THE INTERNATIONAL REGULATION OF SHIPPING

The role of IMO in the unification of the international maritime regulation

María Piedad Souto

INTERNATIONAL REGULATION OF SHIPPING

- Merchant shipping is one of the most heavily regulated industries.
- Regulations concerning shipping are developed at global level.
- It is vital that shipping is subject to uniform regulations.
- IMO: International Maritime Organization involved in the unification of international maritime regulation.
IMO’s mission statement:

Resolution A.1011(26): the Strategic plan for the Organization for the six year period 2010 to 2015:

“The mission of the International Maritime Organization (IMO) as a United Nations specialized agency is to promote safe, secure, environmentally sound, efficient and sustainable shipping through cooperation. This will be accomplished by adopting the highest practicable standards of maritime safety and security, efficiency of navigation and prevention and control of pollution from ships, as well as through consideration of the related legal matters and effective implementation of IMO’s instruments with a view to their universal and uniform application.”

INTERNATIONAL REGULATION OF SHIPPING

- FLAG STATES AND REGISTRIES
- COASTAL STATES: PORT STATE CONTROL
- CLASSIFICATION SOCIETIES
- UNITED NATIONS CONVENTION OF THE LAW OF THE SEA
- INTERNATIONAL MARITIME ORGANIZATION
- IMO CONVENTIONS
- INTERNATIONAL LABOUR ORGANIZATION
INTERNATIONAL REGULATION OF SHIPPING

FLAGS AND REGISTRIES

Flag State:
- A ship needs a nationality
- A State grants the nationality to any ship by registering under its national flag

The choice of the flag State and registry: economical consequences for the shipowner:
- taxes
- mercantile and financial issues
- compliance with the international maritime Conventions approved by the State
- conditions of nationality and employment of the crew
- naval protection

The regulatory role of the FLAG STATE

As per the United Nations Convention on the Law of the Sea (UNCLOS):
- Implementation and enforcement of international maritime regulations for all ships flying its flag.
- First line of defense for safe and environmentally friendly ship operations.

Duties: - Issuance of the mandatory certificates for the vessels
- Periodical surveys

Flag States may delegate these duties on Recognised Organisations: Classification Societies
INTERNATIONAL REGULATION OF SHIPPING

THE FLAG STATE responsibilities

- To have sufficient infrastructure to meet its obligations under international treaties:
  - qualified and competent staff
  - offices and equipment
- To endeavour to ratify the principal international maritime Conventions
- To participate at IMO and ILO meetings
- To participate at voluntary IMO Member State Audit Scheme: in order to identify areas of improvement about the implementation of IMO instruments

INTERNATIONAL REGULATION OF SHIPING

TYPES OF SHIPREGISTRY

A) National registries

Traditional maritime countries
Vessel is registered in the country of the shipowner
National legislation is applied to the ship

Strict Maritime Administration:
- Inspection and surveys of vessels under its flag
- Control of safety and maritime regulations

Norway / Greece / Spain / UK
INTERNATIONAL REGULATION OF SHIPING

B) Open Registries / Flags of Convenience FOC

Any ship may be registered whatever is the nationality of the shipowner. FOC register the ship under its flag and charge a fee for this.

Main characteristics:
- Easy registration (fee)
- Tax and mercantile advantages.
- Acceptable any nationality of the crew.
- Delegate the inspection on the Classification Societies (no own Maritime Administration).

Risk: Lack of safety control.
- Risk of substandard vessels.

Panama / Liberia / Bahamas

C) Second Registries / International Registries

Created by the leading maritime countries as reaction to open registries: as an alternative
- UK: Isle of Man.

- Intent to avoid that the national fleet is flagging out.
- Some advantages relating the First Registry

Difference with open registries / FOC:
- Have the same Maritime Administration that the First Registry.
- Have the same surveyors for safety control.
INTERNATIONAL REGULATION OF SHIPPING

Historical discussion about OPEN REGISTRIES

Origin:
• 1920s. Panama: used by US shipowners to avoid certain regulations
• Liberia: After Second World War was created as a tailored registry by USA

It has been maintained by European countries that:

A genuine link is necessary to register a ship in a Registry.
But, in fact, presently: any country may register freely a ship.

Today about half of world fleet is registered in open registries.

OCDE considers that the Open Registries contribute to an economic and efficient maritime transport.

