

**CONTRIBUTION OF THE INTERNATIONAL MARITIME ORGANIZATION
TO THE UN SECRETARY-GENERAL'S REPORT ON OCEANS
AND THE LAW OF THE SEA**

PART I

PRELIMINARY CONSIDERATIONS

In accordance with the request made by the Under-Secretary-General for Legal Affairs and of the United Nations in a letter dated 3 April 2014, this contribution focuses on major developments on ocean issues within the areas of competence of IMO between May 2013 and April 2014.

The 1982 Convention on the Law of the Sea is referred to throughout this contribution as "UNCLOS" or "the Convention".

PART II

SHIP DESIGN AND EQUIPMENT

Passenger ship safety

The Maritime Safety Committee (MSC), at its 92nd session in June 2013, adopted amendments to SOLAS regulation III/19 to require musters of newly embarked passengers prior to or immediately upon departure, instead of "within 24 hours", as stated in the current regulations. The amendments are expected to enter into force on 1 January 2015.

Following discussion in an MSC working group on passenger ships safety, the Committee approved revised Recommended interim measures for passenger ship companies to enhance the safety of passenger ships (issued as MSC.1/Circ.1446/Rev.2), to include new recommendations relating to harmonization of bridge navigational procedures across a fleet or fleets; securing of heavy objects (procedures to ensure securing of heavy objects to be incorporated into the safety management system); stowage of life-jackets (including stowage of additional life jackets near muster stations); extending the use of video for passenger emergency instruction notices; and following voyage planning guidance in the case of any deviation.

On specific matters relating to the recommendations arising from the investigation into the **Costa Concordia**, the MSC invited Italy to provide more information regarding the recommendation for double-skin for protecting watertight compartments containing equipment; endorsed the view that the role of shoreside management is critical to the proper development and function of an effective Safety Management System; and invited Member States to consider the mandatory application of evacuation analysis to non ro-ro passenger ships.

Furthermore, the MSC invited further consideration of the **Costa Concordia** accident investigation report by the Flag State Implementation Sub-Committee, and invited detailed comments and proposals to be submitted to the next MSC session.

The MSC also revised and updated the long term action plan on passenger ship safety.

Emergency training and rescue drills

The MSC also adopted amendments to SOLAS regulation III/19, on emergency training and drills, to mandate enclosed-space entry and rescue drills, which will require crew members with enclosed-space entry or rescue responsibilities to participate in an enclosed-space entry and rescue drill at least once every two months. Related amendments were adopted to the International Code of Safety for High-Speed Craft (HSC Code), the Code for the Construction and Equipment of Mobile Offshore Drilling Units (MODU Code) and the Code of Safety for Dynamically Supported Craft (DSC Code) (the amendments are expected to enter into force on 1 January 2015).

PIRACY AND ARMED ROBBERY AGAINST SHIPS

The Maritime Safety Committee (MSC), at its 93rd session in May 2014, noted that the number of worldwide piracy attacks had decreased and that no SOLAS ship had been hijacked in the western Indian Ocean area since May 2012 as a welcome result of the robust actions taken by the international naval forces in the region, the shipboard measures implemented by shipping companies, masters and their crews as well as the deployment of professional security teams. However, the Committee noted with concern the situation in the Gulf of Guinea which had not substantially improved as nine ships were reported hijacked in 2012 and another nine ships were reported hijacked in 2013.

The Committee recalled the action taken in the region to address the issue which had led to the adoption of the Code of Conduct concerning the repression of piracy, armed robbery against ships and illicit maritime activity in West and Central Africa (the Code of Conduct) in June 2013. It expressed appreciation for the contributions received for the IMO West and Central Africa Maritime Security Trust Fund from China, Japan, and the United Kingdom as well as the financial support of Norway. The Committee also noted that a revised and comprehensive IMO strategy for implementing sustainable maritime security measures in West and Central Africa had been developed and was being implemented. This had been made public by the Secretariat on the IMO website at <http://www.imo.org/OurWork/Security/WestAfrica/Pages/WestAfrica.aspx>

The delegation of Cameroon informed the Committee of the latest developments in the region's effort to suppress piracy and other maritime crimes since the Heads of State and Government meeting in Yaoundé, Cameroon in June 2013. These included the implementation process for the Code of Conduct, and a series of meetings to develop the Interregional Coordination Centre envisaged by the Heads of State. The delegation of Ghana informed the Committee that a national information sharing centre, located in Ghana, was now operational and manned 24 hours a day. The delegation of Liberia stated that ownership by States in the region was key to the successful realization of the objectives of the Code.

