

# Panel 3: Impacts on International Institutions and Actors

## London Protocol's Adaptability and Impact

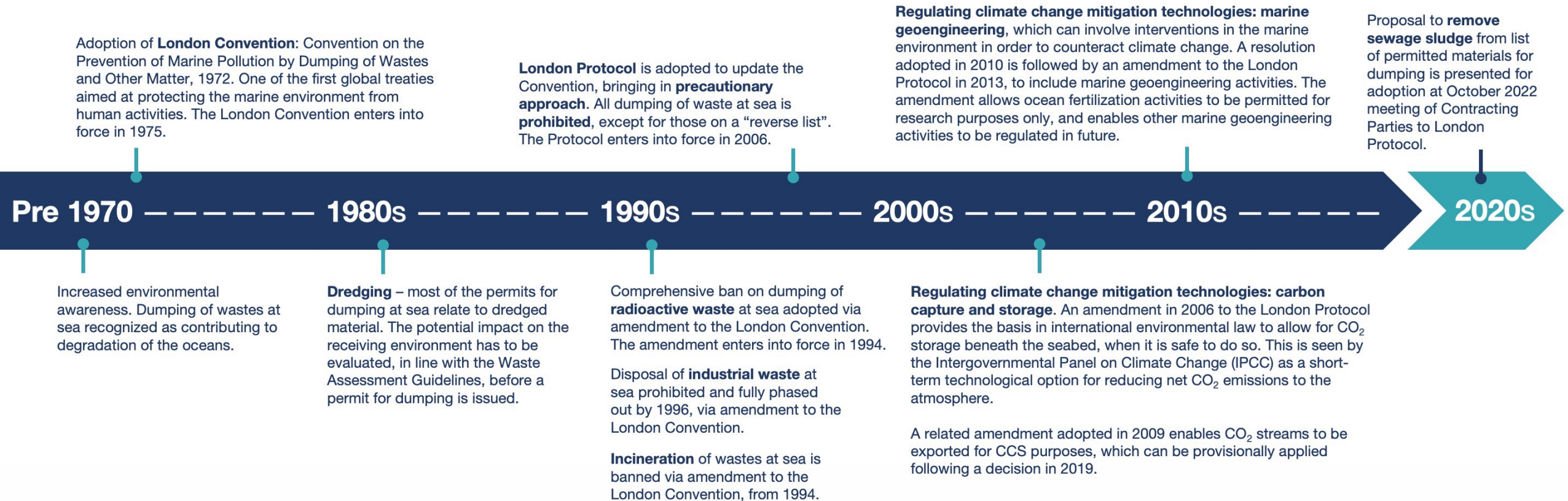
Dr David Santillo, Senior Scientist  
Greenpeace International

Greenpeace Research Laboratories  
at the University of Exeter, UK

[scienceunit.greenpeace.org](https://scienceunit.greenpeace.org)

# Fifty years of ocean protection

Major milestones since adoption of the London Convention in 1972 regulating dumping at sea



# Moving forward *up to* 50...

Over its 50 years, the LC has progressed from a relatively permissive regime for waste disposal at sea to one characterized by growth in...

1. Precaution, *e.g.* the triple ban (1993), the London (1996) Protocol, precautionary action on ocean fertilization, etc. **BUT its reach and visibility still limit its impact globally**
2. Membership, both LC and latterly LP (to 100 Parties in total), **BUT rate of new accessions and transition to the Protocol are still slow**
3. Participation of non-party states and, to an extent, observers, **BUT participation may decline again if and when hybrid meetings end**