ITF: Flags of Convenience / FOC

Flags of convenience designated by the ITF
### World merchant fleet ranking by flag as of January 1st, 2009 and 2010

<table>
<thead>
<tr>
<th>Rank</th>
<th>Flag</th>
<th>No. of ships</th>
<th>No. of GT</th>
<th>No. of DWT</th>
<th>TEU</th>
<th>% Share of</th>
<th>% Change over previous year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Panama</td>
<td>5842</td>
<td>186,048</td>
<td>278,709</td>
<td>2933</td>
<td>56.1%</td>
<td>5.2%</td>
</tr>
<tr>
<td>2</td>
<td>Liberia</td>
<td>2203</td>
<td>62,152</td>
<td>122,731</td>
<td>2376</td>
<td>8.7%</td>
<td>11.4%</td>
</tr>
<tr>
<td>3</td>
<td>Marshall Islands</td>
<td>1125</td>
<td>41,962</td>
<td>67,444</td>
<td>478</td>
<td>4.7%</td>
<td>12.2%</td>
</tr>
<tr>
<td>4</td>
<td>Hong Kong (SAR)</td>
<td>1277</td>
<td>36,869</td>
<td>64,638</td>
<td>761</td>
<td>3.0%</td>
<td>6.0%</td>
</tr>
<tr>
<td>5</td>
<td>Greece</td>
<td>1237</td>
<td>37,136</td>
<td>63,733</td>
<td>236</td>
<td>1.1%</td>
<td>2.6%</td>
</tr>
<tr>
<td>6</td>
<td>Singapore</td>
<td>1417</td>
<td>38,876</td>
<td>89,131</td>
<td>726</td>
<td>4.0%</td>
<td>13.0%</td>
</tr>
<tr>
<td>7</td>
<td>Bahamas</td>
<td>1340</td>
<td>43,897</td>
<td>78,662</td>
<td>349</td>
<td>4.0%</td>
<td>2.1%</td>
</tr>
<tr>
<td>8</td>
<td>Malta</td>
<td>1487</td>
<td>31,649</td>
<td>52,760</td>
<td>399</td>
<td>0.9%</td>
<td>3.4%</td>
</tr>
<tr>
<td>9</td>
<td>China, PR of</td>
<td>2495</td>
<td>253,358</td>
<td>389,889</td>
<td>403</td>
<td>3.5%</td>
<td>12.1%</td>
</tr>
<tr>
<td>10</td>
<td>UK (Total)</td>
<td>891</td>
<td>227,901</td>
<td>281,012</td>
<td>720</td>
<td>3.7%</td>
<td>15.9%</td>
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<tr>
<td>11</td>
<td>Isle of Man</td>
<td>278</td>
<td>860,142</td>
<td>144,332</td>
<td>34</td>
<td>0.7%</td>
<td>12.4%</td>
</tr>
<tr>
<td>12</td>
<td>UK</td>
<td>613</td>
<td>142,300</td>
<td>139,799</td>
<td>685</td>
<td>1.5%</td>
<td>1.4%</td>
</tr>
<tr>
<td>13</td>
<td>Cyprus</td>
<td>867</td>
<td>20,033</td>
<td>31,408</td>
<td>449</td>
<td>0.5%</td>
<td>0.2%</td>
</tr>
<tr>
<td>14</td>
<td>Korea, Rep. of</td>
<td>1128</td>
<td>13,406</td>
<td>22,086</td>
<td>124</td>
<td>1.0%</td>
<td>-0.6%</td>
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<tr>
<td>15</td>
<td>Norway (Total)</td>
<td>909</td>
<td>16,658</td>
<td>22,249</td>
<td>32</td>
<td>1.0%</td>
<td>10.5%</td>
</tr>
<tr>
<td>16</td>
<td>Norway (NIS)</td>
<td>517</td>
<td>14,591</td>
<td>20,669</td>
<td>79</td>
<td>0.5%</td>
<td>7.8%</td>
</tr>
<tr>
<td>17</td>
<td>Norway (NOP)</td>
<td>442</td>
<td>19,867</td>
<td>21,259</td>
<td>3</td>
<td>0.1%</td>
<td>-39.0%</td>
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<tr>
<td>18</td>
<td>Norway (UT)</td>
<td>562</td>
<td>31,216</td>
<td>19,040</td>
<td>1,217</td>
<td>0.1%</td>
<td>-17.6%</td>
</tr>
<tr>
<td>19</td>
<td>India</td>
<td>779</td>
<td>12,016</td>
<td>14,220</td>
<td>139</td>
<td>1.0%</td>
<td>16.0%</td>
</tr>
<tr>
<td>20</td>
<td>Japan</td>
<td>2524</td>
<td>12,700</td>
<td>14,462</td>
<td>42</td>
<td>1.0%</td>
<td>15.9%</td>
</tr>
<tr>
<td>21</td>
<td>Indonesia</td>
<td>525</td>
<td>8,857</td>
<td>14,571</td>
<td>31</td>
<td>0.1%</td>
<td>-2.8%</td>
</tr>
<tr>
<td>22</td>
<td>Denmark (Total)</td>
<td>396</td>
<td>3,013</td>
<td>5,016</td>
<td>471</td>
<td>0.1%</td>
<td>10.4%</td>
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<tr>
<td>23</td>
<td>Denmark (SIS)</td>
<td>321</td>
<td>9,465</td>
<td>11,558</td>
<td>468</td>
<td>1.1%</td>
<td>8.7%</td>
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<tr>
<td>24</td>
<td>Denmark (SDS)</td>
<td>78</td>
<td>269</td>
<td>180</td>
<td>3</td>
<td>0.0%</td>
<td>21.5%</td>
</tr>
<tr>
<td>25</td>
<td>Antigua &amp; Barbuda</td>
<td>1166</td>
<td>9,620</td>
<td>13,576</td>
<td>755</td>
<td>1.1%</td>
<td>5.3%</td>
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<tr>
<td>26</td>
<td>Philippines</td>
<td>1906</td>
<td>5,154</td>
<td>6,935</td>
<td>67</td>
<td>0.8%</td>
<td>36.7%</td>
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<tr>
<td>27</td>
<td>US</td>
<td>898</td>
<td>7,970</td>
<td>9,606</td>
<td>270</td>
<td>0.9%</td>
<td>8.5%</td>
</tr>
<tr>
<td>28</td>
<td>Bermuda</td>
<td>142</td>
<td>9,306</td>
<td>9,927</td>
<td>62</td>
<td>0.7%</td>
<td>13.5%</td>
</tr>
</tbody>
</table>

