Hoon Hong (Republic of Korea). The Second Vice-Chair, Ms. Betsy Valente (United States), was also in attendance. The outcome of the main issues considered at these Meetings is reported in the following paragraphs.

Status of the London Convention and Protocol

2 The London Convention (LC) has, to date, been ratified, or acceded to, by 87 States. The London Protocol (LP), which entered into force on 24 March 2006, has, to date, been ratified, or acceded to, by 47 States. There have been two accessions to the London Protocol in the past year.

Development of a strategic plan for the London Convention and Protocol

3 The Meetings, having reviewed intersessional work and the outcomes of a working group on this topic, adopted the Strategic Plan for the London Convention and London Protocol. The Plan is intended to facilitate the implementation of the two treaties in order to contribute to the prevention of marine pollution and to advance the 2030 Agenda for Sustainable Development. The Plan also has a clear mandate to promote the ratification and accession to London Protocol.

4 Owing to limited time, the Meetings established an intersessional correspondence group to develop recommendations on how to operationalize and implement the Plan, under the lead of the two Vice-Chairs.

Marine geoengineering including ocean fertilization

5 The Meetings noted that the United Kingdom had deposited its instrument of acceptance of the 2013 amendment on the regulation of the placement of matter for ocean fertilization and other marine geoengineering (resolution LP.4(8)).

6 The Meetings welcomed progress made under the newly established GESAMP Working Group on marine geoengineering at its inception meeting held at IMO Headquarters from 23 to 25 May, 2016 (LC 38/INF.2). The GESAMP Working Group, which is being led by IMO with support from the Intergovernmental Oceanographic Commission (IOC) of UNESCO and the World Meteorological Organization (WMO), has focused on developing a working definition of marine geoengineering, able to satisfy the LC/LP in identifying those marine geoengineering techniques that it might consider for listing in the new Annex 4 of the Protocol, as well as cater for the needs of the broader GESAMP community. Work had also commenced on populating a scoring table to filter proposed techniques. It is envisaged that a second meeting of the working group will be held in the first half of 2017.

CO₂ sequestration in sub-seabed geological formations

7 The Meetings, having noted that there were now three ratifications of the 2009 amendment to article 6 of the LP on the export of carbon dioxide waste streams (resolution LP.3(4)), encouraged Contracting Parties to the LP to do their utmost to facilitate the process to ensure entry into force as soon as possible which is seen as a crucial element of the 2006 amendment to regulate CO₂ sequestration in sub-seabed geological formations.

Ninth session of the Compliance Group under the London Protocol

8 The LP Compliance Group met for its ninth session on 15 and 16 September 2016, and noted that no reports of non-compliance had been referred to it.

9 The Meeting of Contracting Parties to the London Protocol approved the report of the group and the recommendations therein, as well as the proposed future work programme for the period up to and including its tenth meeting in 2017. In this regard the Meeting, having noted the request by the group to hold their next session immediately prior to the Meeting of Contracting Parties, approved the convening of the tenth session of the group, tentatively for 5 and 6 October 2017.

10 The Meeting of Contracting Parties decided to extend the terms of two current group members whose terms would expire in 2017 and requested the group to continue to develop a long-term solution to address the lack of Parties nominating for membership of the group and to advise the Meeting of the Contracting Parties at its next session.

Adoption of the 2016 Revised Specific Guidelines for Assessment of Vessels

11 The Meetings adopted the *2016 Revised Specific Guidelines for Assessment of Vessels* to replace the current guidelines which were adopted in 2000. The Guidelines were revised to give more emphasis to the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships (Hong Kong Convention) and the inventory list of hazardous materials set out in resolution MEPC.269(68), as well as to recycling in general and to alternatives to disposal at sea.

Disposal of fibreglass vessels

12 The Meetings, having noted the widespread and growing problem of disposing of fibreglass vessels, particularly those that have been abandoned, coupled with the lack of recycling or destruction facilities in Small Island Developing States as well as limited capacity at facilities in developed countries, agreed that more information about the construction of fibreglass vessels could play a vital role in minimizing waste at the end of life of such vessels. The Meetings noted that disposal at sea was not the best option as material could easily break up and become marine litter or could cause damage and also affect other users of the marine environment. Any new guidance to be developed would need to take into account the Hong Kong Convention, and elements of the Nairobi Wreck Removal Convention, with regard to the management of fibreglass vessels or parts of vessels that are either abandoned, wrecked or are no longer usable.

13 Given the need for further exploratory work, the governing bodies:

- .1 invited delegations to submit information on best practices and/or guidance, if any, or case studies on the recycling and/or destruction of fibreglass vessels to the next joint session of the Scientific Groups in 2017 with a view to developing advice on the disposal of fibreglass vessels for consideration at the next joint session of the governing bodies in 2017; and
- .2 instructed the Secretariat to liaise with the appropriate bodies of IMO (e.g. MEPC and LEG), to inform of the ongoing work of the LC/LP Parties, and exchange information as needed.

Riverine and marine disposal of tailings and associated wastes from mining operations and deep seabed mining

14 The Meetings, having reviewed work conducted by an intersessional correspondence group, agreed that the work of the bodies should continue along a scientific track before a decision could be taken on how best to approach the marine disposal of mine tailings around the world, in the context of the London Convention and Protocol. In this regard, the Meetings re-established the correspondence group, under the lead of Peru, to continue to gather information on best practices and existing guidance and legislation and other relevant issues and identifying any gaps in best practices and existing guidance.

