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REPORT ON THE TWENTY-SEVENTH CONSULTATIVE MEETING OF CONTRACTING PARTIES TO THE LONDON CONVENTION 1972

Note by the Secretary-General

SUMMARY

Executive summary: This document reports on the outcome of the main issues considered by the 27th Consultative Meeting of Contracting Parties to the London Convention 1972

Action to be taken: Paragraph 20

Related documents: C/ES.23/12; LC 27/16; LC 27/WP.6 + Addenda 1 and 2; A 24/16/Add.1

Introduction

1 Since the preparation of document C/ES.23/12, the 27th Consultative Meeting of Contracting Parties was held at IMO Headquarters from 24 to 28 October 2005 under the chairmanship of Mr. J. Karau (Canada). The outcome of the main issues considered at that Meeting is reported in the following paragraphs.

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

2 The Meeting 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 2006 or 2007. Others notified that accession to, or ratification of, the London Protocol was under consideration but no time estimate could be given. In view of this information and, with a current membership of 21 of the required 26 States, the Protocol may enter into force in 2006 or 2007 allowing for the 1st Meeting of Contracting Parties to the Protocol to take place thereafter.

Preparation for the entry into force of the London Protocol

3 The Meeting continued with the development of compliance procedures and mechanisms under Article 11 of the London Protocol, which it began in 2003. The Meeting made progress with a base text and associated materials and agreed to submit these to the 1st Meeting of Contracting Parties to the Protocol, or to the 28th Consultative Meeting, whichever occurs first, for consideration. A short explanatory note highlighting the key policy issues in these materials would be developed in the intersessional period.

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4 The Meeting completed the “Draft Procedures and Criteria for Determining and Addressing Emergency Situations as referred to in Articles 8 and 18.1.6 of the 1996 Protocol”, by reviewing the advice it had received from the MSC on the maritime safety risks identified in the draft procedures, the adequacy of which had been confirmed by the Committee. Consequently, the Meeting:

- .1 included the MSC’s advice for a specific safety reference as guidance to national authorities;
- .2 approved the draft procedures and criteria, as amended; and
- .3 agreed to forward these to the 1st Meeting of Contracting Parties to the London Protocol.

Compliance issues

5 The Meeting considered the implementation of the “Short-term and long-term strategy to improve reporting under the London Convention”, adopted in 2004 and, *inter alia*:

- .1 adopted the “Electronic Form for Annual Reporting on Dumping Operations at Sea” for use on a trial basis;
- .2 agreed that the Chairman of the Consultative Meeting should continue to communicate with the competent Ministers of Contracting Parties that had not reported in the last five years; and also that direct contacts between the Secretariat and those administrations remained useful; and
- .3 agreed that the Correspondence Group on Assessment of Dumping Reports - which the Scientific Group had established in 2005 - should review the summary reports on permits issued, with particular attention to their value, consistency and format, and also advise on the development of a database on dumping reports.

CO₂ Sequestration in sub-seabed geological structures

6 The Meeting noted the report of the Technical Working Group on CO₂ Sequestration, convened at the 28th session of the Scientific Group, which had concluded that sequestration of CO₂ in sub-seabed geological structures was technically feasible and that a considerable body of evidence and experience existed on CO₂ sequestration, including sequestration technologies, technical mitigation options for CO₂ leakage and monitoring methods. However, there were gaps in knowledge related to possible impacts on the marine environment and in technology, such as monitoring techniques. It would be necessary to develop an assessment framework for evaluation and management of potential risks to the marine environment. To further this work, the Meeting endorsed the recommendation of the Scientific Group to establish the *SG Intersessional Technical Working Group on CO₂ Sequestration*, led by the United States, whose terms of reference the Meeting approved. This Working Group, is scheduled to meet from 3 to 7 April 2006.

7 The Meeting also reviewed a compilation and analysis of the views of Contracting Parties received intersessionally, concerning the compatibility of CO₂ sequestration in sub-seabed geological structures with the London Convention and Protocol, which was prepared by the United Kingdom. The analysis was aimed at helping to structure discussion of this issue in order

to focus on the most pertinent legal issues and to identify various views and scope for common agreement. Eventually, the Meeting:

- .1 acknowledged that CO₂ sequestration in sub-seabed geological structures had a role to play, as part of a suite of measures to tackle the challenge of climate change and ocean acidification;
- .2 agreed that the London Convention and Protocol, which provide the specific global framework for the protection of the marine environment against pollution from dumping at sea, were appropriate global instruments to address the implications of CO₂ sequestration in sub-seabed geological structures for the marine environment;
- .3 recognized that there were varying interpretations of how the Convention and Protocol apply in different circumstances to CO₂ sequestration in sub-seabed geological structures;
- .4 decided that it was desirable to consider options for facilitating and/or regulating CO₂ sequestration in sub-seabed geological structures including clarification (and, if appropriate, amendment) of the Protocol and the Convention;
- .5 agreed to convene the *Intersessional Legal and Related Issues Working Group on CO₂ Sequestration*, to develop a menu of options to clarify (and, if appropriate, amend) the Protocol and the Convention, with a view to facilitating and/or regulating the use of CO₂ sequestration in sub-seabed geological structures. This Working Group is tentatively scheduled to meet from 10 to 13 April 2006; and
- .6 decided to consider, at the 28th Consultative Meeting, how best to facilitate and/or regulate, CO₂ sequestration in sub-seabed geological structures under the Protocol and the Convention.

