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IMO project in Africa

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IMO security project
gets funding boost

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IMO and Bangladesh have announced a major collaboration to improve standards in the country's ship recycling yards. See p.22



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IMO and its role in the United Nations



A message from Secretary-General Mr Koji Sekimizu

The United Nations is vast, complex and incredibly ubiquitous. There is almost no limit to the areas of human activities it covers.

I have had the privilege to work in the United Nations system for a quarter of a century. The UN is something I am passionate about and in which I have a resolute and unshakeable belief. For me, the United Nations is the ultimate expression of mankind's need to learn from its own history.

The Charter that founded the United Nations was signed in San Francisco in June 1945; and, today, almost 70 years later, the values enshrined in its provisions still provide a relevant and credible blueprint for a better world.

Its preamble speaks of the need to save future generations from the scourge of war; but it also speaks of human rights, human dignity, gender equality, equality between nations, justice and international law, tolerance, freedom, respect, security and social advancement. It is a document for our time – it is a document for all time.

The influence of this global family reaches the remotest wildernesses and densest conurbations on the planet. Its work ranges from front-line, headline-grabbing missions such as peacekeeping, peace building, conflict prevention and humanitarian assistance, through broader, fundamental issues such as sustainable development and environmental stewardship, the protection of refugees, disaster relief, food production, health, counter terrorism, disarmament and non-proliferation, to more technical matters, such as those dealt with by my own agency, IMO.

The common threads that run through all this are a firm commitment to improving peoples' lives; a strong desire to promote equality; and a passion and a belief that we can, and must, strive to make the world a better place – where human rights and the rule of law are respected and we recognize and rejoice in the diversity of global culture.

Despite being true to its original and fundamental values, currently the UN system is in a process of adapting to a rapidly changing world, and ensuring that the UN can assist in ensuring sustainable development globally.

At IMO, the main thrust of our work is to develop and adopt technical standards for international shipping, so that countries involved in international trade can have confidence that ships entering and leaving their ports adhere to appropriate standards of safety and environmental performance. It is important – but, nevertheless, might be considered marginal to the overall objectives of the UN. It can be broadly set alongside similar work carried out by other technical agencies such

as the International Civil Aviation Organization or the Universal Postal Union.

But, even in these smaller agencies and marginal areas, we quickly learn that nothing is ever achieved without cooperation, understanding and a willingness to work together to find a solution. The members of IMO – and there are 170 of them – frequently have disagreements, hold different viewpoints and sometimes have different objectives. Sometimes they disagree on technical matters, and sometimes political considerations set them apart.

What is a high priority for one country may not even be on the radar for another. And yet, over the course of more than 50 years since it became operational, IMO has produced a series of international agreements and conventions that, collectively, have made shipping infinitely safer and more secure and dramatically reduced its negative impact on the environment.

For it is in the search for common ground, for consensus, and in the understanding that solutions must be supported by the wider international community that our activities make a real contribution towards the objectives and the spirit of the United Nations.

Of course, the UN is not perfect; of course, it has its weaknesses. But it is, without doubt, the best hope for a better future for mankind.

It's easy to stand outside something like the UN and simply point to its imperfections; but doing this achieves nothing. Today's UN may not be ideal, but it is the best chance we have, to tackle the serious, global challenges that affect us all. So I would encourage all to be critical, yes; but be constructive, be supportive and help us to strengthen and improve it.

A handwritten signature in white ink, which appears to be the signature of Koji Sekimizu. The signature is stylized and cursive, written on a dark blue background.

“For me, the United Nations is the ultimate expression of mankind’s need to learn from its own history”

2002 passenger ship liability and compensation treaty enters into force

The Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 2002, which substantially raises the limits of liability for the death of, or personal injury to, a passenger on a ship, entered into force on 23 April 2014

The higher limits of liability will apply to ships registered in the following States which have ratified the 2002 treaty: Albania, Belgium, Belize, Bulgaria, Croatia, Denmark, Greece, Latvia, Malta, the Netherlands, Norway, Palau, Panama, Saint Kitts and Nevis, Serbia, Syrian Arab Republic and the United Kingdom.

Additionally, the Convention is mandatory for European Union Member States (including those that have not ratified the Athens Protocol regime yet as individual States) to the extent that the European Union has competence over matters governed by the Protocol, as the European Union has ratified the treaty under a novel article in the Protocol which allows for a

Regional Economic Integration Organization, which is constituted by sovereign States that have transferred competence over certain matters governed by this Protocol to that Organization, to sign, ratify, accept, approve or accede to the Protocol.

The 2002 Protocol to the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, 1974, (PAL), revises and updates the 1974 Convention, which established a regime of liability for damage suffered by passengers carried on a seagoing vessel. As a precondition for joining, Parties to the 2002 Protocol are required to denounce the 1974 treaty and its Protocols.

The new regime will provide better financial protection for passengers and luggage in the burgeoning cruise sector



The Athens Convention declares a carrier liable for damage suffered by a passenger resulting from death, personal injury or damage to luggage if the incident causing the damage occurred in the course of the carriage and was due to the fault or neglect of the carrier. Such fault or neglect is presumed, unless the contrary is proved.

Carriers can limit their liability unless they acted with intent to cause such damage, or recklessly and with knowledge that such damage would probably result. For the death of, or personal injury to, a passenger, this limit of liability was set at 46,666 Special Drawing Rights (SDR) per carriage in the 1974 convention.

In case of shipping incidents the 2002 Protocol substantially raises those limits to 250,000 SDR per passenger on each distinct occasion, unless the carrier proves that the incident resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character; or was wholly caused by an act or omission done with the intent to cause the incident by a third party.

If the loss exceeds this limit, and also in case of non-shipping incidents, the carrier is further liable – up to a combined limit of 400,000 SDR per passenger on each distinct occasion – unless the carrier proves that the incident which caused the loss occurred

without the fault or neglect of the carrier.