15 With regard to wastes from deep seabed mining, the Meetings encouraged Contracting Parties to continue to share information on relevant regulations and best practices on deep seabed mining. The Meetings also invited Contracting Parties and the Secretariat, as appropriate, to engage with the International Seabed Authority (ISA) to ensure that the LC/LP perspectives are captured for input to the draft framework for the regulation of exploitation activities.

Marine litter

16 The Meetings were also informed about a number of activities and programmes related to plastics in the marine environment, including the outcome of the second United Nations Environment Assembly which adopted two resolutions on plastics and on Oceans and seas, as well as several national actions to regulate or ban the sale and manufacture of hygiene products containing microbeads.

17 The Meetings, in acknowledging the significant quantity of marine litter entering the ocean and the severe and long lasting threat it posed to the marine environment, and noting that plastics were making their way into sewage sludge and dredged material and that there was firm evidence that the oceans were heavily contaminated with litter:

- .1 adopted a recommendation to encourage action to combat marine litter;
- .2 encouraged Parties to take into account the issue of plastics and marine litter when applying the dredged material waste assessment guidance; and
- .3 invited delegations to submit their practices and experiences on this issue to the future sessions of the Scientific Groups.

Twenty-five-year scientific review of all radioactive wastes and other radioactive matter

18 The Meetings, having considered the intersessional correspondence group's report containing a draft scientific literature review and the advice prepared by the Scientific Groups on this topic:

- .1 approved the literature review performed in support of the 25-year scientific study of ocean dumping of radioactive wastes and other radioactive matter as required under LC article 6 of annex I and LP article 3, annex 1 (*2016 Literature Review*);
- .2 agreed there was no need to consider commissioning any additional scientific study beyond the scope of this *2016 Literature Review*;
- .3 concluded that the requirement of the 25-year review of the ban on the dumping of radioactive waste had been fulfilled for both the Convention and the Protocol; and
- .4 agreed that the ban on the dumping of radioactive wastes should remain in place.

Approval of guidance on low-cost, low technology compliance monitoring

19 The Meetings approved the "*Guidelines on low cost, low technology compliance monitoring: assessment of permit compliance for disposal of wastes and other matter at sea*". The guidance is designed to benefit developing countries and provides practical advice on monitoring methods, equipment and standards.

Other items

20 The Meetings reviewed progress on: technical cooperation activities; and the further development of guidance for the development of "Action Lists and Action Levels" for dredged material.

Joint session of the Scientific Groups

21 The Meetings agreed to convene the next joint session of the Scientific Groups, scheduled tentatively for 27 to 31 March 2017 to be held at IMO Headquarters.

Election of the Chair and the Vice-Chair

22 The Consultative Meeting unanimously elected Dr. Gi-Hoon Hong (Republic of Korea) as Chair, Ms. Azara Prempeh (Ghana) as First Vice-Chair, and re-elected Ms. Betsy Valente (United States), as Second Vice-Chair, for the intersessional period and for the thirty-ninth Consultative Meeting. The Meeting of Contracting Parties also unanimously elected the same officers for the intersessional period and for the twelfth Meeting of Contracting Parties.

Action requested of the Council

23 The Council is invited to:

- .1 note the status of the LC and LP and in particular the continued slow rate of accessions to the LP and its recent amendments (paragraph 2);
- .2 note the adoption of the strategic plan for the LC/LP (paragraph 3);
- .3 note the slow rate of acceptance of the 2013 amendment on marine geoengineering including ocean fertilization as well as progress made by the new GESAMP Working group on this topic (paragraphs 5 and 6);
- .4 note the slow rate of acceptance of the 2009 amendment to LP article 6 on the export of carbon dioxide waste streams (paragraph 7);
- .5 note the convening of the tenth session of the Compliance Group, scheduled tentatively for 5 and 6 October 2017, to be held immediately prior to the next Meetings of the governing bodies (paragraph 9);
- .6 note the adoption of the *2016 Revised Specific Guidelines for Assessment of Vessels* (paragraph 11);
- .7 note the discussion on the disposal of fibreglass vessels (paragraphs 12 and 13);
- .8 note the action taken on marine disposal of tailings and associated wastes from mining operations and deep seabed mining (paragraphs 14 and 15);
- .9 note the discussion on marine litter and in particular the adoption of the recommendation to encourage action to combat marine litter (paragraphs 16 and 17)
- .10 note the conclusion of the twenty-five-year scientific review of all radioactive wastes and other radioactive matter (paragraph 18);
- .11 note the approval of the guidance on "*Guidelines on low cost, low technology compliance monitoring: assessment of permit compliance for disposal of wastes and other matter at sea*" (paragraph 19);

- .12 note the progress made on other items relating to the work of the governing bodies of the LC/LP since the twenty-eighth extraordinary session of Council (paragraph 20); and
 - .13 note the convening of the next joint session of the Scientific Groups, scheduled tentatively for 27 to 31 March 2017 to be held at IMO Headquarters (paragraph 21).
-