

# IMO CONVENTIONS: EFFECTIVE IMPLEMENTATION

IMO WORLD MARITIME DAY 2014



**INTERNATIONAL CHAMBER OF SHIPPING (ICS)**

*Representing the Global Shipping Industry*

# IMO CONVENTIONS: EFFECTIVE IMPLEMENTATION

THE THEME ADOPTED FOR INTERNATIONAL MARITIME ORGANIZATION (IMO) WORLD MARITIME DAY 2014 IS 'IMO CONVENTIONS: EFFECTIVE IMPLEMENTATION', AN INITIATIVE SUPPORTED WHOLEHEARTEDLY BY ICS.



# THE IMPLEMENTATION CHALLENGE

One of the principal functions of the International Chamber of Shipping (ICS) is to represent the shipping industry's views in the various IMO committees as new regulations are developed. But the adoption of IMO Conventions by Diplomatic Conferences is only part of the story. IMO Conventions can only come into force if they are taken forward for ratification once government officials get home after Diplomatic Conferences. IMO Conventions need to be ratified by governments, and then implemented and enforced in practice.

## THE IMPORTANCE OF EFFECTIVE IMPLEMENTATION

In order to operate efficiently, the international shipping industry depends on the global regulatory framework provided by IMO and the effective implementation of IMO Conventions. The alternative would be chaos and market distortion, as well as inferior levels of safety and environmental protection.

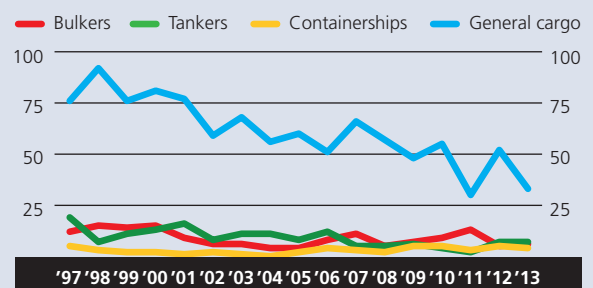
One of the impressive features of IMO regulations is that once they enter into force they are genuinely applied to ships on a global basis through a combination of flag state inspections and Port State Control. The highly practical nature of IMO instruments, with their precise technical standards and specifications, is key to their successful implementation, as is the widespread support that IMO enjoys from the industry itself.

Dramatic improvements in the industry's recent performance are in large part due to the successful implementation of IMO Conventions. For example, there are clear correlations between the implementation of the International Safety Management (ISM) Code, the 1995 revisions to the Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) and the subsequent reduction in the number of serious maritime casualties, lives lost at sea and pollution incidents (see graphs).

In those regions of the world where the vast majority of maritime trade takes place, it is now extremely difficult for sub-standard ships to operate without detection and sanctions. This is viewed by the shipping industry as a positive development: any tolerance of sub-standard operators provides unfair commercial advantages and damages the industry's reputation.

### MARITIME CASUALTIES

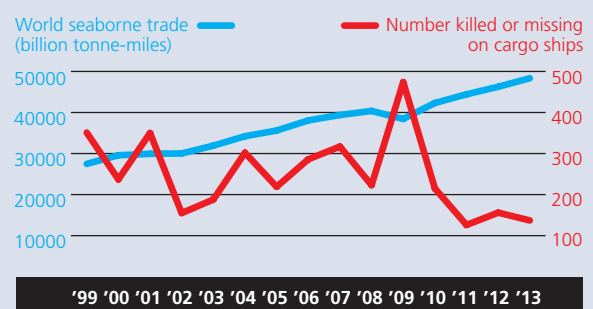
Number of total losses (vessels over 500 tonnes)



Source: IUMI

### LIVES LOST ON BOARD

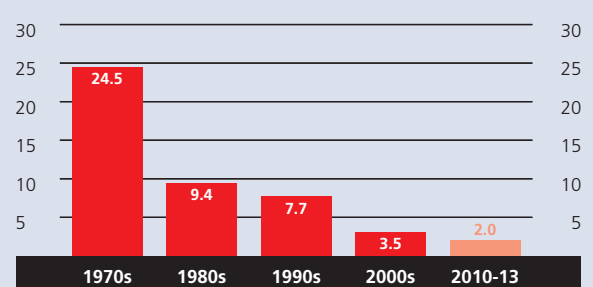
Number killed or missing on cargo ships / world seaborne trade



Source: IHS Maritime/Clarksons

### REDUCTION IN MAJOR OIL SPILLS

Average number of major oil spills per year (over 700 tonnes)



Source: ITOPF



# TOWARDS THE EFFECTIVE IMPLEMENTATION

## RATIFICATION OF IMO INSTRUMENTS

The precursor to effective implementation is the ratification of IMO instruments. For many years, ICS and its member national shipowners' associations have been engaged in a campaign to promote the ratification of those new IMO Conventions which the industry believes need to be ratified as a matter of priority. This is particularly the case if there is a danger that the vacuum might be filled by unilateral or regional regulation at variance to what has been agreed internationally.