As far as loss of, or damage to, luggage is concerned, the carrier's limit of liability varies, depending on whether the loss or damage occurred in respect of cabin luggage, of a vehicle and/or luggage carried in or on it, or in respect of other luggage.

- The liability of the carrier for the loss of or damage to cabin luggage is limited to 2,250 SDR per passenger, per carriage.
- Liability of the carrier for the loss of or damage to vehicles including all luggage carried in or on the vehicle is limited to 12,700 SDR per vehicle, per carriage.
- Liability of the carrier for the loss of or damage to other luggage is limited to 3,375 SDR per passenger, per carriage.

The carrier and the passenger may agree that the liability of the carrier shall be subject to a deductible not exceeding 330 SDR in the case of damage to a vehicle and not exceeding 149 SDR per passenger in the case of loss of or damage to other luggage, such sum to be deducted from the loss or damage.

The 2002 Athens Convention also introduces compulsory insurance, as well as mechanisms to assist passengers in obtaining compensation, based on well-accepted principles applied in existing liability and compensation regimes dealing

with environmental pollution. These include replacing the fault-based liability system with a strict liability system for shipping related incidents, backed by the requirement that the carrier take out compulsory insurance to cover these potential claims.

Ships are to be issued with a certificate attesting that insurance or other financial security is in force and a model certificate is attached to the Protocol in an Annex.

The limits contained in the Protocol set a maximum limit, empowering – but not obliging – national courts to compensate for death, injury or damage up to these limits.

The Protocol also includes an “opt-out” clause, enabling State Parties to retain or introduce higher limits of liability (or unlimited liability) in the case of carriers who are subject to the jurisdiction of their courts.

Amendment of limits

The 2002 Protocol introduces a tacit acceptance procedure for raising the limits of liability, whereby a proposal to amend the limits would be circulated on the request of at least one-half of the Parties to the Protocol, and adopted by a two-thirds majority of the States Parties. Amendments would then enter into force within 36 months unless not less than one fourth of the States Parties at the time of the adoption informed that they did not accept the amendment.

Wreck-removal convention to enter into force

Shipowner liability on the horizon as Denmark ratifies international instrument

The Nairobi International Convention on the Removal of Wrecks will enter into force on 14 April 2015 following the deposit, on 14 April 2014, of an instrument of ratification by Denmark, with IMO.

Among several provisions, the Convention will place financial responsibility for the removal of certain hazardous wrecks on shipowners, making insurance, or some other form of financial security, compulsory.

Denmark became the 10th country to ratify the convention, thereby triggering its entry into force exactly 12 months later.

The Convention will fill a gap in the existing international legal framework by providing the first set of uniform international rules aimed at ensuring the prompt and effective removal of wrecks located beyond a country's territorial sea. The Convention also contains a clause that enables States Parties to ‘opt in’ to apply certain provisions to their territory, including their territorial sea.

The Convention will provide a sound legal basis for States to remove, or have removed, shipwrecks that may have the

potential to affect adversely the safety of lives, goods and property at sea, as well as the marine and coastal environment. It will make shipowners financially liable and require them to take out insurance or provide other financial security to cover the costs of wreck removal. It will also provide States with a right of direct action against insurers.

Articles in the Convention cover:

- reporting and locating ships and wrecks – covering the reporting of casualties to the nearest coastal State; warnings to mariners and coastal States about the wreck; and action by the coastal State to locate the ship or wreck;
- criteria for determining the hazard posed by wrecks, including depth of water above the wreck, proximity of shipping routes, traffic density and frequency, type of traffic and vulnerability of port facilities. Environmental criteria such as damage likely to result from the release into the marine environment of cargo or oil are

also included;

- measures to facilitate the removal of wrecks, including rights and obligations to remove hazardous ships and wrecks – which sets out when the shipowner is responsible for removing the wreck and when a State may intervene;
- liability of the owner for the costs of locating, marking and removing ships and wrecks – the registered shipowner is required to maintain compulsory insurance or other financial security to cover liability under the convention; and settlement of disputes.

Although the incidence of marine casualties has decreased in recent years, mainly thanks to the work of IMO and the persistent efforts of Governments and industry to enhance safety in shipping operations, the number of abandoned wrecks has reportedly increased and, as a result, the problems they cause to coastal States and shipping in general have become more acute.

There are a number of problems: first, and depending on its location, a wreck may constitute a hazard to navigation, potentially endangering other vessels and their crews; second, and of equal concern, depending on the nature of the cargo, is the potential for a wreck to cause substantial damage to the marine and coastal environments; third, in an age where goods and services are becoming increasingly expensive, is the issue of the costs involved in the marking and removal of hazardous wrecks; and fourth, most of the dangerous wrecks lie in shallow coastal waters, within the territorial sea, where coastal States have unrestricted rights to remove them, without engagement of the shipowner. The convention attempts to resolve all of these and other, related, issues.

The Convention was adopted by a five-day Diplomatic Conference at the United Nations Office at Nairobi (UNON), Kenya, in 2007.



Parties to the Convention may elect to apply some of its provisions within their territorial seas

European Union pledges €1.2m to support maritime administrations in western and central Africa

The European Union is funding a €1.2m grant contract, signed between IMO and the African, Caribbean and Pacific Group of States (ACP) to support training and capacity-building activities aimed at enhancing flag State implementation and port State control in western and central

Africa, with a view to upgrading the region's maritime administrations and preparing its States for the mandatory IMO audit scheme.

IMO will be executing the two-year programme, identifying the individual countries' needs in terms of enhancing their capacity to carry out their flag State

responsibilities. There will also be a focus on port State control, such as training for ship inspectors, in order to support the functioning of the Memorandum of Understanding on Port State Control for West and Central African Region (Abuja MoU), which is an inter-governmental organization comprising the maritime administrations of countries abutting the Atlantic coast of Africa.

