

LC/LP and Deep Sea Mining



Suva, Fiji
10 March 2016

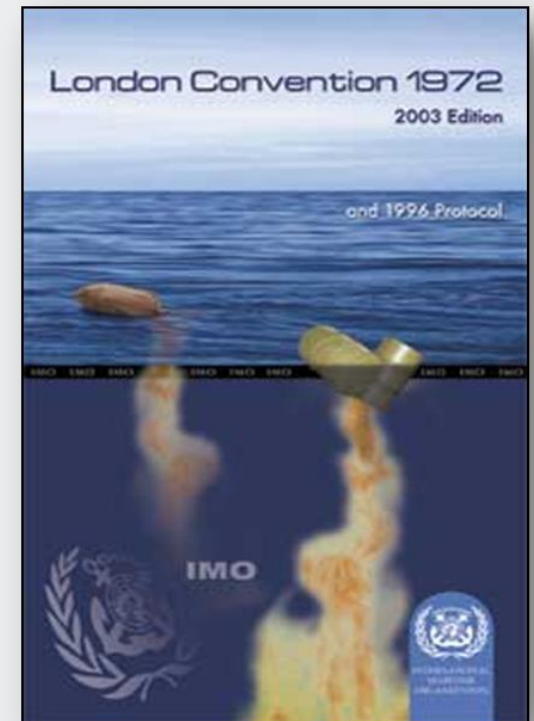
Edward Kleverlaan
Head, Office for the London Convention/Protocol and Ocean Affairs



The London Convention and Protocol

One of the first international agreements to protect the marine environment from human activities

- The London Convention 1972 (LC)
 - In force since 1975
 - 87 Contracting Parties
- The London Protocol 1996 (LP)
 - Will eventually replace LC
 - In force since 2006
 - 47 Contracting Parties
- Administered by IMO



The London Convention and Protocol

- The **London Convention/Protocol** are global instruments regulating the disposal of wastes and other matter into the sea

Dumping is “any deliberate disposal into the sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures.”

- Applies to all marine areas (other than internal waters), sea-bed and subsoil thereof
- Provides for a mandatory process for assessing environmental impacts of wastes disposed at sea, control via system of permits and monitoring
- Waste prevention and seeking alternatives to dumping at sea is paramount

The London Convention and Protocol

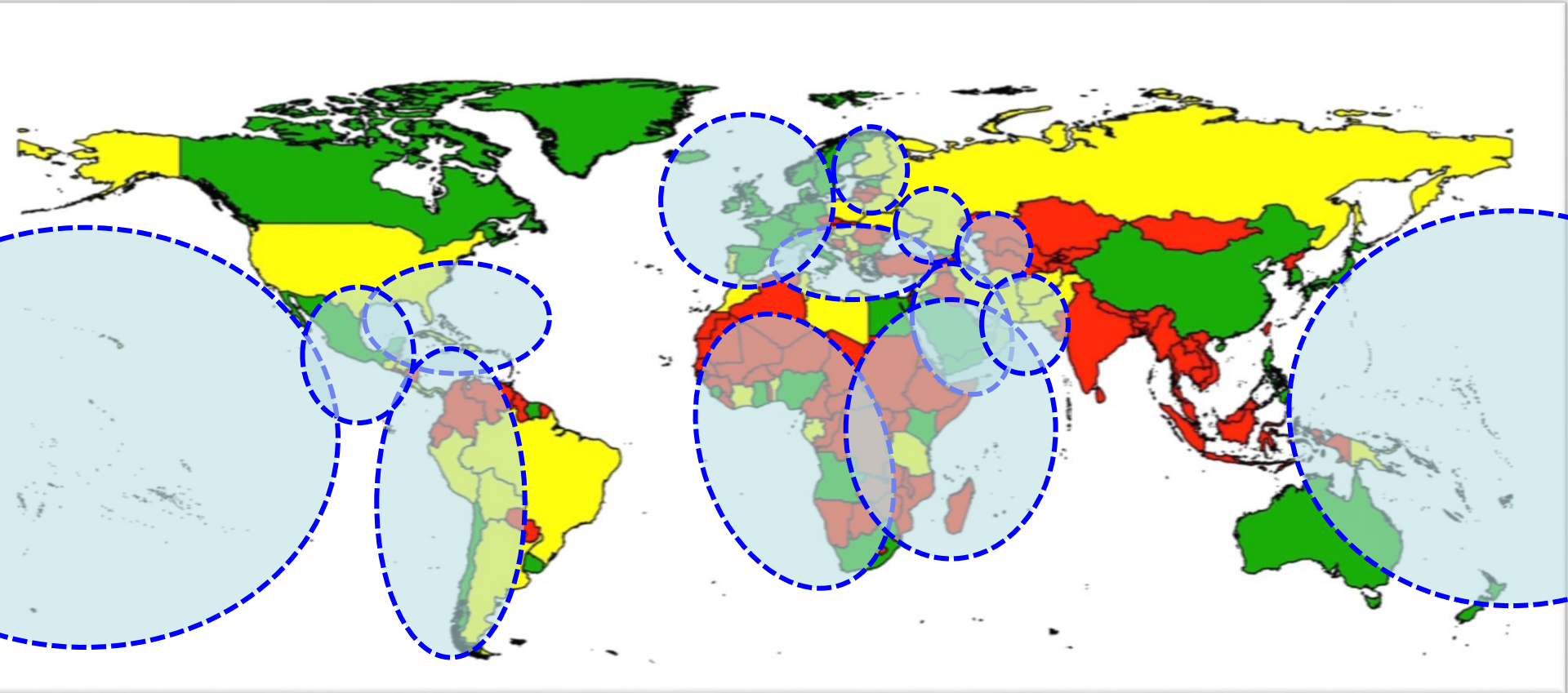
However, explicitly does not include:

