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Agenda item 74 (a)

Oceans and the law of the sea

Australia, Austria, Belgium, Brazil, Canada, Denmark, Finland, Greece, Guatemala, Iceland, India, Italy, Japan, Lithuania, Madagascar, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Slovenia, Spain, Sweden, Tuvalu and United Kingdom of Great Britain and Northern Ireland:

draft resolution

Oceans and the law of the sea

149. *Recalls* the resolution of the thirtieth Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (“the London Convention”) and the third Meeting of Contracting Parties to the London Protocol, held from 27 to 31 October 2008, on the regulation of ocean fertilization,⁶² in which the Contracting Parties agreed, inter alia, that the scope of the London Convention and Protocol includes ocean fertilization activities and that, given the present state of knowledge, ocean fertilization activities other than for legitimate scientific research should not be allowed, and that scientific research proposals should be assessed on a case-by case basis using an assessment framework to be developed by the scientific groups under the London Convention and Protocol, and also agreed that, to this end, such other activities should be considered as contrary to the aims of the London Convention and Protocol and should not currently qualify for any exemption from the definition of dumping in article III, paragraph 1 (b), of the London Convention and article 1, paragraph 4.2, of the London Protocol;

150. *Notes* the resolution of the thirty-second Consultative Meeting of Contracting Parties to the London Convention and the fifth Meeting of Contracting Parties to the London Protocol, held from 11 to 15 October 2010, on the Assessment Framework for Scientific Research Involving Ocean Fertilization;⁶³

151. *Recalls* decision IX/16 C adopted at the ninth meeting of the Conference of the Parties to the Convention on Biological Diversity,⁶⁴ in which the Conference of the Parties, inter alia, bearing in mind the ongoing scientific and legal analysis occurring under the auspices of the London Convention and Protocol requested parties and urged other Governments, in accordance with the precautionary approach, to ensure that ocean fertilization activities were not carried out until there was an adequate scientific basis on which to justify such activities, including an assessment of associated risks, and that a global, transparent and effective control

⁶² International Maritime Organization, document LC 30/16, annex 6, resolution LC-LP.1 (2008).

⁶³ Resolution LC-LP.2 (2010) of 14 October 2010.

⁶⁴ See UNEP/CBD/COP/9/29, annex I.

and regulatory mechanism was in place for those activities, with the exception of small-scale scientific research studies within coastal waters, and stated that such studies should be authorized only if justified by the need to gather specific scientific data, should be subject to a thorough prior assessment of the potential impacts of the research studies on the marine environment, should be strictly controlled and should not be used for generating and selling carbon offsets or for any other commercial purposes, and notes decision X/29⁶⁵ adopted at the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity, in which the Conference of the Parties requested parties to implement decision IX/16 C;

152. *Takes note* of the amendment to the London Protocol adopted by the fourth Meeting of Contracting Parties to the London Protocol, held in October 2009, to allow the export of carbon dioxide streams for disposal into sub-seabed geological formations;⁶⁶

⁶⁵ Decision on marine and coastal biological diversity adopted on 29 October 2010.

⁶⁶ Resolution LP.3(4) on the Amendment to Article 6 of the London Protocol, adopted on 30 October 2009.