It is anticipated that the project will lead to the maritime Administrations being audited in accordance with the IMO Audit Scheme, which is expected to become mandatory in 2016 following the adoption and entry into force of amendments to the relevant IMO instruments. The focus of the capacity-building activities will be on compliance with the IMO Instruments Implementation Code (III Code), which provides the global standard to enable States to meet their obligations as flag, port and coastal States.

It is also expected that the projects will result in enhancing the effectiveness of the Abuja MoU on port State control.

The overall support programme for



The EU-funded project will assist African countries to be audited under IMO's mandatory scheme

the maritime transport sector is intended to contribute towards Africa's economic growth, connectivity and the promotion of regional integration, and will seek to complement other maritime transport programmes on the continent. Although it has a strong focus on western and central Africa, it may also be extended to other ACP regions.

The contract was signed on 10 March by IMO, the ACP Secretariat and the European Commission, with a start date for implementation on 15 March 2014. It reflects the joint EU-Africa Strategic Partnership adopted in Lisbon in December 2007, which calls for capacity-building in the fields of safety standards and regulations.

It is also in line with the African Union's Maritime Charter and the 2050 Africa's Integrated Maritime Strategy (2050 AIM-Strategy) that was developed with the collaboration of IMO and formally adopted by the 22nd African Union Assembly of Heads of State and Government on 31 January 2014 in Addis Ababa, Ethiopia.

Japan gives US\$1m boost to Gulf of Guinea fund

The Government of Japan has made a contribution of US\$1m to the IMO West and Central Africa Maritime Security Trust Fund, established by IMO Secretary-General Koji Sekimizu to implement maritime security projects in the Gulf of Guinea, including the prevention and suppression of piracy and armed robbery against ships and other illicit maritime activity.

The significant contribution by Japan will go towards supporting the implementation of the Code of Conduct concerning the prevention of piracy, armed robbery against

ships and illicit maritime activity in the West and Central Africa, which was signed by west and central Africa countries in June 2013.

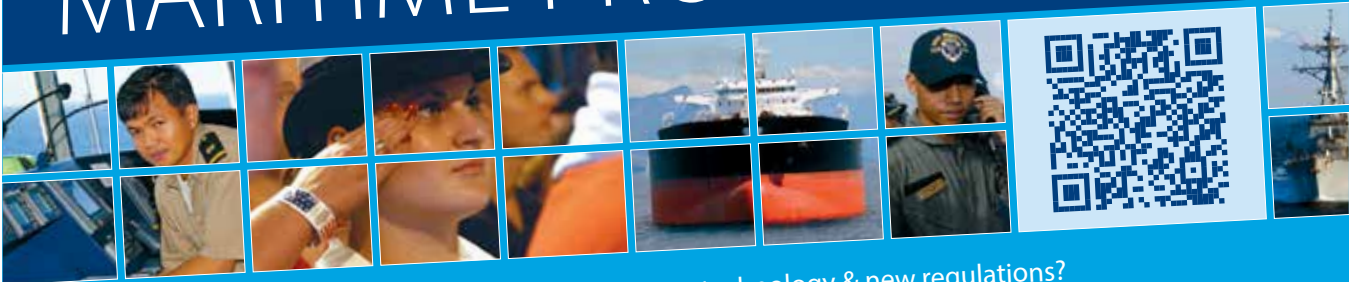
"This is a very welcome donation to the trust fund, which will enable IMO to support States in the Gulf of Guinea to develop their national and regional capabilities to improve maritime governance in waters under their jurisdiction and to prevent, within the provisions of international law, piracy, armed robbery against ships and other illicit maritime activities. It is fundamental for a sustainable maritime transportation system

that international shipping can operate without the threat of piracy and armed robbery," Mr Sekimizu said.

In 2013, the West and Central Africa Maritime Security Trust Fund received donations from China (US\$100,000) and the United Kingdom (UK£100,000).

IMO has also been implementing a series of maritime security-related technical cooperation activities in the region, including table-top exercises, with the support of funding from the Government of Norway.

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IMO Marine Environment Protection Committee completes 66th session

The Marine Environment Protection Committee (MEPC) of the International Maritime Organization (IMO) met for its 66th session from 31 March to 4 April 2014, at IMO Headquarters in London.

The Committee adopted amendments to the MARPOL Convention to set a date for the implementation of “Tier III” standards within emission control areas (ECAs) and to make the IMO Member State Audit Scheme mandatory; reviewed environmental provisions in the draft Polar Code and associated draft amendments to make the Code mandatory, and discussed the implementation of energy-efficiency regulations and the Ballast Water Management and Ship Recycling Conventions.

Amendment on implementation date for Tier III adopted

The MEPC adopted amendments to MARPOL Annex VI, regulation 13, on Nitrogen Oxides (NO_x), concerning the date for the implementation of “Tier III” standards within emission control areas (ECAs).

The amendments provide for the Tier III NO_x standards to be applied to a marine diesel engine that is installed on a ship constructed on or after 1 January 2016 and which operates in the North American Emission Control Area or the U.S. Caribbean Sea Emission Control Area that are designated for the control of NO_x emissions.

In addition, the Tier III requirements would apply to installed marine diesel engines when operated in other emission control areas which might be designated in the future for Tier III NO_x control. Tier III would apply to ships constructed on or after the date of adoption by the Marine Environment Protection Committee of such an emission control area, or a later date as may be specified in the amendment designating the NO_x Tier III emission control area.

Further, the Tier III requirements do not apply to a marine diesel engine installed on a ship constructed prior to 1 January 2021 of less than 500 gross tonnage, of 24 m or over in length, which has been specifically designed and is used solely, for recreational purposes.

The amendments are expected to enter into force on 1 September 2015.

NO_x control requirements apply to installed marine diesel engines of over 130 kW output power, and different levels (Tiers) of control apply based on the

ship construction date. Outside emission control areas designated for NO_x control, “Tier II” controls, required for marine diesel engines installed on ships constructed on or after 1 January 2011, apply.