**Source:** ISL database

### Top 20 Beneficial Ownership Countries

**January 2009**

- **Japan**
- **Singapore**
- **Germany**
- **China, People's Republic of**
- **Korea, Republic of**
- **United States**
- **Hong Kong, China**
- **Denmark**
- **United Kingdom**
- **Taiwan Province of China**
- **Indonesia**
- **Italy**
- **Russian Federation**
- **India**
- **Canada**
- **Turkey**
- **Saudi Arabia**
- **Iran, Islamic Republic of**
- **Belgium**

Based on total deadweight tonnage controlled by parent companies located in these countries. Source: UNCTAD. (www.maritesc.org)
World merchant fleet by country of domicile as of January 1st, 2010

<table>
<thead>
<tr>
<th>Country of domicile (a)</th>
<th>National flag (b)</th>
<th>Foreign flags</th>
<th>Total fleet controlled</th>
<th>dwt-% change</th>
<th>dwt-% over change</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No 1000</td>
<td>1000 av. age (years)</td>
<td>No 1000</td>
<td>1000 av. age (years)</td>
<td>No 1000</td>
</tr>
<tr>
<td></td>
<td>dwt</td>
<td>TEU</td>
<td>dwt</td>
<td>TEU</td>
<td>dwt</td>
</tr>
<tr>
<td>1 (1) Greece</td>
<td>740</td>
<td>58735</td>
<td>202</td>
<td>13.3</td>
<td>2380</td>
</tr>
<tr>
<td>2 (2) Japan</td>
<td>644</td>
<td>14254</td>
<td>15</td>
<td>12.3</td>
<td>3024</td>
</tr>
<tr>
<td>3 (3) Germany</td>
<td>433</td>
<td>17754</td>
<td>1256</td>
<td>10.6</td>
<td>3134</td>
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<tr>
<td>4 (4) China, P.R.</td>
<td>1888</td>
<td>38751</td>
<td>419</td>
<td>22.8</td>
<td>1524</td>
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<tr>
<td>5 (7) Korea, Rep. of</td>
<td>708</td>
<td>15648</td>
<td>89</td>
<td>17.0</td>
<td>412</td>
</tr>
<tr>
<td>6 (5) Norway</td>
<td>502</td>
<td>13006</td>
<td>71</td>
<td>15.5</td>
<td>959</td>
</tr>
<tr>
<td>7 (10) Hong Kong (SAR)</td>
<td>305</td>
<td>21880</td>
<td>145</td>
<td>7.3</td>
<td>300</td>
</tr>
<tr>
<td>8 (8) US</td>
<td>223</td>
<td>6632</td>
<td>159</td>
<td>26.5</td>
<td>693</td>
</tr>
<tr>
<td>9 (9) Denmark</td>
<td>301</td>
<td>12407</td>
<td>478</td>
<td>14.0</td>
<td>548</td>
</tr>
<tr>
<td>10 (10) UK</td>
<td>269</td>
<td>8646</td>
<td>173</td>
<td>9.8</td>
<td>392</td>
</tr>
<tr>
<td>11 (11) Singapore</td>
<td>492</td>
<td>17204</td>
<td>273</td>
<td>10.1</td>
<td>327</td>
</tr>
<tr>
<td>12 (10) Taiwan</td>
<td>85</td>
<td>3768</td>
<td>51</td>
<td>17.7</td>
<td>539</td>
</tr>
<tr>
<td>13 (12) Italy</td>
<td>530</td>
<td>14754</td>
<td>68</td>
<td>14.0</td>
<td>218</td>
</tr>
<tr>
<td>14 (14) Russia</td>
<td>921</td>
<td>3924</td>
<td>51</td>
<td>26.4</td>
<td>449</td>
</tr>
<tr>
<td>15 (16) Turkey</td>
<td>560</td>
<td>7246</td>
<td>70</td>
<td>17.5</td>
<td>665</td>
</tr>
</tbody>
</table>

