

6. DUMPING OF WASTE AT SEA (LC/LP)

Summary of role: *The 1972 London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter and its 1996 Protocol (LC/LP) promote effective control and prevention of pollution of the sea by dumping of waste and other matter. Given this mandate, LC/LP also addresses the dumping of plastic waste generated on land or offshore into the ocean.*

Summary of recommendations and work status: *Dumping of plastic waste at sea is prohibited under the LC/LP. Additionally, the governing bodies of LC/LP adopted a statement encouraging action to combat marine litter including through the identification and control of marine litter at source and to encourage monitoring, additional study and knowledge-sharing. An inventory on the workstreams carried out under the bodies of LC/LP on the issue of marine litter and microplastics is being developed.*

Keywords/research fields: *London Convention/Protocol (LC/LP); function and mandate; provisions on plastics and ongoing work on marine plastic; persistent plastics and other persistent synthetic materials; dumping at sea; assessment of wastes proposed for disposal at sea; ongoing work; presence of plastics in the waste streams; recommendation to encourage action to combat marine litter; marine litter; microplastics*

6.1 Function and mandate

The objective of the 1972 London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter and its 1996 Protocol (LC/LP) is to promote the effective control of all sources of marine pollution and to take all practicable steps to prevent pollution of the sea by dumping of wastes and other matter. The LC follows a 'black list/grey list' approach: Annex 1 (black list) contains materials which are prohibited from dumping at sea, while Annex 2 (grey list) contains those that require special permits to be dumped at sea. The LP follows a 'reverse list' approach in that it prohibits the dumping of all materials unless they are explicitly permitted. The LC/LP does not apply to land-based pollution, except if it is loaded onto a vessel for the purpose of disposal at sea. The IMO provides the secretariat of the LC/LP but the meetings of the governing bodies are separate from the meetings of the MEPC. The LC/LP is administered separately from other IMO treaties (which are focused on commercial shipping).

The bodies of the LC/LP see themselves as a body for international dialogue on all issues related to dumping of wastes and other matter at sea. Among ASEAN member states, the Philippines is the only party to the LC/LP with Thailand expected to follow soon. However, the need to adopt regulation to prevent, reduce and control dumping at sea and to establish a permitting procedure to dispose of waste at sea is also an obligation under the United Nations Convention on the Law of the Sea (UNCLOS) and all states in ASEAN+3 (except Cambodia) are a party to UNCLOS. As the only international body competent to establish global standards on dumping is the LC/LP, the work of the LC/LP is relevant to all states in ASEAN+3, whether or not they are a party to the LC/LP.

6.2 Work on marine plastics

6.2.1 Mechanism under the Convention and the Protocol

Disposal of 'persistent plastics and other persistent synthetic materials' is prohibited under both the London Convention and its Protocol. However, there has been no further definition of substances that would qualify as 'persistent plastics and other persistent synthetic materials' under the Convention and its Protocol.

In the situation where 'persistent plastics and other persistent synthetic materials' is not the waste stream being envisaged, but where another waste stream (such as dredge sludge, or seaweed) is considered for sea disposal which contains 'persistent plastics and other persistent synthetic materials', the question can be seen differently. In this case, the disposal of plastic at sea is incidental to the main disposal of another waste, and the point at which it would be considered as contaminated is a question that arises.

While dredge sludge and organic matter can be considered for disposal, they require a prior general permit to be granted after an assessment of the waste proposed for disposal. The Guidelines adopted by the governing bodies of the LC/LP for the Assessment of Wastes Proposed for Disposal at Sea includes an eight-step procedure: (i) waste characterization; (ii) waste prevention audit and waste management options; (iii) action list; (iv) selection of dump-site; (v) impact hypothesis; (vi) permit decision; (vii) permitting system; and (viii) monitoring of compliance and impact.

It is in particular in step 3 that the presence of plastic in the waste stream can be addressed. The 'action list' (step 3) is a mechanism for screening candidate wastes and their constituents on the basis of their potential effects on human health and the marine environment. Substances selected for consideration in an action list are expected to be those that are toxic, persistent and bio-accumulative such as plastics and associated contaminants. In the context of disposal of dredged material, this step typically involves action levels to be established as decision rules that identify dredged material that may be disposed with minimum adverse risk. While such action levels have been adopted in national laws and policies, there is no adopted standard under the LC/LP. There is therefore no clear guidance on the point at which the presence of plastic material in a waste stream would prevent its disposal at sea under the LC/LP.