Amendments to MARPOL to make auditing mandatory adopted

The MEPC adopted amendments to MARPOL Annexes I through to VI to make the use of the IMO Instruments Implementation Code (III Code) mandatory. The amendments add definitions and regulations relating to “verification of compliance”, thereby making the IMO Audit Scheme mandatory under MARPOL.

The amendments are expected to enter into force on 1 January 2016.

The III Code was adopted by the IMO Assembly in 2013. Similar amendments to other IMO treaties are also in the process of being adopted, to make the Audit Scheme mandatory once the relevant amendments enter into force in 2016.

Application of Tier III NO_x standards will be dependant on year of ship construction and area of operation





Amendments adopted to MARPOL extend EEDI application to various vessel types, including ro-ro cargo ships

Other amendments adopted

The MEPC also adopted:

- Amendments to MARPOL Annex I, the Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk (BCH Code) and the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (IBC Code), on mandatory carriage requirements for a stability instrument for oil tankers and chemical tankers, expected to enter into force on 1 January 2016;
- Amendments to MARPOL Annex VI concerning the extension of the application of the Energy Efficiency Design Index (EEDI) to LNG carriers, ro-ro cargo ships (vehicle carriers), ro-ro passenger ships and cruise passenger ships with non-conventional propulsion; and to exempt of ships not propelled by mechanical means and independently operating cargo ships with ice-breaking capability, expected to enter into force on 1 September 2015.

Draft Polar Code environmental provisions reviewed

The MEPC reviewed the environmental requirements under the proposed draft mandatory International Code for ships operating in polar waters (Polar Code). It also considered the proposed draft amendments to MARPOL to make the Polar Code mandatory.

A correspondence group was established, to finalize the draft MARPOL amendments and the environmental requirements and to report to the next session (MEPC 67) in October 2014.

The MEPC also agreed to request the IMO Council to approve the holding of an intersessional working group ahead of MEPC 67.

The draft Polar Code covers the full range of design, construction, equipment, operational, training, search and rescue and environmental protection matters relevant to ships operating in the inhospitable waters surrounding the two poles. Environmental provisions include requirements covering prevention of oil pollution; prevention of pollution from noxious liquid substances from ships; prevention of pollution by sewage from ships; and prevention of pollution by discharge of garbage from ships.

Energy-efficiency measures for ships considered

The MEPC continued its work on further developing guidelines to support the uniform implementation of the regulations on energy-efficiency for ships that entered into force on 1 January 2013, and adopted the *2014 Guidelines on the Method of Calculation of the Attained Energy Efficiency Design Index (EEDI)*, applicable to new ships.

Technical co-operation and technology transfer discussed

The MEPC discussed the implementation of resolution MEPC.229(65) on *Promotion of Technical Co-operation and Transfer of Technology Relating to the Improvement of Energy Efficiency of Ships*, welcoming the financial contribution from Norway for the organization of workshops on the transfer of technology.

The Ad Hoc Expert Working Group on

Facilitation of Transfer of Technology for Ships, established in accordance with the resolution, met during the session and agreed a work plan, which was endorsed by the Committee. The work plan envisages: assessing the potential implications and impacts of the implementation of the energy efficiency regulations in chapter 4 of MARPOL Annex VI, in particular, on developing States, as a means to identify their technology transfer and financial needs; identifying and creating an inventory of energy efficiency technologies for ships; identifying barriers to transfer of technology, in particular to developing States, including associated costs, and possible sources of funding; and making recommendations, including the development of a model agreement enabling the transfer of financial and technological resources and capacity building between Parties, for the implementation of the energy efficiency regulations.

Data collection system for fuel consumption of ships discussed

The MEPC discussed various submissions relating to proposals to establish a framework for the collection and reporting of data on the fuel consumption of ships. It agreed to establish a correspondence group, to consider the development of a data collection system for ships, including identification of the core elements of such a system. The group will report to the next session of the Committee.

NO_x Technical Code guidelines adopted

The MEPC adopted amendments to the NO_x Technical Code, 2008, concerning the use of dual-fuel engines.

The MEPC also adopted the *2014 Guidelines in respect of the information to be submitted by an Administration to the Organization covering the certification of an Approved Method as required under regulation 13.7.1 of MARPOL Annex VI* (relating to "Marine Diesel Engines Installed on a Ship Constructed Prior to 1 January 2000"); and the *2014 Guidelines on the Approved Method process*, which apply to new Approved Methods notified to IMO only.

The MEPC also approved draft amendments to MARPOL Annex VI regarding engines solely fuelled by gaseous fuels, to clarify that such engines should also be covered by the Annex VI NO_x regulations, with a view to adoption at MEPC 67. It also invited interested delegations to submit proposals for draft amendments to the NO_x Technical Code for inclusion of provisions on engines solely fuelled by gaseous fuels, including any consequential amendments, for consideration by MEPC 67, with a view to approval.

2014 shipboard incineration standard adopted

The MEPC adopted the 2014 standard specification for shipboard incinerators, which covers the design, manufacture, performance, operation and testing of incinerators intended to incinerate garbage and other shipboard wastes generated during the ship's normal service. The specification applies to incinerator plants with capacities up to 4,000 kW per unit.

Sulphur review correspondence group established

The MEPC considered the timing of the review, required under MARPOL Annex VI, regulation 14.8, on control of emissions of sulphur oxides (SO_x) from ships, on the availability of compliant fuel oil to meet the requirements set out in the regulation. The Committee agreed to establish a correspondence group to develop the methodology to determine the availability of fuel oil to comply with the fuel oil standard set out in regulation 14.1.3 of MARPOL Annex VI. The group would provide a progress report to MEPC 67, with a view to the Committee adopting the terms of reference of the study at MEPC 68 in 2015.