Source: ISL data base

International Regulation of Shipping

Port State Control

- The right of a coastal State to inspect foreign flag ships coming into its port.
- Reaction of the lack of control by some FOC and defense against sub-standard vessels.
- Regional agreements

Some IMO Conventions contain provisions for Governments to inspect foreign vessels through Port State Control

Objective:

- To ensure that foreign ships comply with international requirements.
- The eventual elimination of substandard vessels.
- Detention in port of foreign ships if they do not conform to international standards.
INTERNATIONAL REGULATION OF SHIPING

PARIS MOU on PORT STATE CONTROL

Paris Memorandum Of Agreement on Port State Control:
1982: signed by 14 European and North Atlantic countries.
Today: expanded to 27 maritime Administrations.

Objective: Inspection of 25% of foreign vessels at their ports.
The results of each inspection:
- Recorded in the central database, in Saint Malo, France.
- Public data in internet: Equasis.
- Public White List / Grey List / Black List

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<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>93</td>
<td>Korea, Democratic People's Rep.</td>
<td>204</td>
<td>73</td>
<td>21</td>
<td>Very High Risk</td>
<td></td>
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<tr>
<td>82</td>
<td>Bolivia</td>
<td>17</td>
<td>14</td>
<td>9</td>
<td>High risk</td>
<td></td>
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<tr>
<td>81</td>
<td>Albania</td>
<td>31</td>
<td>72</td>
<td>27</td>
<td>Medium to High risk</td>
<td></td>
</tr>
<tr>
<td>80</td>
<td>Libya Arab Jamahiriya</td>
<td>30</td>
<td>10</td>
<td>5</td>
<td>Medium to High risk</td>
<td></td>
</tr>
<tr>
<td>79</td>
<td>Sierra Leone</td>
<td>145</td>
<td>73</td>
<td>32</td>
<td>High risk</td>
<td></td>
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<tr>
<td>78</td>
<td>Cameroon</td>
<td>500</td>
<td>39</td>
<td>49</td>
<td>Medium to High risk</td>
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<tr>
<td>77</td>
<td>Cambodia</td>
<td>727</td>
<td>128</td>
<td>63</td>
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<td>76</td>
<td>Georgia</td>
<td>895</td>
<td>150</td>
<td>75</td>
<td>High risk</td>
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<td>Slovakia</td>
<td>317</td>
<td>55</td>
<td>20</td>
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<td></td>
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<td>Syrian Arab Republic</td>
<td>377</td>
<td>18</td>
<td>22</td>
<td>Medium to High risk</td>
<td></td>
</tr>
<tr>
<td>73</td>
<td>St. Kitts and Nevis</td>
<td>304</td>
<td>60</td>
<td>29</td>
<td>Medium to High risk</td>
<td></td>
</tr>
<tr>
<td>72</td>
<td>Lebanon</td>
<td>94</td>
<td>16</td>
<td>11</td>
<td>Medium to High risk</td>
<td></td>
</tr>
<tr>
<td>71</td>
<td>Honduras</td>
<td>68</td>
<td>18</td>
<td>8</td>
<td>Medium to High risk</td>
<td></td>
</tr>
<tr>
<td>70</td>
<td>Mongolia</td>
<td>53</td>
<td>10</td>
<td>7</td>
<td>Medium to High risk</td>
<td></td>
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<tr>
<td>69</td>
<td>St. Vincent and the Grenadines</td>
<td>2,355</td>
<td>265</td>
<td>186</td>
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<tr>
<td>68</td>
<td>Egypt</td>
<td>137</td>
<td>20</td>
<td>15</td>
<td>Medium to High risk</td>
<td></td>
</tr>
<tr>
<td>67</td>
<td>Aruba, Republic of</td>
<td>45</td>
<td>14</td>
<td>13</td>
<td>Medium to High risk</td>
<td></td>
</tr>
<tr>
<td>66</td>
<td>Serbia</td>
<td>629</td>
<td>62</td>
<td>52</td>
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<td>Panama</td>
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<td>687</td>
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<td>Lithuania</td>
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<td>50</td>
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<tr>
<td>63</td>
<td>Dominica</td>
<td>175</td>
<td>16</td>
<td>16</td>
<td>Medium to High risk</td>
<td></td>
</tr>
</tbody>
</table>
REGIONAL PORT STATE CONTROL SECRETARIATS

- Acuerdo de Viña del Mar: Buenos Aires, Argentina.
- Tokyo MoU: Tokyo, Japan.
- IO MoU: Indian Ocean MOU. Goa, India.
- C MoU: Caribbean MOU. Kingston, Jamaica.
- Riyadh MoU: Haji Al Mina, Sultanate of Oman.