The Secretary-General expressed his appreciation for the outcomes of various meetings and activities as part of the effort to implement the provisions of the Code of Conduct. Unlike the Djibouti Code of Conduct for the western Indian Ocean, this Code of Conduct is an ECCAS, ECOWAS and Gulf of Guinea Commission initiative, which IMO is committed to support.

Interim guidelines on measures relating to the welfare of seafarers and their families affected by piracy off the coast of Somalia

The Committee noted that Working Group 3 of the Contact Group on Piracy off the Coast of Somalia had developed interim Guidelines addressing welfare of seafarers and their families affected by Somalia-based piracy and that these had now been submitted to IMO. While the Committee supported the goals of the draft Guidelines the majority of the delegations that

spoke were of the view that the provisions in the document were a matter for the International Labour Organization (ILO) to consider as many of the aspects fall under ILO's purview and were complementary to the 2006 Maritime Labour Convention (MLC). The Guidelines will therefore be forwarded to the ILO for its review and possible further action.

Technical co-operation update

Although no SOLAS merchant ship has been taken by pirates since May 2012, activities to counter piracy pursuant to the Djibouti Code of Conduct, an IMO-initiated, regional agreement signed by 20 states from the Gulf of Aden and western Indian Ocean area, are on-going. In addition to this, since August 2012, IMO has been conducting a series of "table top exercises" aimed at developing and promoting a multi-agency, whole of government approach to maritime security and maritime law enforcement issues in States throughout the West and Central African region. As of 1 June 2014, twelve such exercises have been conducted. Expected outputs are the development of national maritime strategies, national maritime security strategies, national maritime security committees and national maritime security implementation plans and procedures. As a result of this programme Liberia has established, and Ghana has reactivated, a national maritime security committee.

UN Security Council resolutions 2018(2011) and 2039(2012) have given new impetus to maritime security issues in the region and IMO is actively assisting the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS) and the Gulf of Guinea Commission (GoGC) to develop their integrated maritime strategies and to implement the Code of Conduct concerning the repression of piracy, armed robbery against ships and illicit maritime activity in West and Central Africa. This Code of Conduct was adopted by a ministerial meeting held in Benin in March 2013 and endorsed by 25 Heads of State and Government at a meeting held in Yaoundé, Cameroon in June 2013. Work to establish an inter-regional coordination centre in Yaoundé is on-going. In addition, the Oil Companies International Marine Forum (OCIMF), supported by IMO, has established the Maritime Trade Information Sharing Centre in Accra, Ghana. Following a successful trial, this is expected to become increasingly operational over the coming months.

In addition, IMO has a global programme on the Enhancement of Maritime Security within its Integrated Technical Co-operation Programme (ITCP). The aim of this global programme is to assist and support the efforts of governments and industry towards the enhancement of security in the international maritime transport sector.

SEARCH AND RESCUE (SAR)

Regional activities have been organised to encourage, in particular, developing countries to become parties to the 1979 SAR Convention, to establish/improve SAR services as well as building up co-operation amongst countries in Asia, Pacific and Central America regions. Continuous capacity building activities have been undertaken in the African countries bordering the Indian and Atlantic Oceans in strengthening the five Maritime Rescue Coordination Centres (MRCCs) and the 26 maritime rescue sub-centres.

LONG-RANGE IDENTIFICATION AND TRACKING (LRIT)

The Maritime Safety Committee (MSC), at its 92nd session in June 2013, approved guidance related to the establishment and testing of long-range identification and tracking (LRIT) Data Centres (DCs) and the operation of the LRIT system.