The sulphur content (expressed in terms of % m/m – that is, by weight) of fuel oil used on board ships is required to be a maximum of 3.50% m/m (outside an Emission Control Area (ECA)), falling to

0.50% m/m on and after 1 January 2020. Depending on the outcome of a review, to be completed by 2018, as to the availability of compliant fuel oil, this requirement could be deferred to 1 January 2025.

Ballast water management systems approved

The MEPC granted Basic Approval to four, and Final Approval to two ballast water management systems that make use of Active Substances.

The MEPC also approved BWM-related guidance, including *Guidance on entry or re-entry of ships into exclusive operation within water under the jurisdiction of a single Party* and a revision of the GESAMP-BWWG Methodology for information gathering and conduct of work. In addition, the Committee requested the Secretariat to explore the possibility of conducting a study on the implementation of the ballast water performance standard described in regulation D-2 of the BWM Convention, with the aim to address a number of industry concerns, including proposals to amend the *Guidelines for approval of ballast water management systems (G8)*.

On the status of the of the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, the MEPC urged those States which have not yet ratified the Convention to do so at the earliest possible opportunity.

Ship recycling convention implementation

The MEPC considered the report of a correspondence group tasked with developing threshold values and exemptions applicable to the materials to be listed in Inventories of Hazardous Materials, required under the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, and agreed further work was needed.

The correspondence group was re-established to finalize the development of threshold values, exemptions and bulk listings applicable to the materials to be listed in Inventories of Hazardous Materials.

Guidelines for the reduction of underwater noise approved

The MEPC approved *Guidelines for the reduction of underwater noise from commercial shipping to address adverse impacts on marine life*, recognizing that underwater noise radiating from commercial ships may have both short- and long-term negative consequences on marine life.

Guidance for port reception facility providers and users agreed

The MEPC approved consolidated guidance for port reception facility providers and users.



The correspondence group working on the Inventory of Hazardous Materials required under the Hong Kong Convention was re-established

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Recommendation for ships carrying vehicles with hydrogen and natural gas agreed

The Sub-Committee on Ship Systems and Equipment (SSE), meeting for its first session, agreed a draft *Recommendation on safety measures for existing vehicle carriers carrying motor vehicles with compressed hydrogen or natural gas in their tanks for their own propulsion as cargo*

The recommendation will be submitted to the Maritime Safety Committee (MSC 93) for approval, in conjunction with the adoption of the associated draft new SOLAS regulation II-2/20-1, set for adoption at MSC 93 following approval at the last MSC session.

The draft new SOLAS regulation II-2/20-1 *Requirement for vehicle carrier carrying motor vehicles with compressed hydrogen or natural gas for their own propulsion*, sets additional requirements for ships with vehicle and ro-ro spaces intended for the carriage of motor vehicles with compressed hydrogen or compressed natural gas in their tanks for their own propulsion.

The draft recommendation, in particular, says the shipper should provide a signed certificate or declaration that the vehicle fuel system, as offered for carriage, has been checked for leak-tightness and the vehicle is in proper condition for carriage prior to loading. In addition, the shipper is to mark, label or placard each vehicle, as having been checked for leak-tightness and is in proper condition for carriage

Ventilation of closed vehicle spaces

The Sub-Committee agreed draft amendments to SOLAS regulation II-2/20 on *Air quality control for ventilation of closed*

vehicle spaces, closed ro-ro and special category spaces, for submission to MSC 94 (in November 2014) for approval, with a view to subsequent adoption.

The draft amendments update paragraph 3.1.2 *Performance of ventilation systems*. On passenger ships, the ventilation system should give at least the number of air changes required (10 air changes per hour), except where an air quality control system is provided. On cargo ships, the ventilation fans should normally be run continuously and give at least the number of air changes required (6 per hour) whenever vehicles are on board, except where an air quality control system is provided.

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Venting requirements

The Sub-Committee agreed draft amendments to SOLAS regulations II-2/4.5 and II-2/11.6, relating to the secondary means of venting cargo tanks, for submission to MSC 94 for approval, with a view to subsequent adoption.

Oil residue amendments agreed

The Sub-Committee agreed draft amendments to MARPOL regulation I/12, on tanks for oil residues (sludge), for submission to the Marine Environment Committee (MEPC 67) for approval, with a view to subsequent adoption.

The draft amendments update and revise the regulation, expanding on the requirements for discharge connections and piping to ensure oil residues are properly disposed of. A related revised unified interpretation to regulations 12.3.3 of MARPOL Annex I was also agreed.

Alternative lifeboat drills for MODUs

The Sub-Committee agreed draft amendments to section 14.12 *Practice musters and drills* of the 2009 Code for the Construction and Equipment of Mobile Offshore Drilling Units (MODU Code), for submission to MSC 94 for adoption, relating to alternative methods for lifeboat drills. The aim is to assist the operator of a mobile offshore unit in a situation where the execution of the 3-monthly launch and manoeuvre of lifeboats as specified in paragraph 14.12.4.2 of the 2009 MODU Code is not possible or may be dangerous.

The draft amendments add a new paragraph 14.12.4.3 to provide for alternatives and equivalents to be utilised, so long as they follow the draft *Guidelines on alternative methods for lifeboat drills on MODUs*, which were also agreed by the Sub-Committee.

Liferaft servicing

The Sub-Committee agreed a draft amendment to paragraph 5.11 of the *Recommendation on conditions for the approval of servicing stations for inflatable*



Requirements for winches and on-board lifting appliances are being developed by the Sub-Committee

liferafts (resolution A.761(18)), for submission to MSC 94 for adoption, to state that “all items of equipment should be checked to ensure that all are in good condition and dated items should be replaced in cases where the expiry date falls before the next service date of the liferaft.”