INTERNATIONAL REGULATION OF SHIPPING

The role of Classification Societies

- Origin: UK. XVIII century. First: Lloyd’s Register
- Private and independent organizations that:
  - Establish and apply technical standards in relation to: design, construction, survey of ships.
  - Are recognized at SOLAS Convention.
  - Grant the Class Certificate to the ships:
    - Comply with the standard rules to navigate
    - Required for obtaining maritime insurance.
- More than 50 organizations worldwide.
INTERNATIONAL REGULATION OF SHIPPING

Functions of the Classification Societies

- **Private Function:** On account of the Shipowners.
- **Public Function:** Acting on behalf of the Flag States.
- SOLAS Convention: permit the flag Administration delegate the inspection and survey of ships to the Classification Societies.
- They are responsible and accountable to the flag Administration for the work that it carries out on its behalf.
  - verification that a ship is in compliance with applicable requirements
  - require repairs or other corrective action to a ship
  - to withdraw or invalidate the relevant certificate if the necessary action is not taken.
- Flag States should have control over the Classification Societies.

The International Association of Classification Societies - IACS

- It is composed of the most important Classification Societies (11).
- Collectively cover the class of about 94% of all ships involved in international trade worldwide.
- Main aims:
  - Provide **uniform interpretations** of IMO Regulation (on those matters which in the Convention are left to the satisfaction of the flag Administration).
  - Introduce **uniformity in the rules of the class societies**
  - From 1969 has **Consultative status at IMO**
INTERNATIONAL REGULATION OF SHIPPING

Members of IACS

ABS  American Bureau of Shipping
BV   Bureau Veritas
CCS  China Classification Society
DNV  Det Norske Veritas
GL   Germanischer Lloyd
IRS  Indian Register of Shipping
KR   Korean Register of Shipping
LR   Lloyd’s Register
NK   Nippon Kaiji Kyokai (Class NK)
RINA RINA
RS   Russian Maritime Register of Shipping

Overview of the regulatory system

Develops and updates conventions

IACS submits advisory documents to IMO

Americans of Classification Societies

Make design rules and issue "Class Certificates"

International Maritime Organization (IMO)

Develops and updates conventions

International Labour Organization (ILO)

Develops and updates conventions


Vote on UN regulations and Conventions

Maritime States

as Flag State

Registers ships and enforces rules on them

Merchant Ships Fleet of 74,000 merchant ships

Port State Control enforces laws on vessels in coastal waters

Source: M. Stigber
UNITED NATIONS CONVENTION ON THE LAW OF THE SEA, UNCLOS 1982

- UNCLOS 1982: culmination of 3 UN Conferences: UNCLOS I: 1958
  UNCLOS II: 1960
  UNCLOS III: 1973
- Admitted in 1982: Montego Bay, Jamaica
- Entered into force: 1994
- It is the global regime dealing with all matters relating the law of the sea
- Govern all aspects of OCEAN space:
  - Delimitation
  - Environmental control
  - Marine scientific research
  - Economic and commercial activities
  - Settlement of disputes

KEY FEATURES OF UNCLOS

- Coastal States are sovereign:
  - Rights over their territorial sea (12 nautical miles).
  - Foreign vessels have the right of “innocent passage”.
  - 200 nautical miles: Exclusive Economical Zone (EEZ) for natural resources and exercise of jurisdiction.
- All States: freedom of navigation, scientific research and fishing on the high seas.
- Land-locked States: right of access to and from the sea.
- International Tribunal for the Law of the Sea: settlement disputes relating the ocean issues.
- UNCLOS provide the framework for further development of specific areas of the law of the sea.
INTERNATIONAL REGULATION OF SHIPPING

María Piedad Souto

Relationship between UNCLOS and IMO REGULATIONS


- UNCLOS is considered as “umbrella convention”. Most of its provisions require to be implemented by other international agreements through IMO.
- No inconsistency or incompatibility between UNCLOS and IMO Conventions.
- IMO global regulation do not overlap with development in the field of the UNCLOS.
- IMO instruments conforms with the basic principles of UNCLOS.
IMO: INTERNATIONAL MARITIME ORGANIZATION

IMO: United Nations specialized agency with responsibility for the safety and security of shipping and the prevention of marine pollution by ships.

“Safe, secure and efficient shipping on clean oceans”.