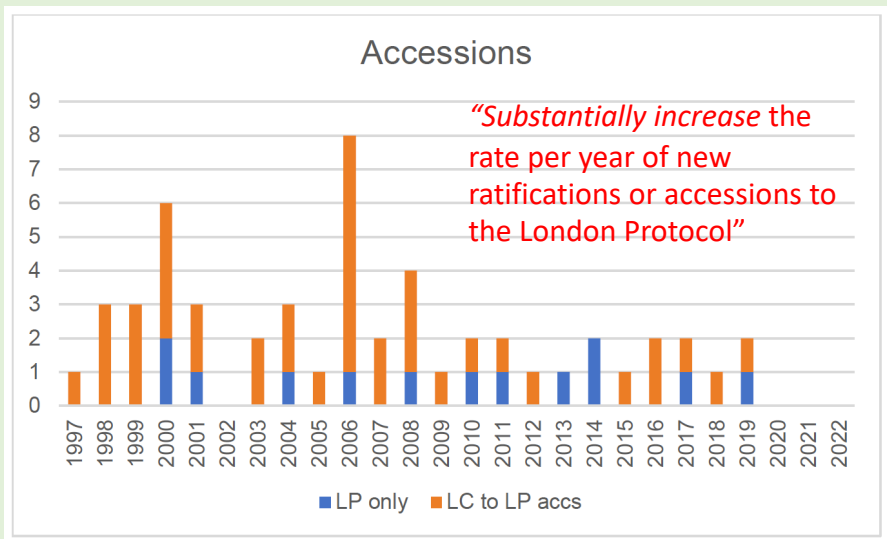
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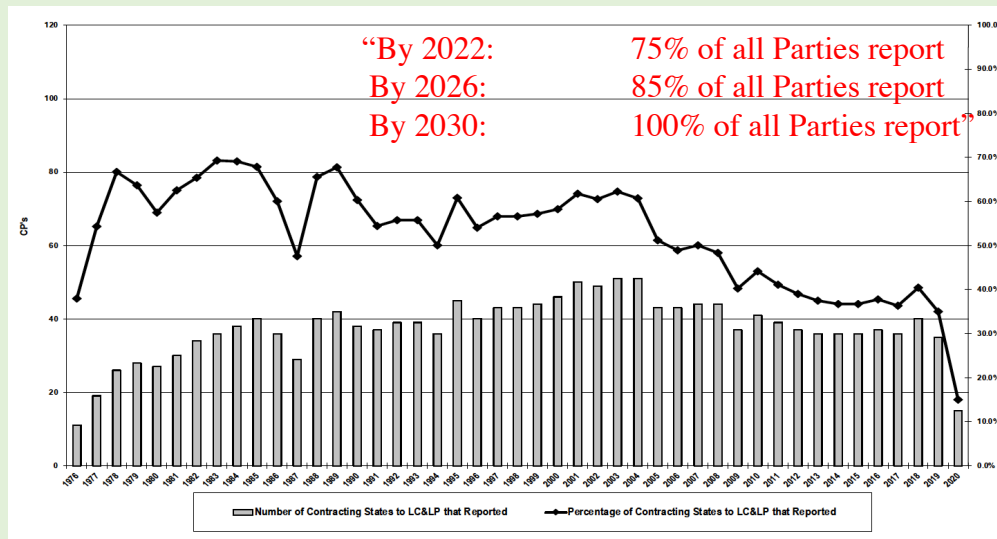
4. Scrutiny *e.g.* of annual reports on dumping permits issued, on monitoring & on compliance issues, **BUT persistent low rates of reporting combined with limits to detail inevitably limit review**
5. Adaptability to emerging issues, including implications of strategies to address climate change, plastics & microplastics and boundary issues on mining wastes, space vehicle launches, etc. **BUT full credibility on these issues depends on getting the basics right**
6. Scope...? **Well, maybe in the next 50...**

# 1<sup>st</sup> review of 2017 Strategic Plan for the LP & LC (2022)

## STRATEGIC DIRECTION (SD) 1: PROMOTE RATIFICATION OF OR ACCESSION TO THE LONDON PROTOCOL

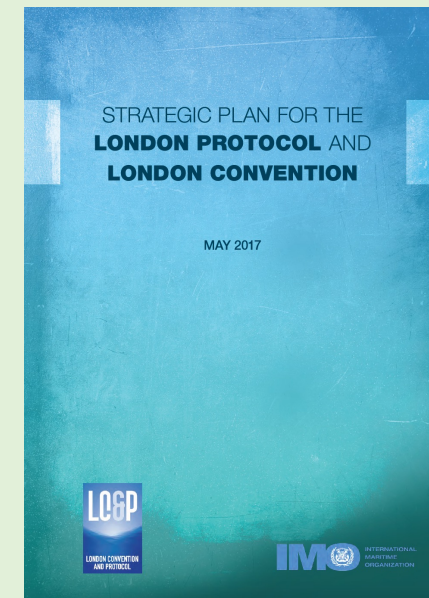


## SD 2: ENHANCE EFFECTIVE IMPLEMENTATION OF THE LONDON PROTOCOL AND LONDON CONVENTION



## SD 3: PROMOTE THE WORK OF THE LONDON PROTOCOL AND LONDON CONVENTION EXTERNALLY

## SD 4: IDENTIFY AND ADDRESS EMERGING ISSUES WITHIN THE SCOPE OF THE LONDON PROTOCOL AND/OR LONDON CONVENTION



## SD 4: IDENTIFY AND ADDRESS EMERGING ISSUES IN THE MARINE ENVIRONMENT WITHIN THE SCOPE OF THE LONDON PROTOCOL AND/OR LONDON CONVENTION