- disposal or storage of wastes or other matters directly arising from or related to the exploration, exploitation and offshore processing **of sea-bed mineral** resources

But ..the objectives of LP are to:

- “protect and preserve the marine environment from all sources of pollution”
- “take effective measures,...to prevent, reduce and where practicable eliminate pollution caused by dumping or incineration at sea of wastes or other matter.”

The London Convention/Protocol—a global instruments – linked via multiple regional agreements



Going from LC to LP

- Under the LP, waste management went from **re-active** to **pro-active** and **precautionary**

Article 3

General obligations

1 In implementing this Protocol, Contracting Parties shall apply a precautionary approach to environmental protection from dumping of wastes or other matter whereby appropriate preventative measures are taken when there is reason to believe that wastes or other matter introduced into the marine environment are likely to cause harm even when there is no conclusive evidence to prove a causal relation between inputs and their effects.



The LP approach - considering alternatives

Protocol – Art 4.1.2

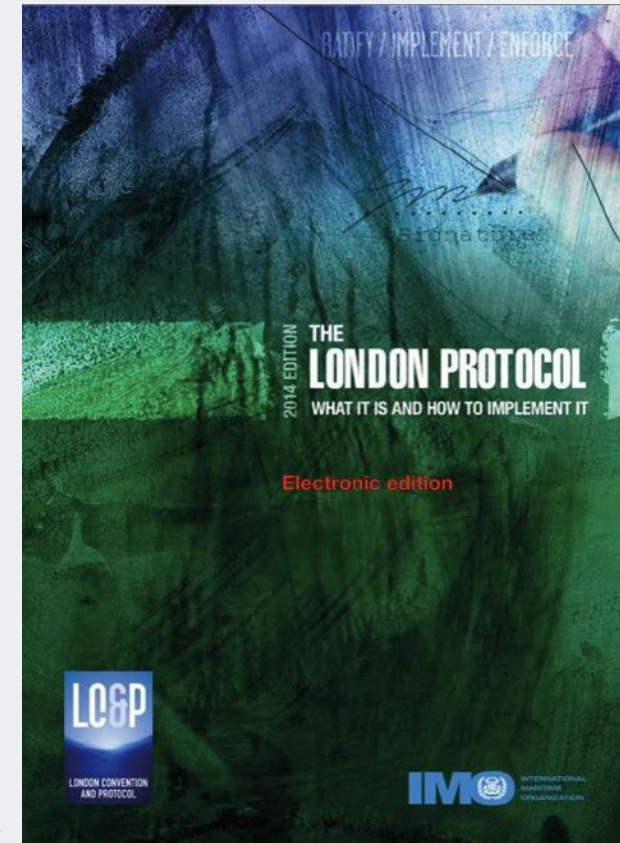
- “Particular attention shall be paid to opportunities to **avoid dumping in favour of environmentally preferable alternatives.**”

Protocol – Annex 2, paragraph 1

- “The acceptance of dumping under certain circumstances shall not remove the obligations to make further attempts to reduce the necessity for dumping.”

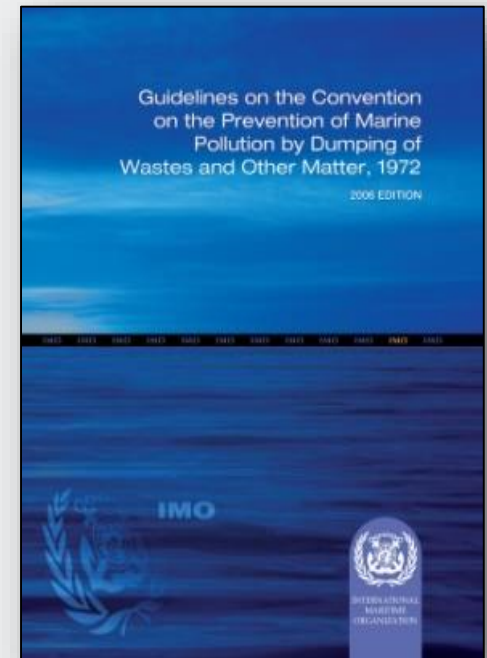
No transfer of environmental damage– Art 3.3

“....Parties shall act so as not to transfer, directly or indirectly, damage or likelihood of damage from one part of the environment to another (air, or soil) or transform one type of pollution into another.”