• 1948: IMO Convention was adopted, Geneva. Original name: IMCO (Inter-governmental Maritime Consultative Organization).
• 1958: Entered into force

THE WORK OF IMO

Main tasks:
- To develop and maintain a comprehensive regulatory framework for international shipping: Conventions, Resolutions, Guidelines and Recommendations
- To promote the unification of shipping regulation

Main issues:
- Maritime safety and security
- Marine environment
- Legal affairs
- Human element
- Facilitation and technical cooperation
INTERNATIONAL REGULATION OF SHIPPING

INTERNATIONAL ACCEPTANCE OF IMO REGULATION

Wide acceptance and legitimacy of the universal mandate of IMO:

- 169 Sovereign States representing all regions of the world are Members of IMO
- All Members may participate for drafting and adopting recommendations and standard rules
- These are adopted normally by consensus
- All States, whether or not they are Members of IMO, are invited to participate in the IMO Conferences for adopting new IMO Conventions.

STRUCTURE OF IMO

- The Assembly
  The highest Governing Body of the Organization.
  It consists of all Member States.
  It meets once every two years in regular sessions

- The Council
  Executive Organ of IMO: 40 States for 2 years
  Responsible for supervising the work of the Organization.
  Functions:
  - Enter into agreements with other Organizations
  - Appoint the Secretary General
Five Committees: Technical and legal work

- The Maritime Safety Committee (MSC)
  Highest technical body of the Organization. Consider and submit recommendations and guidelines on safety to the Assembly

- The Marine Environment Protection Committee (MEPC)
  All about control and prevention of pollution from ships

Sub-Committees
The MSC and MEPC are assisted in their work by nine sub-committees

The Technical Cooperation Committee
Help governments to implement technical measures

- The Legal Committee
- The Facilitation Committee
  Facilitate the international maritime trade by reducing the formalities and simplifying the required documentation

The Secretariat of IMO
Consists of the Secretary-General
300 international personnel
Headquarters in London.

The present Secretary-General:
Mr. Efthimios E. Mitropoulos of Greece, from 1 January 2004.
**IMMERSION MEMBERSHIP**

- **Member States (Countries):**
  - 169 Member States and 3 Associate Members.

- **Non-Governmental Organizations (NGOs):**
  - They have consultative status
  - Objective: to contribute, within its field of competence, to the work of IMO.
  - Up to date there are 75 NGOs

- **Intergovernmental organizations (IGOs):**
  - Agreements of co-operation with IMO
  - Objective: ensuring maximum co-ordination in respect of common interest matters.
  - Up to date there are 61 IGOs

**Non-Governmental Organizations: Consultative Status with IMO (NGOs)**

- BIMCO.
- Community of European Shipyards' Associations. CESA.
- Greenpeace International.
- International Association of Classification Societies. IACS.
- International Chamber of Commerce. ICC.
- International Association of Dry Cargo Shipowners. INTERCARGO
- International Association of Independent Tanker Owners. INTERTANKO
- International Organization for Standardization. ISO
- International Transport Workers’ Federation. ITF
- International Tanker Owners Pollution Federation Limited. ITOPF
- International Group of P & I Associations. P & I CLUBS
Inter-Governmental Organizations: have agreements of cooperation with IMO (IGOs)

- EC. European Commission. Brussels
- IMSO. International Mobile Satellite Organization. London
- INTERPOL. International Criminal Police Organization. Lyon, France
- IOPC FUNDS. International Oil Pollution Compensation Funds. London
- OAS. Organization of American States. Washington, USA
- OECD. Organization for Economic Co-operation and Development. Paris
- REGIONAL PORT STATE CONTROL SECRETARIATS
  - Paris MOU
  - Acuerdo de Viña del Mar
  - Tokyo MOU …
- UNIDROIT. International Institute for the Unification of Private Law. Roma

INTERNATIONAL REGULATION OF SHIPING

Contributions to the IMO budget:
- The amount paid by each Member State depends on the tonnage of its merchant fleet.

**Top ten contributors** for 2010:

<table>
<thead>
<tr>
<th>Country</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Panama</td>
<td>19.3</td>
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<tr>
<td>Liberia</td>
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<tr>
<td>Bahamas</td>
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<tr>
<td>Marshall Islands</td>
<td>4.8</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>4.8</td>
</tr>
<tr>
<td>Greece</td>
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<td>Singapore</td>
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<tr>
<td>Malta</td>
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</tr>
<tr>
<td>Japan</td>
<td>3.4</td>
</tr>
<tr>
<td>China</td>
<td>3.3</td>
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</tbody>
</table>
International Regulation of Shipping

IMO Resolutions

- IMO may adopt resolutions for the implementation of technical rules not included in the IMO Conventions.
- Technical codes or guidelines included in the IMO Resolutions are mandatory by incorporation into national legislation.
- In many cases, these codes are incorporated later into IMO Conventions.

