

## Legal worries are unnecessary roadblocks for climate action at the IMO

*The road to progressive shipping climate policy at the International Maritime Organization ultimately comes down to political will*

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Agreeing climate measures at the IMO has been slow going, with the law thrown up as a regular roadblock. But according to Aoife O'Leary, International Climate director at the Environmental Defense Fund Europe and Michael Prehn, representative of the Solomon Islands to the IMO, legal worries are not a barrier to urgent climate action



THE ROAD TO PROGRESSIVE SHIPPING CLIMATE POLICY AT THE IMO COMES DOWN TO POLITICAL WILL.

FOR those who work within or around the International Maritime Organization, it is well known that IMO member states have been slow to act on reducing shipping emissions.

These delays waste time right when the shipping sector needs to move quickly to adopt meaningful measures to climate-proof itself.

Some argue these delays are nothing more than a divisionary tactic or a scapegoat for a member's true reason to reject a climate measure.

One of these scapegoats that emerge in climate discussions is the law, with some members saying the IMO has no legal basis with which to implement new climate measures and that emission reduction measures are not in line with current IMO legislation.

This, in fact, is not the case.

Measures to reduce shipping sector emissions are in line with current IMO legislation.

As shown in an analysis by the Environmental Defense Fund and the Sabin Center for Climate Change Law and Columbia Law School, any type of measure can be implemented as long as it meets the aims of the IMO Convention.

And now that analysis has formed the basis of several submissions by Belgium, the Marshall Islands and the Solomon Islands to the IMO's Marine Environment Protection Committee.

While the IMO Convention does not explicitly aim to reduce greenhouse gases (GHGs) emanating from the shipping sector, Article 1, which sets out the purpose of the IMO, includes the "prevention and control of marine pollution from ships" as one of the IMO's aims.

As the type pollution is not limited, this provision provides a clear pathway for GHGs to be the focus of a measure and therefore can be enacted by the IMO.

The IMO has accepted this view in the resolution MEPC.304(72) adopted on April 13, 2018, on an Initial IMO Strategy on Reduction of GHG Emissions from Ships.

The legal analyses find that there are no legal limits placed on the type of measure (e.g. a carbon price) that the IMO can introduce. Measures can both relate to climate and be of any type.

Once we remove the legal roadblocks, the road to progressive shipping climate policy at the IMO comes down to political will.

If the will to take immediate climate action manifests in IMO negotiations, the quickest method through which to enact a measure is via a tacit amendment to the International Convention for the Prevention of Pollution from Ships (Marpol), as outlined in the submissions. A tacit amendment is when a measure is accepted unless countries vote against it.

The shipping sector needs to do its part to address its climate emissions, or risk getting stuck with investments into dirty ships and fuels that have no place in a rapidly decarbonising world.

To unlock the climate progress needed from shipping, and the vast troves of investments to decarbonise the sector, we need to see more of the political will, starting with the next MEPC meetings, to agree on ambitious climate measures now.

The IMO has the legislative green light to take climate action, and as the analysis shows, Member states shouldn't let shipping's climate progress get stuck behind legal roadblocks.

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