FISHING VESSEL SAFETY

The Maritime Safety Committee (MSC), at its 92nd session in June 2013, approved a procedure for calculating the number of fishing vessels of each Contracting State to the 2012 Cape Town Agreement by the Depositary and approve the consolidated text of the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, as modified by the 1993 Torremolinos Protocol relating thereto, as modified by the 2012 Cape Town Agreement.

CODE FOR RECOGNIZED ORGANIZATIONS

The Marine Environment Protection Committee (MEPC), at its sixty-fifth session in May 2013 and the Maritime Safety Committee (MSC), at its ninety-second session in June 2013, adopted the Code for Recognized Organization (RO Code). In this context, the MEPC also adopted amendments to the annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (amendments to MARPOL annexes I and II to make the RO Code mandatory, with an expected entry into force date of 1 January 2015. In turn, the MSC adopted amendments to SOLAS regulation XI-1/1, and to the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (1988 Load Lines Protocol) to make also the RO Code mandatory, with entry into force expected on 1 January 2015.

The Code will provide a consolidated text containing criteria against which ROs (which may be authorized by flag States to carry out surveys and issue certificates on their behalf) are assessed and authorized/recognized, and give guidance for subsequent monitoring of ROs by Administrations.

The MEPC also adopted amendments to Form A and Form B of Supplements to the IOPP Certificate; and amendments to the Condition Assessment Scheme, to make reference to the International Code on the enhanced programme of inspections during surveys of bulk carriers and oil tankers, 2011 (2011 ESP Code).

AIR POLLUTION AND ENERGY EFFICIENCY

Development of energy-efficiency measures for ships continued

The Marine Environment Protection Committee at its 66th meeting (MEPC 66), in April 2014, continued its work on further developing technical and operational measures relating to energy-efficiency measures for ships, following the entry into force, on 1 January 2013, of the new chapter 4 of MARPOL Annex VI, which includes requirements mandating the Energy Efficiency Design Index (EEDI), for new ships, and the Ship Energy Efficiency Management Plan (SEEMP), for all ships.

MEPC 66 adopted amendments to MARPOL Annex VI concerning the extension of the scope of application of the Energy Efficiency Design Index (EEDI) to LNG carriers, ro-ro cargo ships (vehicle carriers), ro-ro cargo ships, ro-ro passenger ships and cruise passenger ships with non-conventional propulsion.

In support of the uniform implementation of the regulations, MEPC 66 adopted 2014 Guidelines on the method of calculation of the attained Energy Efficiency Design Index (EEDI) for new ships.

Data collection system for fuel consumption of ships discussed

MEPC 65, in May 2013, considered the importance of enhancing energy efficiency and reducing fuel consumption with subsequent reductions of CO₂ emissions and other pollutants emitted to air and considered the use of a phased approach to implementation, with the focus of its initial work being on data collection.

MEPC 66 discussed various submissions relating to proposals to establish a framework for the collection and reporting of data on the fuel consumption of ships and established a Working Group on “Further technical and operational measures for enhancing energy efficiency of international shipping” to consider the development of a data collection system for ships, including identification of the core elements of such a system.

MEPC 66, noting that further work should be undertaken intersessionally, agreed to establish a Correspondence Group and instructed it to consider the development of a data collection system for fuel consumption of ships, including identification of the core elements of such a system. The correspondence group will report to MEPC 67 in October 2014.

Update of GHG emissions estimate gets go-ahead

MEPC 65 approved the terms of reference and agreed to initiate a study for an updated greenhouse gas (GHG) emissions’ estimate for international shipping and established a Steering Committee to oversee the execution of the study. The new study focusses on updating key figures in the current (second) IMO GHG Study (2009), which estimated that international shipping emitted 870 million tonnes, or about 2.7%, of the global man-made emissions of carbon dioxide (CO₂) in 2007.

MEPC 66 noted progress had been made on the update study and that the report of the third IMO GHG study 2014 is expected to be completed at MEPC 67 in October 2014.

MARPOL Annex VI and NOx Technical Code amendments adopted

MEPC 66 adopted amendments to MARPOL Annex VI and the NOx Technical Code, 2008, regarding regulations 2, 13, 19, 20 and 21, the Supplement to the IAPP Certificate and the certification of dual-fuel engines.