2007 - Statement of Concern on Ocean Iron Fertilization agreed by the Scientific Groups (and endorsed by the Governing Bodies)

2008 – adoption of Resolution LC-LP.1 stating that ocean fertilization activities fall within the purview of LC/LP and that ocean fertilization activities other than legitimate scientific research should not be allowed.

2010 – adoption of Resolution LC-LP.2 on the "Assessment Framework for Scientific Research involving Ocean Fertilization"

2013 – amendment of the London Protocol to further regulate ocean fertilization and enable future regulation of marine geoengineering techniques giving cause for concern

2019 – GESAMP WG 41 publishes “High Level Review of a Wide Range of Proposed Marine Geoengineering Techniques”

2022 – Governing Bodies issue Statement on Marine Geoengineering identifying four more priorities “to evaluate options for appropriate action, including regulation, within the scope of LP/LC”.

### MARINE GEOENGINEERING AND OCEAN FERTILIZATION

The LP defines “marine geoengineering” 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.”

Ocean fertilization is one such technique. It includes any activity undertaken by people with the principal intention of stimulating ocean primary production (increase in phytoplankton biomass).

#### *Regulating research*

In 2008, following concerns over commercial ocean fertilization activities, the Parties to the LP/LC adopted a further resolution that ocean fertilization activities other than legitimate scientific research should be considered contrary to the aims of both instruments, and should not be allowed.

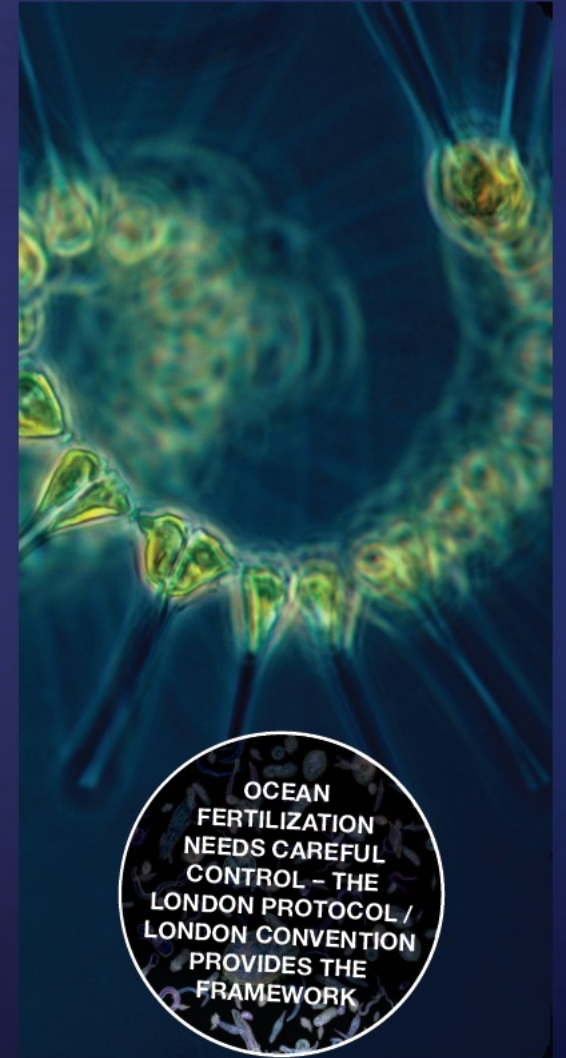
In 2010, LP/LC Parties adopted a resolution which provides detailed guidance on how to assess proposals for ocean fertilization research and how to complete an environmental assessment, including risk management and monitoring.