6.2.2 Ongoing work

In 2014, the Scientific Groups of the LC/LP agreed on a review of marine litter from waste streams that still needed to be addressed, with a target date of 2015. As a consequence, the Groups agreed that it would be beneficial to perform an initial review of marine litter in dredged material, sewage sludge and industrial discharges.

Given its scope, the LC/LP applies to marine plastics regulated under the waste streams covered by the LC/LP. The governing bodies therefore requested a study to review the current state of knowledge and information gaps with regards litter, specifically plastics, in relation to wastes regulated under the LC/LP. The report was prepared by GESAMP and adopted by the LC/LP in 2015. It also discusses areas for further study in order to improve the understanding of the scale, nature and effects of plastics

in sediments and sewage, and options for their reduction and/or removal. (Review of the Current State of Knowledge Regarding Marine Litter in Wastes Dumped at Sea (under the LC/LP), 2016. Available: [http://www.imo.org/en/OurWork/Environment/LCLP/newandemergingissues/Documents/Marine litter review for publication April 2016_final_ebook_version.pdf](http://www.imo.org/en/OurWork/Environment/LCLP/newandemergingissues/Documents/Marine%20litter%20review%20for%20publication%20April%202016%20final%20ebook%20version.pdf))

In 2016, the governing bodies of the LC/LP adopted a statement to encourage action to combat litter titled 'Recommendation to encourage action to combat marine litter' which is based on Rio+20. It expresses concern around the issue of plastic litter and microplastics in the marine environment; encourages member states to make every effort to combat marine litter, including through the identification and control of marine litter at source; and encourages monitoring, additional study and knowledge-sharing on this issue.

The Scientific Group and Conference of Parties (COP) of the LC/LP are still investigating the issue. They are also developing an inventory of the work carried out by the LC/LP bodies on the issue of marine litter and microplastics, including a bibliography. Specific issues of particular ongoing interest for these bodies include:

- Developing methods to enable routine, reliable monitoring, assessment and reporting of plastics and microplastic contaminant levels in waste streams disposed at sea as soon as possible;
- Plastics and microplastics in sewage sludge and dredged materials, sampling and analytical protocols and relationship between concentrations and effects;
- End-of-life management of fibre-reinforced plastic (FRP) vessels (<http://www.imo.org/en/OurWork/Environment/LCLP/newandemergingissues/Documents/Fibre%20Reinforced%20Plastics%20final%20report.pdf>)
- Hull scraping and marine coating as source of microplastics (<http://www.imo.org/en/OurWork/Environment/LCLP/newandemergingissues/Documents/Hull%20Scrapings%20final%20report.pdf>)

The Scientific Group of the LC/LP met in March 2019 and the next meeting, which was initially scheduled for March 2020 could not be held due to the Covid-19 crisis. The Governing bodies are scheduled to meet on 28 September 2020.

6.3 Status of adoption

Table 1.3.6.1. Status of adoption of the London Convention and its Protocol in ASEAN+3.

Legend: Red: no adoption; Green: adoption.

Instruments	Status of Adoption												
	BRN	KHM	CHN	IND	JAP	KOR	LAO	MYS	MYN	PHL	SGP	THA	VNM
London Convention	Red	Red	Green	Red	Green	Green	Red	Red	Red	Green	Red	Red	Red
London Protocol	Red	Red	Green	Red	Green	Green	Red	Red	Red	Green	Red	Red	Red

Whilst the status of adoption of these instruments is low in ASEAN+3, the LC/LP COP is the competent organisation under UNCLOS for the adoption of global rules, standards and recommended practices and procedure on pollution by dumping. Furthermore, under UNCLOS, states shall adopt laws and regulations that are no less effective in preventing, reducing and controlling pollution than the global rules and standards. All ASEAN+3 states are therefore expected to take into account the work of the LC/LP, including on pollution from marine plastics when developing their own domestic measures.