The amendments to MARPOL Annex VI, regulation 13, provide for Tier III NOx standards to be applied to a marine diesel engine that is installed on a ship constructed on or after 1 January 2016 and which operates in the North American Emission Control Area or the U.S. Caribbean Sea Emission Control Area that are designated for the control of NOx emissions. In addition, the Tier III requirements would apply to installed marine diesel engines when operated in other emission control areas which might be designated in the future for Tier III NOx control. Tier III would apply to ships constructed on or after the date of adoption by the MEPC of such an emission control area, or a later date as may be specified in the amendment designating the NOx Tier III emission control area. The requirements do not apply to a marine diesel engine installed on a ship constructed prior to 1 January 2021 of less than 500 gross tonnage, of 24 m or over in length, which has been specifically designed and is used solely, for recreational purposes. The amendments are expected to enter into force on 1 September 2015.

Draft MARPOL Annex VI and NOx Technical Code amendments approved

In support of the uniform implementation of the regulations, MEPC 66 adopted the following:

- .1 2014 Guidelines in respect of the information to be submitted by an administration to the Organization covering the certification of an Approved Method as required under regulation 13.7.1 of MARPOL Annex VI; and
- .2 2014 Guidelines on the Approved Method process.

MEPC 66 approved, with a view to adoption at MEPC 67, draft amendments to MARPOL Annex VI, regarding engines solely fuelled by gaseous fuel, to clarify that such engines should also be covered by the Annex VI NO_x regulations; and to regulation 13.7.3 of MARPOL Annex VI and item 2.2.1 of the Supplement to the IAPP Certificate, providing a common approach to the date to be used for determining the applicable Tier for engines.

The MEPC 66 also invited interested delegations to submit proposals for draft amendments to the NO_x Technical Code for inclusion of provisions on engines solely fuelled by gaseous fuels, including any consequential amendments, for consideration by MEPC 67, with a view to approval.

2014 shipboard incineration standard adopted

The MEPC 66 adopted the 2014 Standard specification for shipboard incinerators, which covers the design, manufacture, performance, operation and testing of incinerators intended to incinerate garbage and other shipboard wastes generated during the ship's normal service. The specification applies to incinerator plants with capacities up to 4,000 kW per unit.

Fuel oil availability review correspondence group established

The MEPC considered the timing of the review, required under MARPOL Annex VI, regulation 14.8, on control of emissions of sulphur oxides (SOX) from ships, on the availability of compliant fuel oil to meet the requirements set out in the regulation. The Committee agreed to establish a correspondence group to develop the methodology to determine the availability of fuel oil to comply with the fuel oil standard set out in regulation 14.1.3 of MARPOL Annex VI. The group would provide a progress report to MEPC 67, with a view to the Committee adopting the terms of reference of the study at MEPC 68 in 2015.

The sulphur content (expressed in terms of % m/m – that is, by weight) of fuel oil used on board ships is required to be a maximum of 3.50% m/m (outside an Emission Control Area (ECA)), falling to 0.50% m/m on and after 1 January 2020. Depending on the outcome of a review, to be completed by 2018, as to the availability of compliant fuel oil, this requirement could be deferred to 1 January 2025.

Technical cooperation and technology transfer for energy efficiency measures

MEPC 65, in May 2013, adopted resolution MEPC.229(65) on Promotion of Technical Cooperation and Transfer of Technology relating to the Improvement of Energy Efficiency of Ships, which, among other things, requests the Organization, through its various programmes, to provide technical assistance to Member States to enable cooperation in the transfer of energy efficient technologies to developing countries in particular; and further assist in the sourcing of funding for capacity building and support to States, in particular developing States, which have requested technology transfer.

MEPC 66, in April 2014, discussed the implementation of resolution MEPC.229(65) and established, in accordance to the resolution, the Ad Hoc Expert Working Group on Facilitation of Transfer of Technology for Ships (AHEWG-TT). The AHEWG-TT agreed on

the methodology for conducting its work, as well as a work plan which was endorsed by the Committee.

