

DRAFT

**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 United Nations Legal Counsel, in a letter dated 29 May 2015, this contribution focuses on major

means for standardized and automated reporting;

improved reliability, resilience and integrity of bridge equipment and navigation information;

integration and presentation of available information in graphical displays received via communication equipment; and

The MSC approved an MSC Circular on Best Management Practices for Protection against Somalia Based Piracy, which calls on the BMP authors to amend the coordinates of the High Risk Area (HRA) in BMP 4 (promulgated as MSC.1/Circ.1339), following a proposal by Egypt to remove the Gulf of Suez and the Red Sea from the HRA definition. The circular notes that the HRA as defined in the BMP is susceptible to change based on changes in the actual threat circumstances.

Unsafe mixed migration by sea

(paragraphs 127-130 and 144-150 of UN General Assembly Resolution 69/245 refer)

A High-level Meeting to Address Unsafe Mixed Migration by Sea was hosted by IMO on 4-5 March 2015 to discuss concerted ways to address the high numbers of lives being lost at sea in unsafe craft, particularly in the Mediterranean Sea, on dangerous and unregulated sea passages. The aim of the meeting was to facilitate dialogue and promote enhanced cooperation and harmonization between United Nations agencies, international organizations, non-governmental organizations, Governments and the shipping industry.

Following the High-level meeting, the Legal Committee, at its 102nd session in April 2015, considered the issue of unsafe mixed migration by sea. The Committee decided to continue an intersessional discussion on the study of the current legal regime and gaps that needed to be addressed in order to remedy the drastic situation concerning migrants at sea.

In June 2015 the MSC, agreed to place "Unsafe mixed migration by sea" as an agenda item on the work programme of the Committee. The Committee recognised that urgent action was needed to prevent huge losses of life at sea given the forecast increase in unsafe mixed migration by sea, and stressed the need for the international community to make greater efforts to address unsafe migration through more safe and regular migration pathways, and taking action against criminal smugglers.

The MSC forwarded to the Facilitation Committee a proposal for a revised reporting format regarding

Goal-based standards

(paragraph 157 of UN General Assembly Resolution 69/245 refers)

The MSC, at its ninety-fifth session in June 2015, approved a work plan for continued work on goal-based standards safety level approach (GBS-SLA), over the next three sessions. Progress was also made during the session on developing the draft Interim guidelines for the application of the goal based standards safety-level approach.

The MSC approved the MSC.1/Circ.1394/Rev.1 on the Generic guidelines for developing IMO goal-based standards. The revised generic guidelines specify structure and contents of functional requirements to be used in goal-based standards as well as examples thereof in the appendix. The guidelines also describe the process for the development, verification, and implementation and monitoring of goal-based standards (GBS) to support regulatory development within IMO. GBS are defined as high-level standards and procedures that are to be met through regulations, rules and standards for ships. GBS are comprised of at least one goal, functional requirement(s) associated with that goal, and verification of conformity that rules/regulations meet the functional requirements including goals.

MARINE ENVIRONMENT

Ballast water management status and technologies reviewed

(paragraphs 173-175 of UN General Assembly Resolution 69/245 refer)

The Marine Environment Protection Committee (MEPC), at its sixty-eighth session in May 2015, reviewed the status of the International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention), 2004, which is close to receiving sufficient ratifications to meet the remaining entry into force criterion (tonnage). The number of Contracting Governments is currently 44, representing 86% of the world's gross tonnage. The BWM Convention will enter into force 12 months after the date on which not fewer than 30 States, the total gross tonnage of which is not less than 3% of the world's gross tonnage, have ratified it.

The MEPC followed-up on the resolution on *Measures to be taken to facilitate entry into force of the BWM Convention*, adopted at the previous session, also including the agreed review of the Guidelines for approval of ballast water management systems (G8) (a Correspondence Group was re-established to continue working on the review).

Early movers, i.e. ships which install ballast water management systems approved in accordance with the current Guidelines (G8), should not be penalized.

The MEPC also developed draft amendments to regulation B-3 of the BWM Convention to reflect Assembly resolution A.1088(28) on application of the Convention, with a view to approval at its next session (scheduled for April 2016) and consideration for adoption once the treaty enters into force. The draft amendments would provide an appropriate timeline for ships to comply with the ballast water performance standard set out

Data would be aggregated into an annual figure and reported by the shipowner/operator to the Administration (flag State) which would submit the data to IMO for inclusion in a database. Access to the database would be restricted to Member States only and data provided to Member States would be anonymized to the extent that the identification of a specific ship would not be possible.

Implementation of Guidelines on fair treatment encouraged

(paragraph 93 of UN General Assembly Resolution 69/245 refers)

The Legal Committee, in April 2015, encouraged Member States, who had not yet done so, to give effect to the 2006 *Guidelines on fair treatment of seafarers in the event of a maritime accident*, adopted jointly by IMO and the International Labour Organization (ILO).

The Committee concluded that further consideration was needed regarding the progressive removal of legislation targeting seafarers and imposing criminal sanctions on them. It was also highlighted that seafarers should be given greater training and awareness of their rights.

Promotion of the 2010 HNS Convention

assisting Contracting Parties to the London Protocol in considering whether and, if so, in what form and context, marine geoengineering activities of potential concern should be addressed.

The Meeting also agreed the arrangements for establishing a roster of international independent experts, intended to provide Parties with experts capable of advising on assessing marine geoengineering activities listed under annex 4 to the London Protocol, following amendments to the London Protocol which were adopted in 2013. Those 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. No acceptances have been received to date.

as any activity undertaken by humans with the principal intention of stimulating primary productivity in the oceans. 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.

25-year scientific review of all radioactive wastes and other radioactive mat(an)thedear 0154(oaB8 0 0 1

The aim of the workshop was primarily to increase the scientific understanding of the impact of the disposal of mine tailings at sea on the marine environment.

An IMO commissioned 2012 report noted that a total of 15 mines (i.e., 0.6%) out of approximately 2,500 large scale mines world-wide used marine or riverine disposal for mine tailings, under Government permits, and that a number of mines around the world are in the early stages of