ACHIEVEMENTS

- Annex 2 – Assessment of wastes or other matter that may be considered for dumping.
- Specific waste assessment guidelines (WAGs) include a step-by-step assessment process for each waste category addressing:
 - Waste prevention audit
 - Waste management options
 - Waste characterization (chemical, physical, biological)
 - ‘Action List’ and ‘Action Levels’
 - Dump site selection
 - Assessment of potential effects
 - Compliance and field monitoring procedures
 - Permitting procedures

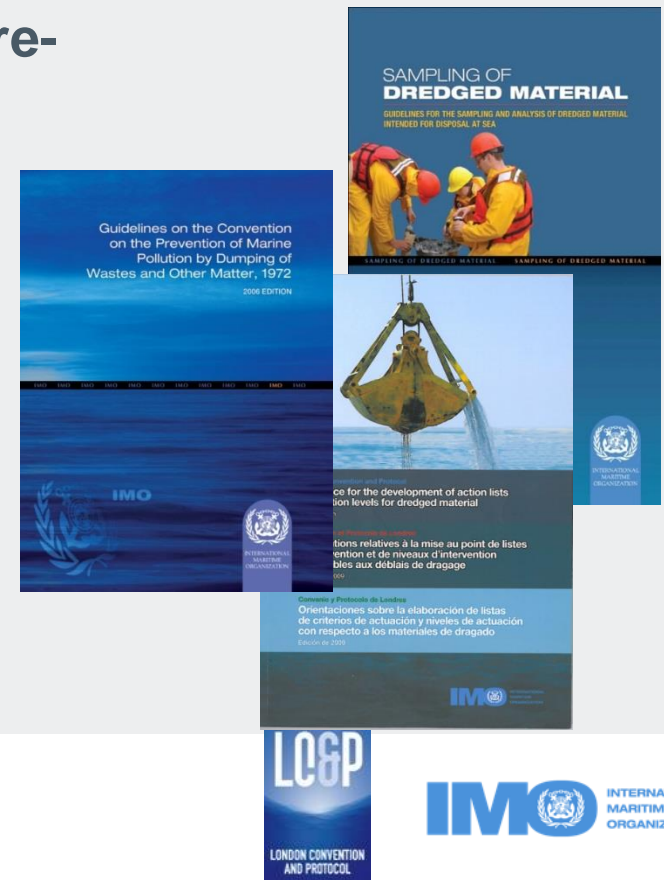


The LP advice

Guidance publications

Specific waste assessment

- Dredged material;
- Inert inorganic geological material and pre-screening guidelines



DISCUSSIONS UNDER LONDON CONVENTION/PROTOCOL - 2011

- Concern expressed regarding such sea-bed mining and the possible impact on the marine environment, particularly if ship-borne processing occurs that generated wastes that might be disposed at sea, away from the site of exploitation
- **Watching brief on these activities would be the best approach and advice could be given as necessary**

DISCUSSIONS UNDER LONDON CONVENTION/PROTOCOL - 2013

- Controls should ensure a level of protection from seabed mining activities at least equivalent to that applied to the protection of the marine environment from dumping activities under the London Convention and London Protocol.
- Fundamental differences in the levels of protection for the marine environment offered by the provisions of the ISA's Mining Code compared to those provided under the LC-LP for wastes under its purview
- **Secretariat to liaise with the ISA and other relevant organizations**

DISCUSSIONS UNDER LONDON CONVENTION/PROTOCOL - 2014

- General support for establishing an ongoing dialogue with ISA to inform about the work of LC/LP, in particular on the management of waste disposal in the marine environment and in the development of the environmental obligations in the ISA mineral exploitation code, which could include a formal arrangement with ISA if appropriate;
- Important to take stock of existing national and regional or other forms of legislation applicable to seabed mining in the EEZ to identify gaps and shortcomings in such regulations;
- Definition of dumping in the Protocol (or Convention) excluded exploration and exploitation of seabed mineral resources (LP article 1.4.3) and careful consideration would have to be given in the event of Parties wanting to amend the definition.

DISCUSSIONS UNDER LONDON CONVENTION/PROTOCOL - CURRENT

- 1 Initiated dialogue with ISA and exploring modalities of an arrangement to allow closer cooperation for future joint work;
- 2 contact LC and LP National focal points with a view to collecting information on regulations or best practices in deep seabed mining, for consideration by the Scientific Groups at their next joint session, and by the governing bodies; and
- 3 provide regular updates to the governing bodies on deep seabed mining activities, as appropriate.

Thank you for listening!

<http://londonprotocol.imo.org>

olcp@imo.org