Since 2013, ICS has been joined in this campaign by the Comité Maritime International (CMI), the international association for maritime lawyers. CMI national maritime law associations and ICS national shipowners' associations have since been making joint representations to governments, encouraging the ratification of IMO Conventions as outlined in a joint campaign brochure (available to download via the ICS website).

### IMO CONVENTIONS HIGHLIGHTED BY ICS/CMI RATIFICATION CAMPAIGN

**Protocol of 1997 to MARPOL (Annex VI – Prevention of Air Pollution from Ships)**

**International Convention for the Safe and Environmentally Sound Recycling of Ships (Hong Kong), 2009**

**Convention on Facilitation of International Maritime Traffic (FAL), 1965**

**Protocol of 1996 to the Convention on Limitation of Liability for Maritime Claims (LLMC), 1976**

**Protocol of 2002 to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea (PAL), 1974**

**International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS), 1996, and Protocol of 2010**



# OF IMO CONVENTIONS

## FLAG STATE ENFORCEMENT AND PORT STATE CONTROL

IMO regulations are implemented and applied to ships on a global basis through a combination of flag state enforcement and Port State Control. In order to assist member states in both respects, IMO develops internationally agreed circulars on the interpretation of its regulations, including guidelines on different aspects of implementation. ICS is heavily involved with the development of such guidance.

IMO also plays an important role through its technical co-operation programme, designed to assist Member States (in their capacities as flag, port and coastal states), particularly those lacking technical knowledge and resources needed to effectively implement international regulations. ICS co-operates in these activities through its support to the World Maritime University in Malmö, and through participation in workshops in developing countries.

As an important further step towards the more effective global implementation of its Conventions, the IMO Assembly in December 2013 took the important step of deciding to make its Member State Audit Scheme mandatory. The IMO Assembly also adopted an IMO Instrument Implementation (III) Code, which will underpin the mandatory audit scheme.

In the interests of transparency, and notwithstanding sensitivities about matters of sovereignty, ICS believes that the results of the IMO audits should eventually be published.

As a minimum, information should be made available by IMO as to whether maritime administrations have actually put themselves forward for inspection. In the meantime, ICS has welcomed the practice of some regional Port State Control (PSC) authorities to request information from flag states as to whether the IMO audits have been conducted, including this in their criteria for targeting inspections.

ICS has also welcomed the full roll-out of new targeting systems by PSC authorities whereby ships that enjoy a good inspection record are less likely to be subject to frequent inspections so that resources can be focused on those vessels that are more likely to have deficiencies.

ICS maintains good relations with both the Paris (Europe and North Atlantic) and Tokyo (Asia-Pacific) MOUs on PSC. ICS has also been in dialogue with the MOU Secretariats with respect to details of enforcement of the ILO MLC (for which concentrated inspection campaigns are taking place in September 2014) and the way in which the Ballast Water Management Convention will be inspected once it enters into force.

One of ICS's current priorities is to seek clarification from regional Port State Control authorities as to the way in which the 0.1% sulphur in fuel requirements will be implemented in Emission Control Areas from January 2015.

## ICS SHIPPING INDUSTRY FLAG STATE PERFORMANCE TABLE

In the interests of promoting the effective implementation of IMO Conventions, and as a complement to the IMO Member State Audit Scheme, ICS publishes an annual Shipping Industry Flag State Performance Table. The ICS Table collates various data available in the public domain and can be downloaded from the ICS website.

The purpose of the ICS Table is two-fold: to encourage shipowners to examine whether a flag state has substance before using it and to encourage them to pressure their flag administrations to effect any improvements that might be necessary. ICS makes no apology for continuing to subject flag states to scrutiny, in the same way that ships and company procedures are rightly subjected to inspection by governments.

The feedback that ICS receives suggests that the Table is now treated very seriously by maritime administrations. In response to comments from governments, ICS has made further adjustments to the presentation, including data relating to the inspection record of flags whose ships have only made a small number of port calls in some of the main PSC regions. Whether or not a country has ratified the ILO MLC has also been added to the criteria used in the Table, following its entry into force in August 2013.



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