This work plan envisages: assessing the potential implications and impacts of the implementation of the energy efficiency regulations in chapter 4 of MARPOL Annex VI, in particular, on developing States, as a means to identify their technology transfer and financial needs; identifying and creating an inventory of energy efficiency technologies for ships; identifying barriers to transfer of technology, in particular to developing States, including associated costs, and possible sources of funding; and making recommendations, including the development of a model agreement enabling the transfer of financial and technological resources and capacity building between Parties, for the implementation of the energy efficiency regulations.

MEPC 66 agreed that a second meeting of the AHEWG-TT be held prior to MEPC 67 (scheduled to take place from 9 to 10 October 2014 at IMO Headquarters) in order for the Group to provide a progress report to the Committee at that session. The meeting will discuss the specific tasks under the AHEWG-TT work plan endorsed by MEPC 66.

GUIDANCE ON EVALUATING BIOFOULING GUIDELINES APPROVED

The MEPC approved an MEPC circular on Guidance for evaluating the 2011 Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species.

IMPLEMENTATION OF MARPOL ANNEX V – GUIDANCE AGREED

The MEPC adopted amendments to the 2012 Guidelines for the implementation of MARPOL Annex V, to add references to E-waste generated on board such as electronic cards, gadgets, equipment, computers, printer cartridges, etc. The MEPC also approved draft amendments to the form of Garbage Record Book under MARPOL Annex V, to update the Record of Garbage Discharges, with a view to adoption at MEPC 67.

The MEPC also approved an MEPC circular on adequate port reception facilities for cargoes declared as harmful to the marine environment (HME) under MARPOL Annex V, which agrees that, until 31 December 2015, cargo hold washwater from holds previously containing solid bulk cargoes classified as HME, may be discharged outside special areas under specific conditions. The circular also urges Parties to MARPOL Annex V to ensure the provision of adequate facilities at ports and terminals for the reception of solid bulk cargo residues, including those contained in wash water.

SHIP RECYCLING

Correspondence group on ship recycling re-established

The MEPC re-established the correspondence group to finalize the development of threshold values, exemptions and bulk listings applicable to the materials to be listed in the Inventory of Hazardous Materials (IHM) and to prepare pertinent amendments to the 2011 Guidelines for the development of the IHM. Regarding threshold values for radioactive materials, the Committee considered a proposal by IAEA and requested the Secretariat to continue liaising with IAEA to develop relevant guidance.

BALLAST WATER MANAGEMENT

Assembly resolution on ballast water management systems

The Assembly, at its 28th session in December 2013, adopted a resolution on the application of regulation B-3 of the BWM Convention to ease and facilitate the smooth implementation of the Convention, for submission to the IMO Assembly (25 November to 4 December 2013). The resolution recommends that ships constructed before the entry into force of the Convention will not be required to comply with regulation D-2 until their first renewal survey following the date of entry into force of the Convention. The aim of the draft resolution is to clarify uncertainty in relation to the application of regulation B-3, through the application of a realistic timeline for enforcement of regulation D-1 (ballast water exchange standard) and regulation D-2 (ballast water performance standard), upon entry into force of the Convention.

Ballast water management systems approved

The MEPC granted Basic Approval to four, and Final Approval to two ballast water management systems that make use of Active Substances.

The MEPC also approved BWM-related guidance, including Guidance on entry or re-entry of ships into exclusive operation within water under the jurisdiction of a single Party and a revision of the GESAMP-BWWG Methodology for information gathering and conduct of work. In addition, the Committee requested the Secretariat to explore the possibility of conducting a study on the implementation of the ballast water performance standard described in regulation D-2 of the BWM Convention, with the aim to address a number of industry concerns, including proposals to amend the Guidelines for approval of ballast water management systems (G8).

On the status of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, the number of Contracting Governments is currently 40, representing 30.25% of the world's merchant fleet tonnage (35% is needed to meet entry into force requirements).

DEVELOPMENT OF A MANDATORY POLAR CODE

Draft Polar Code environmental provisions reviewed

The MEPC reviewed the environmental requirements under the proposed draft mandatory International Code for ships operating in polar waters (Polar Code). It also considered the proposed draft amendments to MARPOL to make the Polar Code mandatory.