In 2013, the LP was amended to further regulate ocean fertilization. This will, when in force, provide a legally binding mechanism to regulate the placement of matter for ocean fertilization, while also “future-proofing” the LP to enable regulation of other marine geoengineering activities that fall within its scope and have the potential to cause widespread, long-lasting or severe impacts on the marine environment.

The LP provides a global, transparent and effective regulatory and control mechanism for ocean fertilization activities, and other activities that fall within its scope and that have the potential to cause harm to the marine environment.

#### *Awaiting ratification, acceptance, approval, or accession*

The amendments to regulate marine geoengineering under the LP are not yet in force and need to be formally accepted by two-thirds of the Contracting Parties to the LP.



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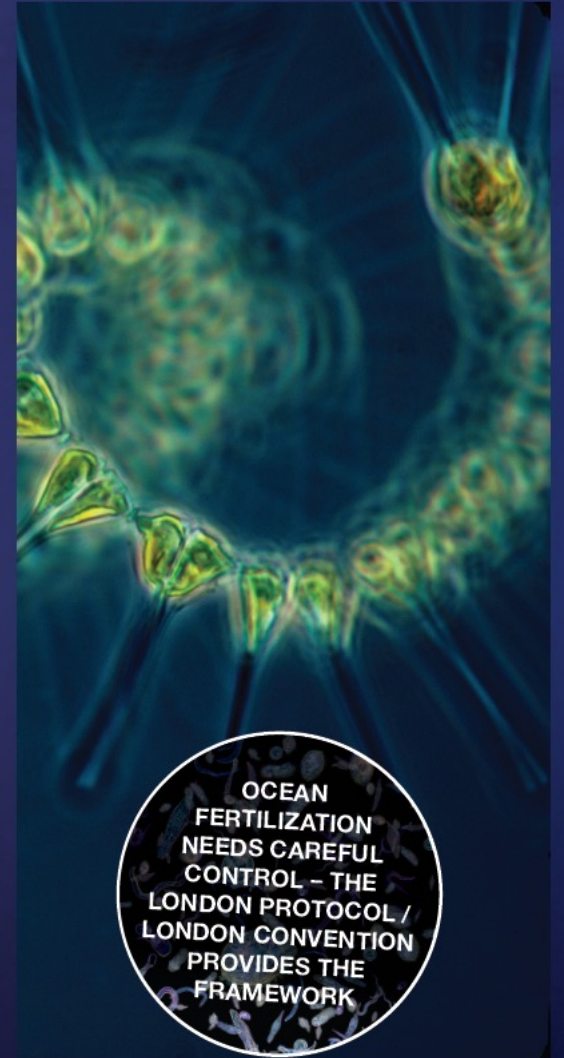
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2008 – adoption of Resolution LC-LP.1 stating that ocean fertilization activities should be regulated by the London Convention and the London Protocol.  
**“Together, these resolutions apply to all LC Contracting Parties and continue to apply to LP Contracting Parties, pending the entry into force of the 2013 amendment to LP.”**

2013 – amendment of the London Protocol to further regulate ocean fertilization and other marine geoengineering techniques giving cause for concern  
**NOT YET IN FORCE... BUT...**

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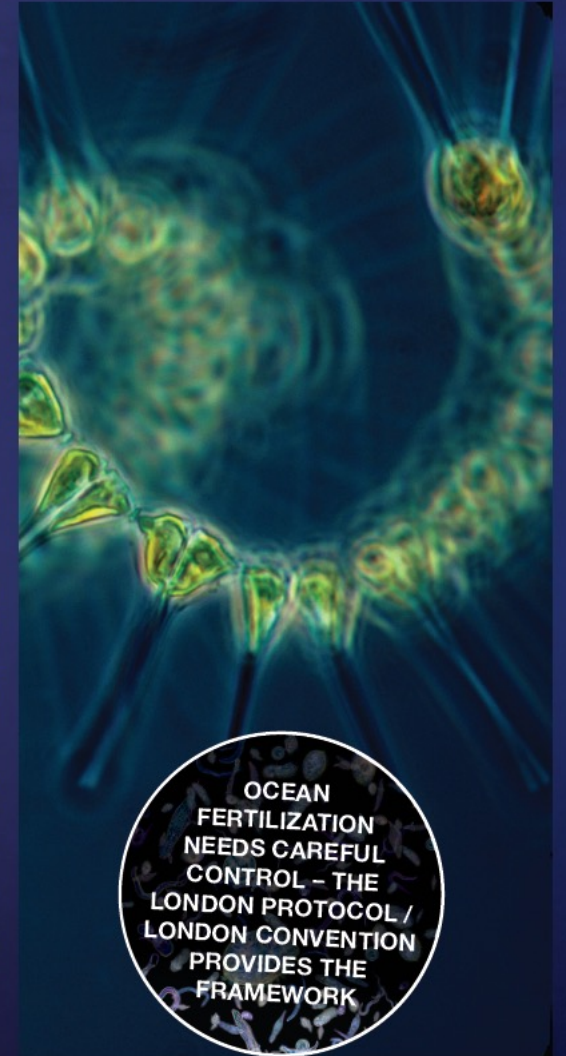
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# Other “emerging issues” to assess (& address...?)