For instance: The IBE Code, for chemical vessels, was incorporated later into SOLAS and MARPOL.

IMO Conventions

- Uniform regulation in a global business and worldwide scenario.
- The main issues:
  - Ships safety
  - Prevention of pollution
  - Compensation for pollution disasters
  - Environmental issues

- The core of major IMO Conventions are accepted by the 98% of the fleet of the world:
  - SOLAS, 1974: Safety of Life at Sea.
  - MARPOL, 1973-78: To prevent the marine pollution.
Procedure for the enforcement of an IMO Convention

- **Adoption**
  The relevant issues are discussed in an International Conference.
  IMO prepares the draft regulation to submit to the Member States.
  After debate and further agreement is adopted by the Conference.

- **Signature**
  Intention of each Member to ratify the Convention.

- **Ratification**
  The Convention is introduced into the domestic legislation of each Member State.

Entry into force

- It depends upon the Governments of Member Parties.
- When it has been ratified by the required number of States (2/3).

*The Convention has the force of Law in the countries that has been ratified. It does not apply if the country has not ratified it.*

Procedure for Convention amendment

- Maritime Conventions need to be updated from time to time.
- Necessary to establish a process for changes and amendments.

Tacit acceptance procedure for amendment

- Facilitates the quick and simple modification of Conventions.
- A time period is fixed for the acceptance of the amendment. In case of silence, the amendment is considered to have been accepted.
SOLAS, 1974. International Convention for the Safety of Life at Sea

IMO adoption: 1974
Entry into force: 1980
The most important international treaty concerning the safety of merchant ships

First version: 1914, in response to the Titanic disaster (1912)
Second: 1929
Third: 1948
Fourth: 1960: IMO

The 1974 Convention includes the tacit acceptance procedure.
Updated by amendments through the years.

Main objective:
Minimum standards of safety for the Construction
Equipment
Operation of ships

☑ Flag States: responsible for ensuring that ships under their flag comply with its requirements
☑ Some certificates are necessary to prove the requirements
☑ Control provisions: Port State Control is allowed to inspect ships of other States to check the comply with the requirements of the Convention
## MAJOR IMO CONVENTIONS

### SOLAS, 1974.

**Main Contents:**

- **Construction** - Subdivision and stability, machinery and electrical installations.
- **Fire protection**, fire detection and fire extinction.
- Requirements for life boats, rescue boats and life jackets according to type of ship.
- **Radiocommunications**
  
  Equipment for rescue following an accident, including satellite emergency position.
- **Rules about Safety of navigation**
- **Carriage of dangerous goods**

### Special measures to enhance maritime safety

- Requirements relating to authorization of **Recognized Organizations**: responsible for carrying out surveys and inspections on behalf of Administrations (Classification Societies)
- **Port State control** on operational requirements

SOLAS also includes:

- The **International Safety Management Code, 1993. ISM Code**
  Adequate procedures for the safe operation at ship
  Mandatory requirements to ensure ships and port facilities
MAJOR IMO CONVENTIONS

MARPOL 73/78: International Convention for the Prevention of Pollution from Ships

1978 (1978 Protocol)
1997 (Protocol - Annex VI)

Updated by amendments through the years
Includes six technical Annexes

Main objective:
Preventing and minimizing pollution from ships:
- from accidental causes
- from operational causes

Regulation of “Special Areas”:
- strict controls on operational discharges
- higher level of protection

Baltic sea, Mediterranean sea, Black sea, Red sea, Antarctic area…

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MAJOR IMO CONVENTIONS

MARPOL 73/78

Annex I - Prevention of Pollution by Oil (1983)
1992 amendments:
- mandatory for new oil tankers to have double hulls
- phase-in schedule for existing tankers to fit double hulls.

Annex II - Pollution by Noxious Liquid Substances in Bulk (1983)
✓ Control of discharge of their residues.
✓ It is not permitted within 12 miles of the nearest land.
✓ Restrictions applied to the Baltic and Black Sea areas (“special areas”)

Annex III - Pollution by Harmful Substances Carried by Sea in Packaged Form (1992)
✓ Detailed standards on packing, marking, documentation, stowage, quantity limitations.
MAJOR IMO CONVENTIONS

Annex IV - Pollution by Sewage from Ships (2003)

Annex V - Pollution by Garbage from Ships (1988)
- Strict requirements in the "special areas".
- Ban on the dumping into the sea of all forms of plastic.

Annex VI - Air Pollution from Ships (2005)
- Limits on sulphur oxide and nitrogen oxide emissions from ship exhausts.
- Forbidden deliberate emissions of ozone depleting substances.
- "Emission control areas" set more stringent standards.