Review of SOLAS chapter III

The Sub-Committee continued its work on the development of the goal-based guidelines on framework of requirements for ships' life-saving appliances and established a correspondence group to further the work. A work plan was also agreed, which envisages considering the restructuring/relocating of SOLAS chapter III and International Life-Saving Appliances Code requirements, with a view to adoption of draft SOLAS chapter III and LSA Code amendments in 2016.

Smoke control systems

The Sub-Committee developed draft functional requirements for the assessment of smoke control systems, for inclusion in possible future draft performance standards for the assessment of smoke control systems. The Sub-Committee also agreed a work plan for future work, including considering whether smoke control requirements should be included in SOLAS

and whether existing SOLAS requirements, such as those relating to atrium smoke extraction systems, independent stairways fan and duct system as well as automatic smoke dampers should be included in the requirements for smoke control.

Winches and lifting appliances

The Sub-Committee continued its work on developing requirements for onboard lifting appliances and winches and agreed a detailed work plan, establishing a correspondence group to collect and analyse incident reports and data related to onboard lifting appliances and winches; further consider the need, scope and application of potential measures for onboard lifting appliances and winches, identifying ranges of equipment and types of ships; develop a framework for potential measures for onboard lifting appliances and winches, taking into account available standards; and report to the next session.

The Sub-Committee endorsed the view that potential measures for onboard lifting appliances and winches should apply to ships to which SOLAS applies. It also endorsed the view that the requirements would not apply to personnel/passenger elevators (lifts) and escalators on board ships; mobile off shore units certified under the MODU Code; or fishing vessels.

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IMO and the protection of the marine environment – part two

(Continued from IMO News Issue no.1 2014)

Thomas A. Mensah

Every year the winner of IMO's prestigious International Maritime Prize is invited to submit a paper on a subject of his or her choice for publication in IMO News. Here, 2013 winner Thomas A. Mensah, former President of the International Tribunal for the Law of the Sea and Assistant Secretary-General of IMO, shares his views on IMO's work to protect the marine environment. Part 1 of this article appeared in IMO News Issue no.1 2014. The views expressed are those of the author and do not represent IMO position or policy

IMO and the implementation of the Convention on the Law of the Sea

IMO also contributes significantly to the implementation of the 1982 United Nations Convention on the Law of the Sea, and thus to the development of general environmental law, at both the national and international levels. In many cases the results of the work of IMO are considered as necessary for the practical implementation of some provisions of the United Nations Convention on the Law of the Sea. The following are some of the areas:

1. Evaluation of coastal States' laws and regulations

The Convention on the Law of the Sea provides that States shall establish national laws and regulations for the prevention, reduction and control of pollution of the marine environment from vessels. However, the Convention states that the laws and regulations adopted by States should be compatible with the Convention and other rules of international law,

IMO is generally recognised as the competent international organization in the United Nations Convention on the Law of the Sea



and also that State laws should “at least have the same effect” as of “generally accepted international rules and standards established through the competent international organization”. IMO is generally recognized as the “competent international organization” referred to in the Convention, so the effect of these provisions is that, in the relevant cases, the benchmark by reference to which laws and regulations adopted by a State may be evaluated is whether they are compatible with, or have the same effect as, the relevant regulations and standards established from time to time by IMO. Thus, the regulations and standards developed by IMO are useful not only for the practical implementation of provisions of the Convention, but also for evaluating the laws and standards enacted by States to implement particular provisions and rules of the Convention on the Law of the Sea.

According to Article 21, paragraph 2, of the Convention national laws and regulations for the regulation of shipping in their territorial seas shall not apply to the design, construction, manning or equipment of foreign ships “unless (such laws and regulations) are giving effect to generally accepted international rules and standards”. The only “generally accepted” rules and standards on “the design, construction, manning or equipment of ships” are those developed and adopted in IMO, as contained in the SOLAS Convention, the International Convention on the International Regulations for Preventing Collisions at Sea, 1972; the 1973/1978 MARPOL Convention, the STCW Convention and in the numerous Codes, Recommendations and Guidelines related to these treaty instruments. Hence any evaluation of coastal State laws and regulations for this purpose, must be by reference to the work of IMO.

2. The establishment of traffic separations schemes

Pursuant to Articles 22, 41 and 47 of the Convention, States which designate sea lanes or prescribe traffic separation schemes in territorial seas, archipelagic waters or in straits used for international navigation shall take into account, inter alia, the recommendations of IMO (“the competent international organization”).

3. Documents to be carried by nuclear powered ships and ships carrying nuclear or other inherently dangerous substances

Article 23 of the Convention provides that foreign nuclear powered ships and ships carrying nuclear or other inherently dangerous substances, when exercising

the right of innocent passage through the territorial sea, must carry documents and observe special precautionary measures established for such ships in international agreements. Many of the internationally accepted regulations and standards for the maritime carriage of noxious and dangerous substances are contained in the International Dangerous Goods Code (IMDG Code). The provisions of the IMDG Code on the carriage of nuclear substances have been developed largely in IMO but with the cooperation of other United Nations bodies, including the International Atomic Energy Agency (IAEA).

4. Establishment of international rules and regulations

Pursuant to Article 210 of the Convention (on prevention of pollution by dumping) and Article 221 (on prevention of pollution from vessels), international rules and regulations for the prevention of pollution shall be established through “the competent international organization” (i.e. IMO). The articles also provide that national laws adopted for the same purpose should at least “have the same effect” as the international rules and standards established through IMO (“the competent international organization”).

IMO’s contribution to the progressive development of the law

IMO has also made important contributions to the “progressive development” of international environmental law, especially the law for the prevention of vessel source pollution. In particular, it has contributed significantly to the articulation and practical implementation of a number of “accepted” or “general” principles and norms of law

relating to the protection of the environment. Indeed, in some cases, the principles were first enunciated in IMO while, in other cases, the principles have been given practical application in instruments developed in IMO. Among these the following may be mentioned:

The first is the principle that a coastal State is entitled to take measures of intervention to protect itself in cases of serious maritime accidents. This principle was first articulated in express terms in the 1969 Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, adopted in IMO following the Torrey Canyon accident. As indicated earlier, this principle is now enshrined as a general rule of international law of the sea (Article 221 of the 1982 United Nations Convention on the Law of the Sea).