...often in cooperation with IMO bodies, other UN agencies, regional seas programmes, other organisations...

- Marine litter and microplastics in wastes of relevance to the LC-LP
- Disposal of fibreglass (fibre-reinforced plastic or FRP) vessels
- Deposition of materials jettisoned during the launch of space vehicles
- Disposal of wastes and other matter in the marine environment from mining operations, including marine mineral mining
- Chemical and conventional munitions dumped at sea
- Underwater noise
- Beneficial use of waste or other materials



(Source: StoryStock Images <https://www.storystock.com/stock-image>)



# Strengths of the LC-LP – what works well?

- Long experience, over 50 years and counting
- Progress on core issues, giving space to identify and examine emerging threats
- The Scientific Groups, providing advice and wider connections into research
- Long-standing focus on developing and simplifying guidance and on helping overcome barriers to compliance and implementation (not always successful, but...)
- Ambition to look upstream for solutions, working in partnership where necessary
- Pursuit of consensus through common ambition wherever possible (and in contrast, votes on CCS amendments were divisive and remain contentious)
- Open and direct discussions, focused on resolving points of agreement and difference
- Observers can participate (and are heard) in meetings of the SG & Governing Bodies, incl. all working groups, correspondence groups and drafting groups, whether technical or legal
- Despite long experience, still the energy to keep developing and looking ahead

# Where next...? Land-based sources of marine pollution...?

## Legal advice on the application of the London Protocol (2022)

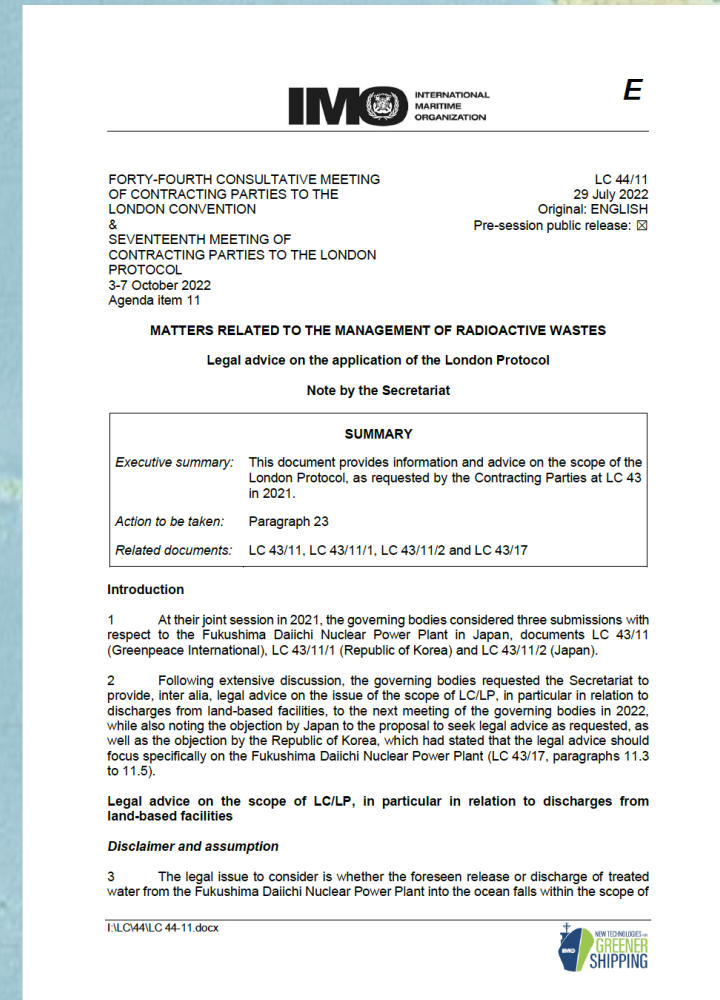
“UNCLOS...contemplates the discharge from pipelines and requires States to adopt laws and regulations to prevent, reduce and control pollution of the marine environment from land-based sources...”