Uniform and minimum standards relating to: training certification watchkeeping for seafarers

States Parties: mandatory to provide detailed information to IMO relating the compliance with the Convention.
First time that IMO had been called upon to act in relation to compliance and implementation.

Manila amendments: major revision adopted on June 2010 will enter into force on January 2012 measures to prevent fraudulent practices new requirements on seafarers education
MAJOR IMO CONVENTIONS

COLREG: Convention on the International Regulations for Preventing Collisions at Sea, 1972
- Collisions: very dangerous cause of accident at sea
- Adopt the basic "rules of the road": rights of way, actions to avoid collisions.
- Traffic separation schemes in congested parts of the world

LOADLINE: International Convention on Loadlines, 1966
- 1930: First Convention
- 1966: Updated
- Sets the minimum permissible free board, according to the season of the year and the ship’s trade.

The Plimsoll Act - British law 1876: Mandatory that all vessels have a load line indicating the legal limit to be submerged.

MAJOR IMO CONVENTIONS

Conventions covering prevention of marine pollution
- Intervention on the High Seas in Cases of Oil Pollution Casualties INTERVENTION, 1969
- Oil Pollution Preparedness Response and Cooperation. OPCR, 1990
- Control and Management of Ships' Ballast Water. BWM, 2004
- Anti-fouling Systems. AFS, 2001
- Safe and Environmentally Sound Recycling Ships, 2009
**MAJOR IMO CONVENTIONS**

Conventions covering liability and compensation

- Civil Liability for Oil Pollution Damage. CLC, 1969/1992
- Convention of the Fund for Compensation for Oil Pollution Damage. FUND 1992
- Limitation of Liability for Maritime Claims. LLMC and its 1996 Protocol
- Civil Liability for Bunker Oil Pollution Damage. BUNKERS 2001

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**MAJOR IMO CONVENTIONS**

Summary of Status of Convention 31-oct-10

<table>
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<tr>
<th>Instrument</th>
<th>Date of entry into force</th>
<th>No. of Contracting States / Parties</th>
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</table>

INTERNATIONAL REGULATION OF SHIPPING

IMO IS NOT:

► IMO is not a police force:
   It does not inspect and check the compliance of the ships with international standards

► IMO is not "operational":
   It does not follow incidents and accidents at sea on 24 hour basis

► IMO is not a Court:
   The international Tribunal for the Law of the Sea, in Hamburg, is established under UNCLOS which is not an IMO Convention

► IMO is not involved with issues as territorial waters, Economic Exclusive Zone or fishing rights. All this is regulated by UNCLOS.

UNIFICATION: Case of double hull tankers

USA: After the accident of Exxon Valdez 1989: Oil Pollution Act – OPA 90
   Unilateral requirement of double hull to oil tankers
   Schedule for withdrawal of single hull tankers

IMO: MARPOL: Amendments 1992
   Requirement of double hulls for oil tankers
   Following Erika accident: revised phase out schedule for single hull tankers. Entry into force sept. 2003

EU: After the accident of Prestige 2002: prohibition to transport crude oil in single hull tankers:
   For vessels under flag from countries of EU
   For vessels entering into any EU ports whatever was her flag

On this moment three different regimes at the same time
**INTERNATIONAL REGULATION OF SHIPPING**

**LACK OF UNIFICATION: Consequences**

- **Legal consequences:**
  - 3 different regimes = 3 different regulations: USA, UE, Rest of the world
  - Confusion: which regulation prevail where

- **Economical consequences:**
  - Single hull tankers could not operate in USA/UE waters
  - Discrimination for the rest of maritime regions
  - Oil Majors sold their own fleet of tankers to avoid liabilities
  - Problems of supply of oil.

- Damage to the concept of universality in the maritime regulation

- IMO authority as Organization to establish universal standards, is undermined.

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**INTERNATIONAL REGULATION OF SHIPPING**

**THE INTERNATIONAL LABOUR ORGANIZATION: ILO**

- Agency of United Nations created in 1919

- Principal concern: The welfare of people working at sea

- Numerous Maritime Labour Conventions and Recommendations:
  - ILO 147: The ILO Merchant Shipping Convention, 1976
    - Minimum standards
  - ILO Maritime Labour Convention, MLC
    - Adopted: 2006
    - Entry into force: previsibly 2011/2012
INTERNATIONAL REGULATION OF SHIPPING

ILO Maritime Labour Convention (MLC), 2006

Main contents:
- requirement for ships to maintain a "declaration of Maritime Labour Compliance"
- responsibilities of manning agencies
- Minimum standards for seafarers about:
  - Condition of employment
  - Hours of work and rest
  - Health protection
  - Welfare
  - Social security protection

ILO MLC will be subject - to Port State Control
- to flag State inspection