8 Many delegations were of the view that the focus of analysis regarding possible amendments should be on the Protocol and not on the Convention. Some delegations stated that amendment of the Convention itself would not be appropriate.

Co-operation with the MEPC to clarify boundary issues between the London Convention and Protocol and MARPOL 73/78

9 The Meeting reviewed the MEPC's response on its request to collaborate and help clarify two boundary issues between MARPOL 73/78 and the London Convention and Protocol concerning 'dumping' versus 'discharges' during normal operations of ships, as well as the promotion of good waste management when dealing with spoilt cargoes. MEPC 53 agreed to establish a Joint London Convention/MEPC Correspondence Group and developed terms of reference for this purpose.

10 Furthermore, the Meeting:

- .1 agreed to apply a pragmatic approach in its collaboration with the MEPC so that the current provisions and interpretations of the London Convention and Protocol and MARPOL 73/78 concerning the above-mentioned boundary issues should be listed, reviewed and clarified; and

- .2 approved the establishment of the Joint London Convention/MEPC Correspondence Group, its terms of reference and organizational arrangements, as proposed by MEPC 53.

11 This joint activity should lead to a report and recommendations both for MEPC 55 (October 2006) and the 28th Consultative Meeting (November 2006).

Technical co-operation and assistance

12 The Meeting considered the provisional programme and the financial arrangements for the Workshop on Marine Pollution Prevention and Environmental Management in East Asia. The Government of China would host this Workshop, which is to be held in Dalian, from 29 May to 2 June 2006, in conjunction with the 29th session of the Scientific Group (5 to 9 June 2006). The Meeting noted with appreciation that the following Contracting Parties had pledged contributions to the Workshop: Canada; Netherlands (€10,000); Republic of Korea (US\$10,000), the United States, UNEP and IAPH. These announcements were made subject to internal budgetary approval of the respective administrations.

13 The Meeting was informed of the continuing efforts of the Secretariat to access funding for the development of a project concerning the identification and removal of barriers to countries achieving compliance with both global and regional sea disposal instruments. Initial contacts had been made with the Secretariat of the Commonwealth to enquire about their capacity building programmes supporting its 53 member countries, 24 of which are also parties to the London Convention and Protocol. Under a Memorandum of Understanding agreed in November 2005 between IMO and UNEP, a consultant would be contracted using UNEP and London Convention funds, totalling US\$32,000, to prepare, by 31 August 2006:

- .1 an analysis of the barriers and gaps in capabilities of countries achieving compliance; and
- .2 a project proposal aimed at capacity building to remove the identified barriers. This project proposal should be adjusted to the requirements of the potential donor or partner, which might be the Commonwealth.

14 After consideration of these proposals, the Meeting considered *inter alia* that advice from the IMO Technical Co-operation Division on the development of this project would be valuable.

Matters related to the management of radioactive wastes

15 On 17 May 2005, the Russian Federation notified IMO that it had withdrawn its declaration of non-acceptance of the 1993 amendments to annexes I and II to the London Convention, as contained in resolution LC.51(16). When the delegation of the Russian Federation confirmed the acceptance of resolution LC.51(16), it noted that, although the process of acceptance had taken several years, the Russian Federation had much appreciated the consultations with, and assistance of, several other Contracting Parties in completing the process. The Meeting expressed its appreciation to the Russian Federation and noted that the ban on dumping of radioactive wastes at sea was now universal among Contracting Parties to the London Convention.

Outreach to prospective new Contracting Parties

16 The Meeting 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. The Meeting noted that information on the London Convention in the UN Atlas of the Oceans had been updated, and instructed the Secretariat to prepare a compilation of guidelines developed under the London Convention since 1997 as an IMO publication in 2006. The Meeting stressed the importance of promoting membership to the Protocol through the many related regional conventions and agreements.

Relations with other organizations in the field of marine environmental protection

17 The Meeting reviewed the wide range of possible partnership arrangements with other organizations (in addition to IMO and IAEA) with a particular emphasis on monitoring of the marine environment, coastal management, and technical co-operation and assistance. The Meeting noted that a collaborative arrangement had been concluded with IOI in July 2005 and that such an arrangement with UNEP was nearing completion. The Meeting requested the Bureau to develop similar collaborative arrangements in 2006 with IOC, ECPP and, possibly, FAO.

Any other business

18 The Meeting was informed of the planned development, subject to approval by the Assembly, of a new legally binding and globally applicable instrument on ship recycling, probably in the 2008 – 2009 biennium. The Meeting agreed to keep a watching brief on the new treaty as it emerged and indicated its preparedness to make a contribution from the perspective of the London Convention, as and when required.

Election of Chairman and Vice-Chairmen

19 The Meeting unanimously elected Mr. V. Escobar Paredes (Spain) and Ms. Chen Yue (China) as Chairman and 1st Vice-Chairman, respectively, for the intersessional period and for the 28th Consultative Meeting. Mr. M. S. Hosseini (Iran) was unanimously re-elected as 2nd Vice-Chairman.

Action requested of the Council

20 The Council is invited to take note of the above information and to comment, as it deems appropriate.