“**However, no international instrument currently covers that pollution.**”

“LC/LP is not limited in its remit to the confines of the IMO Convention, that, under Article 1, only limits activities of IMO to pollution from ships.”

“**Therefore, nothing would prevent the Contracting Parties to the London Convention/London Protocol from adopting a new instrument covering land-based dumping into the sea and thereby filling a space currently unoccupied by other instruments.**”

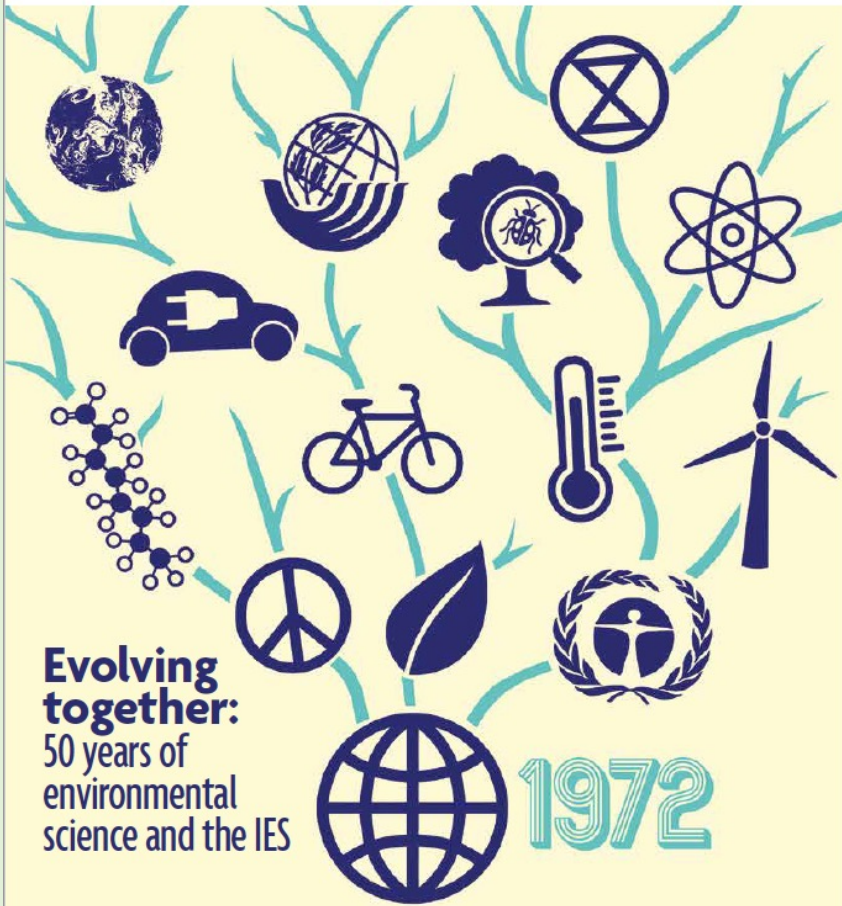
# Perhaps the challenge for the start of the next 50 years...?



# environmental SCIENTIST



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Journal of the Institution  
of Environmental Sciences