The second is the legal principle that a port State is entitled to take measures in respect of a ship in its port or off-shore terminal, either to ascertain compliance with applicable international and national laws rules and regulations or to take enforcement action in case of proven violations. The principle was first utilised in the 1969 Civil Liability Convention, well before the concept of “port State jurisdiction” to enforce national and international law against foreign vessels was formally promulgated as a general principle in the Convention on the Law of the Sea.. The principle states in effect that a State has the right (and duty) to apply the requirement of an international treaty to which it is a party to foreign ships in its ports, even if the State of registry of the ship concerned is not a party to the particular treaty. Article VIII of the 1969 Civil Liability Convention provides that “each Contracting State shall

A coastal State may take measures of intervention to protect itself





A fleet-wide change in tanker construction methods was instigated through 'tacit acceptance'

ensure that insurance or other security to the extent required under the Convention is in force in respect of any ship, wherever registered, entering or leaving its ports or off-shore terminals in its territory. The same principle is applied in Article 5, paragraph 4, of the 1973/78 MARPOL Convention which imposes on Parties to MARPOL the obligation to apply the requirements of MARPOL to ships of non-Parties (to MARPOL) "as may be necessary to ensure that no more favourable treatment is given to such ships". This principle has provided the principal legal basis for various Memoranda on Port State Control now in operation in many areas of the world

As a legal principle, this is now accepted as part of the mainstream of international environmental law, although it was strongly resisted by many governments when it was first mooted. The opposing governments contended that such a provision would be incompatible with the general international law rule that a treaty cannot impose obligations or adversely affect the rights States which had not consented to be bound by the treaty.

Third, IMO pioneered, or advocated, the use of the "tacit acceptance" procedure to effect urgently-needed modifications and improvements in international environmental agreements. The procedure was introduced by IMO because revision and up-dating of international regulations were seriously constrained by the traditional principle according to which States could not be bound by international commitments except through the explicit expression of their consent to be bound by such commitments.

Prior to the introduction of the "tacit acceptance" procedure, amendments to international conventions could not be brought into force in time or at all. The "classical" international law requirement was that an amendment to a treaty had to be ratified or accepted by a stipulated proportion (usually two-thirds) of the States Parties to the relevant convention; and further that an amendment which entered into force could only bind States Parties which had accepted that amendment. This meant that, even if an amendment came into force, it would not be applicable to any parties which had not expressly agreed to be bound by the amendment. Thus, as the number of parties to the treaty increased, so did the number of acceptances required to bring an amendment into force. In effect "it was like trying to climb a mountain that was always growing higher".

Under the tacit acceptance procedure, the body which adopts an amendment is able to fix a specific time within which parties have the opportunity to notify their acceptance or rejection of the amendment, or to remain silent. If they remain silent they will be considered to have accepted the amendment. In adopting the new procedure, the Assembly hat noted that it was "more in keeping with the development of technological advances and social needs".

The "tacit acceptance" procedure for amendments has been used successively to adopt and bring into effect major amendments to several important conventions within a time frame that would have been unimaginable under the

traditional procedure. For example, the amendments to Annex 1 of MARPOL, introducing a new global time-table for phasing out single-hull oil tankers, was adopted on 27 April 2001 and entered into force on 1 September 2002, i.e. less than eighteen months after the adoption of the amendment. Similarly, the 1993 amendments to the London Dumping Convention that were adopted in November 1993 entered into force on 20 February 1994. These amendments banned the dumping into the sea of industrial wastes by 31 December 1995 and prohibited the incineration at sea of industrial wastes. In this connection, it is pertinent to note that the "tacit acceptance" procedure has also been used outside IMO. It was used, in part, to bring into force the *1994 Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea 1982*. Under Article 5 of the Agreement, a State or entity which had [previously expressed its consent to be bound by the original 1982 Convention] shall be considered to have established its consent to be bound by this Agreement 12 months after the date of its adoption, unless that State or entity notifies the depositary in writing before that date that it is not availing itself of the simplified procedure." This is evidence of the acceptance of the simplified procedure within the corpus of general international law.

Yet another of IMO's contributions to the development of international environmental law has been the use of liability and compensation as one of the tools for the prevention of pollution. It is now generally



The Civil Liability Convention recognises that salvors may be entitled to reward even if the ship or cargo are not saved (pic: ISU)

accepted that imposing strict liability on the owner of a ship to pay compensation for pollution arising from the operation of his ship can contribute to the prevention of pollution incidents because it concentrates the minds of operators on the need to take necessary measures to avoid accidents to their ships. Based on this principle, some provisions in the IMO conventions on liability and compensation provide powerful incentives to owners of ships to take appropriate measures to prevent

1992 Civil Liability Convention states that pollution damage includes "further loss or damage caused by preventive measures" while Article 4, paragraph 1, of the 1992 Fund Convention expressly states that the "expenses reasonably made by the owner voluntarily to prevent or minimize pollution damage shall be treated as pollution damage for the purposes of (compensation)". A similar approach is adopted in the 1989 Salvage Convention which states that a salvor should be entitled

pollution, even after an accident has occurred. For instance, some provisions of IMO conventions on civil liability and compensation for pollution damage encourage owners of ships involved in accidents to take preventive measures to avoid or reduce pollution damage from the accident. Thus, Article 1.

Paragraph 6 of the

to compensation for preventing pollution of the sea, even if the salvage operation does not succeed in saving the ship or the cargoes on board. Under the traditional principle of "no cure no pay", a salvor would normally be entitled to no reward if the salvage operation does not succeed in saving the ship or its cargo, even if it actually prevents or reduces marine pollution from the incident.