A correspondence group was established, to finalize the draft MARPOL amendments and the environmental requirements (Parts II-A and II-B of the Code) and to report to the next session (MEPC 67) in October 2014. The MEPC also requested the IMO Council to approve the holding of an intersessional working group ahead of MEPC 67.

The draft Polar Code covers the full range of design, construction, equipment, operational, training, search and rescue and environmental protection matters relevant to ships operating in the inhospitable waters surrounding the two poles. Environmental provisions include requirements covering prevention of oil pollution; prevention of pollution from noxious liquid substances from ships; prevention of pollution by sewage from ships; and prevention of pollution by discharge of garbage from ships.

UNDERWATER NOISE

Guidelines for the reduction of underwater noise approved

The MEPC approved Guidelines for the reduction of underwater noise from commercial shipping to address adverse impacts on marine life, recognizing that underwater noise radiating from commercial ships may have both short- and long-term negative consequences on marine life.

RECEPTION FACILITIES

Guidance for port reception facility providers and users agreed

The MEPC approved consolidated guidance for port reception facility providers and users.

CHEMICAL POLLUTION

Manual on Chemical Pollution to address legal and administrative aspects of HNS incidents approved

The MEPC approved the Manual on Chemical Pollution to address legal and administrative aspects of HNS incidents, which aims to provide a guide to the management of and/or response to pollution incidents involving Hazardous and Noxious Substances (HNS), with an appreciation of the various interests involved in an HNS incident and its aftermath.

CAPACITY-BUILDING INITIATIVES

Giving special attention to marine environment protection, IMO has established and continues to report annually on the linkage between its ITCP and 5 Millennium Development Goals (MDGs) including MDG 7 – “Ensure environmental sustainability”. In this regard, IMO organized 48 national and regional training events where 1,447 professionals and strategy officials were trained on implementation of IMO instruments related to marine environment protection.

Under emerging issues, a training package on Energy Efficient Operation of Ships was developed and a pool of 41 international experts created through the delivery of two train-the-trainer workshops at World Maritime University. Furthermore, an update study of the GHG emissions estimate from international shipping and a pilot study for liquefied natural gas-fuelled shortsea and coastal shipping in the wider Caribbean region were conducted and their reports will be submitted to MEPC 67 during 2014.

MEPC 66 noted that IMO, through the UNDP, submitted a Project Identification Form (PIF) to the Global Environment Facility (GEF) for funding a medium-size project entitled “Transforming the Global Maritime Transport Industry towards a Low Carbon Future through Improved Energy Efficiency” to assist the developing countries in the implementation of new energy efficiency measures adopted by IMO. The PIF has received the GEF endorsement for funding of \$2 million. This two year global project builds on IMO's experience in delivering the project on capacity building in East Asia to address GHG emissions.

The proposed project, while focusing on legal, policy and institutional reforms (LPIR) and related tools development, will also help to enhance the technical knowledge and capacity for implementation of the new regulatory measures related to ships energy efficiency. Moreover, the project will facilitate creation and exchange of knowledge in developing countries on energy efficient shipping practices and opportunities, and provide a platform for

sharing innovation and R&D, catalyse demonstrations of selected feasible energy efficiency measures and technologies by the private sector.

IMPLEMENTATION OF IMO INSTRUMENTS

Mandatory IMO audit scheme

The Assembly, at 28th session in November 2013, adopted key resolutions and amendments relating to the Organization's mandatory audit scheme, paving the way for the scheme to come into effect by 2016 once amendments to mandatory instruments have entered into force.

The mandatory audit scheme is seen as a key tool for assessing Member States' performance in meeting their obligations and responsibilities as flag, port and coastal States under the relevant IMO treaties and then offering the necessary assistance, where required, for them to meet their obligations fully and effectively.

The Assembly adopted the IMO Instruments Implementation Code (III Code), which provides a global standard to enable States to meet their obligations as flag, port and/or coastal States; the Framework and Procedures for the IMO Member State Audit Scheme; the 2013 non-exhaustive list of obligations under instruments relevant to the III Code; and a resolution on transitional arrangements from the voluntary to the mandatory scheme.

The Assembly also adopted amendments to the International Convention on Load Lines, 1966; the International Convention on Tonnage Measurement of Ships, 1969; and the Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended, to make the use of the III Code mandatory in auditing Member States to determine how they give full and complete effect to the provisions of those Conventions to which they are party.