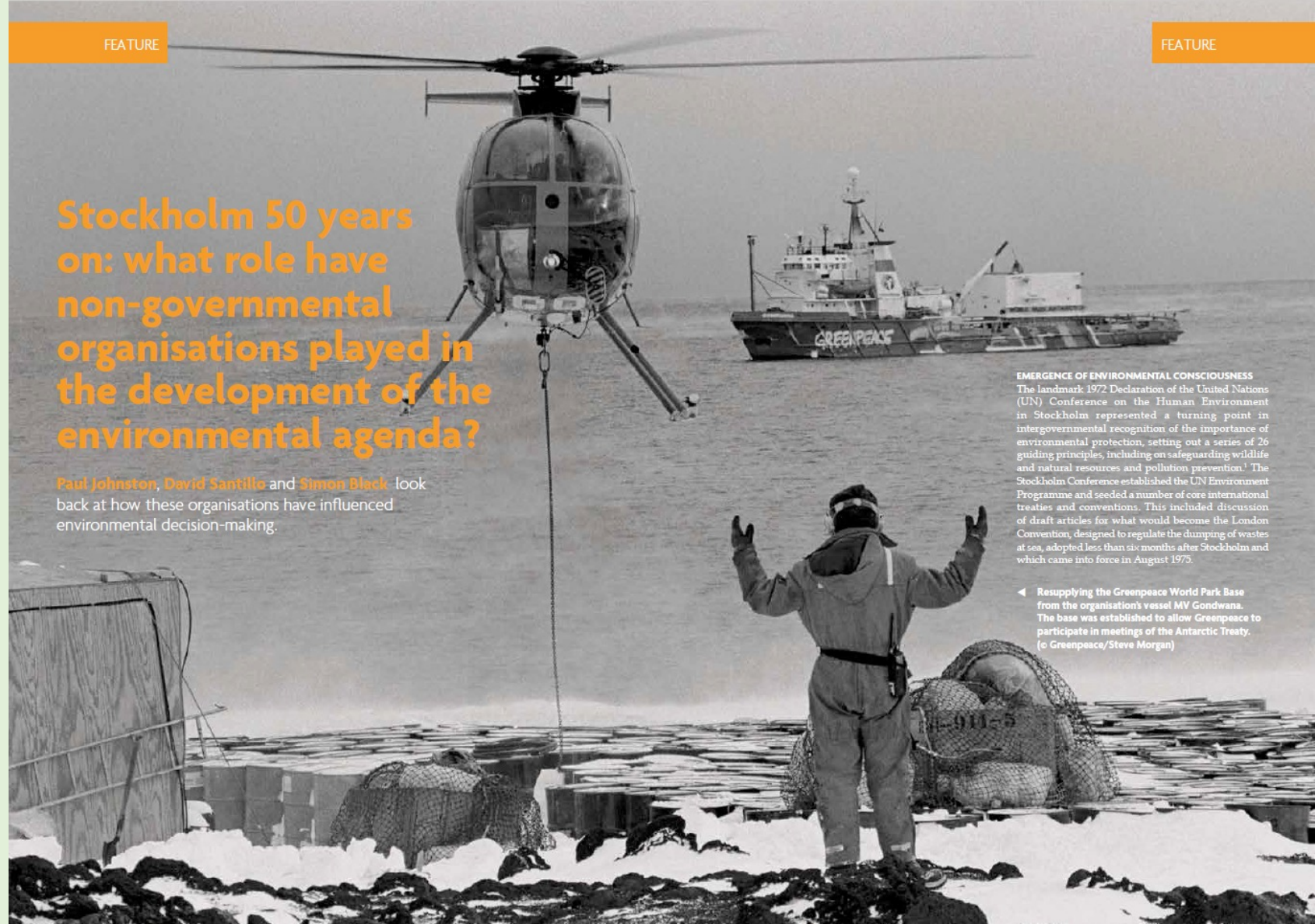
11th October 2022

FEATURE

## Stockholm 50 years on: what role have non-governmental organisations played in the development of the environmental agenda?

Paul Johnston, David Santillo and Simon Black look back at how these organisations have influenced environmental decision-making.

FEATURE



**EMERGENCE OF ENVIRONMENTAL CONSCIOUSNESS**  
The landmark 1972 Declaration of the United Nations (UN) Conference on the Human Environment in Stockholm represented a turning point in intergovernmental recognition of the importance of environmental protection, setting out a series of 26 guiding principles, including on safeguarding wildlife and natural resources and pollution prevention<sup>1</sup>. The Stockholm Conference established the UN Environment Programme and seeded a number of core international treaties and conventions. This included discussion of draft articles for what would become the London Convention, designed to regulate the dumping of wastes at sea, adopted less than six months after Stockholm and which came into force in August 1973.

◀ Resupplying the Greenpeace World Park Base from the organisation's vessel MV Gondwana. The base was established to allow Greenpeace to participate in meetings of the Antarctic Treaty. (© Greenpeace/Steve Morgan)

<https://www.the-ies.org/resources/evolving-together-50-years>