

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

## **PRELIMINARY CONSIDERATIONS**

Pursuant to the request made by the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel, in a letter dated 13 January 2021, this contribution focuses on main developments on ocean issues and the law of the sea within the areas of competence of IMO between September 2020 and June 2021 (inclusive).

In particular, this report highlights the way in which General Assembly Resolution 75/239 on Oceans and the Law of the Sea has been implemented by referring to the relevant paragraphs of the resolution.

## **MARITIME SAFETY AND SECURITY**

### **REGULATORY SCOPING EXERCISE FOR THE USE OF MARITIME AUTONOMOUS SURFACE SHIPS (MASS)**

*(paragraphs 114-116 of the UN General Assembly Resolution 75/239 refer)*

The Maritime Safety Committee (MSC) finalized the process of assessing the applicability of IMO conventions to ships with varying degrees of autonomy and approved the outcome of the regulatory scoping exercise for the use of MASS at its 103rd session in May 2021 (MSC.1/Circ.1638).

The review of mandatory instruments under the purview of the MSC was conducted from May 2018 to May 2021. The MSC identified 4 degrees of autonomy: ship with automated processes and decision support, remotely controlled ship with seafarers on board, remotely controlled ship without seafarers on board, fully autonomous ship.

The mandatory instruments relate to safety (SOLAS); collision regulations (COLREG); loading and stability (Load Lines); training of seafarers and fishers (STCW, STCW-F); search and rescue (SAR); tonnage measurement (Tonnage); safe transport of containers (CSC); and special trade passenger ship instruments (SPACE STP, STP).

Due to time constraints related to a remote conduct of meetings, the Legal Committee, in December 2020, postponed its discussion on MASS, however the Committee will finalise the regulatory scoping exercise of conventions under its purview with regard to MASS in July 2021.

Furthermore, the Facilitation Committee continued with the review of the Facilitation Convention as part of the regulatory scoping exercise for the use of MASS, using the same process. The aim is to complete the review and analysis for consideration by the Facilitation Committee at its 46th session in 2022.

### **GOAL-BASED STANDARDS AND GOAL-BASED REGULATION DEVELOPMENT**

*(paragraphs 114-116 of the UN*



**MEASURES TO IMPROVE DOMESTIC FERRY SAFETY**

*(paragraphs 114 and 190 of the UN General Assembly Resolution 75/239 refer)*

MSC approved in principle the basic structure of framework Model Regulations on Domestic Ferry Safety, subject to ongoing review and noted that the provisions of the model regulations once adopted by the Committee in 2022 may be adapted by interested countries on a voluntary basis and directly incorporated into national law with assistance from IMO's International Maritime Law Institute, upon request. The overarching framework model regulations, which are primarily goal-based, highlight the obligations to be met, yet provide flexibility on how to meet them, while acknowledging indigenous solutions and experts. Upon approval of the model regulations, expected for 2022, the development of an explanatory manual will commence to assist countries in a better understanding and implementation of the model regulations.

The Committee endorsed the Bangkok Declaration on Enhancing Domestic Ferry Safety in Asia and the Pacific Region and the Development of Model Regulations on Domestic Ferry Safety, which inter alia provides the definition of a domestic ferry and was the outcome of the Expert Group Meeting on Improving Domestic Ferry Safety in Support of Safe Maritime

In addition, the Committee prepared a set of long-term solutions to enhance the safety of ships relating to the use of fuel oil and MSC 101 endorsed an action plan for measures to enhance the safety of ships relating to the use of oil fuel. Following the work plan, MSC 103 made good progress in developing relevant mandatory requirements relating to the reporting of cases where fuel suppliers do not meet SOLAS requirements and on action against such suppliers. Progress was also made on developing regulations for the documentation of the flashpoint of the actual fuel batch when bunkering. MSC 103 re-established a correspondence group to further develop, with a view towards finalization, draft SOLAS amendments; agreed to an updated work plan which foresees finalization of measures related to the flashpoint of fuel oil by MSC 105 and measures to enhance the safety of ships relating to the use of fuel oil by MSC 106, both scheduled for 2022.





## **ADDRESSING MARINE PLASTIC LITTER FROM SHIPS**

*(paragraphs 217 and 233 of the UN General Assembly Resolution 75/239 refer)*

Having recognized the ongoing problem of marine plastic pollution, as addressed in MARPOL Annex V, and that further consideration was required as part of a global solution within the framework of ocean governance, in pursuance of the target of Sustainable Development Goal 14 to prevent and significantly reduce marine pollution of all kinds by 2025, IMO continues to make progress on developing the actions agreed within the IMO Action Plan to Address Marine Plastic Litter from Ships (resolution MEPC.310(73)), through the MEPC and its subsidiary bodies. The aim of the IMO Action Plan is to enhance existing IMO regulations and introduce new supporting measures to reduce marine plastic litter from ships.

Concomitantly, the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP) has established the Working Group on sea-based sources of marine litter (GESAMP Working Group 43), co-sponsored by FAO and IMO, with additional support from UNEP. The overall objective of GESAMP Working Group 43 is to build a broader understanding of sea-based sources of marine litter, in particular from the shipping and fishing sectors, including the relative contribution of different sources, analysis of plastic use and management within both industries and the range and extent of impacts from sea-based sources of marine litter. The final report of the Working Group will be available in the second half of 2021 on [www.gesamp.org](http://www.gesamp.org).

## **CARGO RESIDUES AND TANK WASHINGS OF NOXIOUS LIQUID SUBSTANCES CLASSED AS PERSISTENT FLOATERS**

*(paragraph 240 of the UN General Assembly Resolution 75/239 refers)*

Amendments to MARPOL Annex II (resolution MEPC.315(74)) entered into force on 1 January 2021. These Amendments strengthen, in specified sea areas (Western European waters, North West European waters, Norwegian waters north of 62°N, and the Baltic Sea), discharge requirements applicable to chemical tankers in relation to cargo residues and tank washings containing persistent floating products with a high-viscosity and/or a high melting point that can solidify under certain conditions (e.g. residues and tank washings of certain vegetable oil cargoes and of paraffin-like cargoes).

## **DUMPING OF WASTE AT SEA**

*(paragraphs 249-250 of the UN General Assembly Resolution 75/239 refer)*

The forty-second Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Convention) and the fifteenth Meeting of Contracting Parties to the 1996 Protocol to the London Convention, 1972 (London Protocol) were concurrently held by a combination of correspondence and a virtual session, from 5 October to 23 December 2020 (document LC 42/17).

The governing bodies considered the report of the forty-third meeting of the London Convention Scientific Group and the fourteenth meeting of the London Protocol Scientific Group, that were held concurrently by correspondence from 6 July to 18 September 2020. The report of the joint session of the Scientific Groups has been issued as document LC/SG 43/16.

**The Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP)**



thousands of seafarers could not leave their ships, be repatriated home, have crew changes or, in some instances, get urgent medical assistance. In addition, many seafarers have seen their contracts unilaterally terminated or have been quarantined on board ships or onshore often for more than 14 days, without getting paid.

In 2021, the numbers of seafarers requiring repatriation after finishing their contracts declined to around 200,000, as of April 2021, with a similar number waiting to join ships as part of a