The MEPC adopted amendments to MARPOL Annexes I through to VI to make the use of the IMO Instruments Implementation Code (III Code) mandatory. The amendments add definitions and regulations relating to "verification of compliance", thereby making the IMO Audit Scheme mandatory under MARPOL, similar to the amendments adopted by the Assembly to the other treaties. The amendments are expected to enter into force on 1 January 2016.

Following this, the Maritime Safety Committee (MSC), at its ninety-third session, adopted similar amendments) to the International Convention for the Safety of Life at Sea, 1974, as amended; the Protocol of 1988 relating to the International Convention on Load Lines, 1966; the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended and the STCW Code. The Marine Environment Protection Committee (MEPC), at its sixty-sixth session also adopted similar amendments to Annexes I to VI to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and its 1997 Protocol, as amended.

The adoption of the various amendments and their entry into force will form the basis for an institutionalized audit scheme.

Capacity-building initiatives

In order to assist Member States prepare for and implement the IMO Audit Scheme, IMO has dedicated a global programme through which it organized 4 regional and 2 national training events where 132 professionals from 55 countries were trained.

Under this global programme it will continue to provide technical assistance to developing countries through advisory and needs assessment missions and regional training courses and workshops for auditors. The programme also addresses the expectation of more voluntary audits in preparation for, and leading up to when the mandatory scheme enters into force in 2016.

LONDON CONVENTION AND PROTOCOL (REGULATION OF DUMPING AT SEA)

Marine geo-engineering

Marine geoengineering, including ocean fertilization, will be regulated under amendments to the 1996 Protocol to the international treaty which regulates the dumping of wastes and other matter at sea. The amendments, adopted on 18 October 2013 by Parties to the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, add a new article 6bis which states that “Contracting Parties shall not allow the placement of matter into the sea from vessels, aircraft, platforms or other man-made structures at sea for marine geoengineering activities listed in Annex 4, unless the listing provides that the activity or the sub-category of an activity may be authorized under a permit”. Marine geoengineering is defined as “a deliberate intervention in the marine environment to manipulate natural processes, including to counteract anthropogenic climate change and/or its impacts, and that has the potential to result in deleterious effects, especially where those effects may be widespread, long-lasting or severe”.

A new Annex 4 on “Marine geoengineering” lists “Ocean fertilization”, defined as “any activity undertaken by humans with the principal intention of stimulating primary productivity in the oceans. Ocean fertilization does not include conventional aquaculture, or mariculture, or the creation of artificial reefs.” The Annex provides that all ocean fertilization activities other than those referred to above shall not be permitted. An ocean fertilization activity may only be considered for a permit if it is assessed as constituting legitimate scientific research taking into account any specific placement assessment framework.

A new annex V adds the Assessment Framework for matter that may be considered for placement under Annex 4. The Assessment framework provides that Contracting Parties should consider any advice on proposals for activities listed from independent international experts or an independent international advisory group of experts.

The amendments will enter into force 60 days after two thirds of the Contracting Parties have deposited an instrument of acceptance of the amendment with IMO (the London Protocol currently has 45 Parties).

LIABILITY ISSUES

Guidance on Blue Cards approved by Legal Committee

The Legal Committee, at its 101st session, approved Guidance for accepting Blue Cards or similar documentation from insurance companies to States Parties to a number of IMO treaties.

The guidance relates to insurance certificates issued in relation to the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunkers Convention); the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996, as amended by the Protocol of 2010 to the Convention (2010 HNS Convention); the Nairobi International Convention on the Removal of Wrecks, 2007 (2007 Nairobi WRC); and the International Convention on Civil Liability for Oil Pollution Damage, 1992, as amended (1992 Civil Liability Convention).

The guidance states that a State Party to the Civil Liability Convention, the Bunkers Convention, the 2010 HNS Convention or the 2007 Nairobi WRC should accept Blue Cards issued by a member of the International Group of P&I Associations (P&I Clubs) when it is possible to verify the Blue Card from the P&I Clubs website. When receiving a Blue Card or similar documentation from insurance companies, financial security providers and P&I Clubs outside the International Group, the State Party should verify the financial standing and hence the solvency of such company in order to make sure that prompt and adequate compensation for the victims is available. Criteria for acceptance is set out in the guidance.

HNS 2010 correspondence group established to facilitate ratification of the treaty

The Legal Committee discussed the current status of the International Convention on Liability and compensation for Damage in Connection with the Carriage of Hazardous and Noxious substances by Sea, 2010 (2010 HNS Convention), which as to date received no ratifications, and re-established the HNS Correspondence Group, with a view to facilitating a concerted effort to implement and coordinate the ratification, and entry into force, of the treaty.

The Committee encouraged Member States to ratify and bring into force the 2010 HNS Convention as soon as possible.

Focus on "IMO conventions: effective implementation" highlighted

The Committee highlighted the World Maritime Day theme for 2014, "IMO conventions: effective implementation", and encouraged delegations to work with their respective Governments towards achieving effective and uniform implementation of relevant IMO conventions and to report any barriers to implementation to the Legal Committee for advice and guidance.

The Committee noted that the Integrated Technical Cooperation Programme (ITCP) for 2014-2015 included an increased number of activities aimed at assisting Member States in drafting, updating and bringing into force primary and secondary maritime legislation in matters related to the implementation of all IMO instruments.

The Committee noted the entry into force, on 23 April 2014, of the Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974; and noted that the Nairobi International Convention on the Removal of Wrecks, 2007, had met its entry-into-force requirement on 14 April 2014 and will enter into force on 14 April 2015.

Places of refuge for ships in need of assistance discussed

The issue of places of refuge for ships in distress was raised at the Legal Committee, in the light of the recent incident involving the **Maritime Maisie**, and the **MS Flaminia** in 2012. The Committee noted that a ship would request a place of refuge only if it is in distress or in need of assistance and that early and decisive intervention will minimize the risk of structural deterioration and mitigate the threat of pollution from the ship's cargo and bunkers.

The Legal Committee agreed that there was a need to focus on the ratification and effective implementation of a number of existing international treaties, as the existing framework already included relevant provisions concerning liability and compensation for pollution prevention measures, clean-up operations, wreck removal and damage caused by fire and explosion, including where damage or losses occur following a State's decision to grant a ship a place of refuge.

The relevant treaties include the Civil Liability Convention 1992 (in force), the Bunkers Convention 2001 (in force), the HNS Convention 2010 (not yet in force), and the Nairobi Wrecks Removal Convention 2007 (in force on 14 April 2015). The Fund Convention 1992 and the Supplementary Fund Convention 2003 in respect of oil pollution damage, were also relevant to places of refuge.

Adoption of MLC 2006 amendments welcomed

The Legal Committee noted with satisfaction the entry into force, on 20 August 2013, of the International Labour Organization (ILO) Maritime Labour Convention, 2006, and the adoption of amendments relating to provision of financial security for abandonment, personal injury to and death of seafarers. The amendments to the Code of the Convention, adopted in April 2014 by the ILO Special Tripartite Committee, were based on the recommendations of the joint IMO/ILO Ad Hoc Expert Working Group on Liability and Compensation regarding Claims for Death, Personal Injury and Abandonment of Seafarers.

The Legal Committee urged those Member States that have not already done so, to consider ratification of the Maritime Labour Convention, 2006, at their earliest convenience.

Consultative group established on offshore exploration and exploitation activities

The Committee expressed its appreciation to Indonesia and Denmark for their offer to stand ready to co-chair an intersessional consultative group, to develop guidance on bilateral and regional agreements or arrangements related to the liability and compensation issues connected with transboundary pollution damage resulting from offshore oil and exploration activities.

The Committee reminded Member States to send examples of existing bilateral and regional agreements to the Secretariat and encouraged Member States and observer delegations to cooperate intersessionally and to lend their expertise.

Capacity-building initiatives

With regard to 2010 HNS Convention, IMO organized 4 regional training events where 146 professionals from 17 countries were trained on the implementation of the Convention in their respective countries/regions. Three regional training courses on Claims and Compensations were also delivered in Barbados, Colombia and Namibia.