Summary

In the discharge of the responsibilities and functions entrusted to it by its Constitution and under other international treaties, IMO has made important contributions to the international efforts to protect and preserve the marine environment, particularly from pollution arising from the operation of ships. In addition to providing a forum for the consideration and adoption of technical, legal and administrative regulations and standards for the prevention and control of marine pollution from ships, IMO has also played a valuable role in the implementation of the provisions of the United Nations Convention on the Law of the Sea and, it has contributed in various ways to the elucidation and development of international environmental law.

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On June 25th, the Day of the Seafarer, we are once again asking people everywhere to show their appreciation, through social media, for the seafarers that quietly, mostly unnoticed, keep the wheels of the world in motion.

Last year our campaign was a tremendous success, generating numerous web stories, videos, blog postings, news articles and opinion pieces from experts and media outlets all over the world. Twitter messages from the campaign reached more than ten million people, while Facebook reached more than 300,000 users.

So this year, why don't you join our campaign? All you need to do is

complete the sentence "Seafarers brought me..." and post it on social media.

Think of something you own and which came by sea. Whether it's the car you drive, the food you eat, the clothes you wear, the gadgets you use or the furniture you sit on, write it down and post it, adding the hash tag "thank you seafarer."

Inside this issue of IMO News, you will find a sticker designed to help you do just that. Peel it, stick it, complete the box and post a photograph of it. By doing so, you will be adding your voice to the millions of others who, on this one day, take the time to stop and thank those who work so hard, in the face of great hardship, to make our lives better.

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IMO and Bangladesh announce major collaboration to improve ship-recycling standards



IMO and the Government of the People's Republic of Bangladesh have signed a landmark agreement to work together to improve safety and environmental standards in the country's ship-recycling industry.

A Memorandum of Understanding formalizing the cooperation between the two was signed by Mr Nicolaos Charalambous, Director, Technical Cooperation Division, IMO and Mr Md. Ashadul Islam, Additional Secretary, Economic Relations Division of the Ministry of Finance of the Government of Bangladesh, on 10 April 2014.

IMO and Bangladesh will jointly implement a project entitled "Safe and Environmentally Sound Ship Recycling in Bangladesh – Phase I". With an annual gross tonnage capacity of more than 8.8 million, the Bangladesh ship recycling industry is one of the world's most important, second only to neighbouring India in terms of volume.

The project, aimed at improving

standards and sustainability within the industry, will consist of five work packages, covering studies on economic and environmental impacts and on the management of hazardous materials and wastes, recommendations on strengthening the Government's One-Stop Service (in which all the various ministries with a responsibility for ship recycling – e.g. Industries, Environment, Labour, Shipping – offer a single point of contact for related matters), a review and upgrade of existing training courses and the development of a detailed project document for a possible follow-up project to implement the recommendations of phase I.

It will be executed by the Marine Environment Division of IMO, in partnership with the Ministry of Industries of Bangladesh, over the next 18 months. The Bangladeshi ministry will coordinate input from the different stakeholder ministries within the country, while IMO will also collaborate with

other relevant UN agencies including the International Labour Organization (ILO) and the United Nations Industrial Development Organization (UNIDO) to ensure successful delivery of the project.

The principal funding for the project will come from the Norwegian Agency for Development Cooperation (Norad), while the Secretariat of the Basel, Rotterdam and Stockholm Conventions (BRS)* will also support the project by mobilizing some EU funding towards the work package related to the management of hazardous materials, which will partly be implemented by BRS.

IMO, the Government of Bangladesh, Norad, and BRS have been working towards the establishment of this project for a number of years. It demonstrates a major commitment from the Government of Bangladesh to improve safety and environmental standards within this vital industry.

*Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989; Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, 1998; Stockholm Convention on Persistent Organic Pollutants, 2001.

Regional seminar stresses port security to reduce stowaways

Port facilities need to further strengthen their capacities for surveillance and access control, in order to reduce the incidence of stowaways, participants at a regional seminar on stowaways in West and Central Africa agreed.

The IMO Regional Seminar on *Stowaways in West and Central Africa: Analysis of the current situation and measures to reduce their number* was held in Abidjan, Côte d'Ivoire, from 25 to 27 March 2014, hosted by the Ministry of Transport of Côte d'Ivoire in the premises of the Port of Abidjan.

More than 50 participants, 31 of whom were funded by IMO's Technical Cooperation programme, attended the seminar, including security and immigration officials from the 12 most frequent ports of embarkation of stowaways (major ports of Benin, Cameroon, Côte d'Ivoire, the Democratic Republic of Congo, Ghana, Guinea, Morocco, Nigeria, Senegal, Sierra Leone and Togo), as identified by the International Group of P&I Clubs.

Representatives of other ports were also present, including ports in Congo and Angola. Representatives of the Côte d'Ivoire Maritime Administration and other local stakeholder agencies in Côte d'Ivoire attended the seminar as well.

The seminar included table-top exercises to facilitate discussions and to identify best practices for avoiding stowaway incidents. The seminar also addressed aspects of security, facilitation of trade and repatriation of stowaways.

Participants agreed that the fact that stowaways are able to have access to port facilities and go on board ships in ports means that any other person with criminal intentions could have access to the port and ships as well. The security regimes of such ports could be improved.

The International Group of P&I Clubs puts the annual cost of all stowaway cases worldwide at approximately US\$15.3 million (measured from February 2011 to February 2012).

IMO partnered with the regional Port and Management Association of West and Central Africa (PMAWCA) to prepare the seminar. Representatives from the United Nations Office on Drugs and Crime (UNODC), Interpol, the International Organization for Migration (IOM), the World Customs Organization (WCO) and the United Nations High Commissioner for Refugees (UNHCR) also participated in the seminar, as well as those from the United States Coast Guard, the International Group of P&I Clubs, the International Chamber of Shipping (ICS) and BIMCO.



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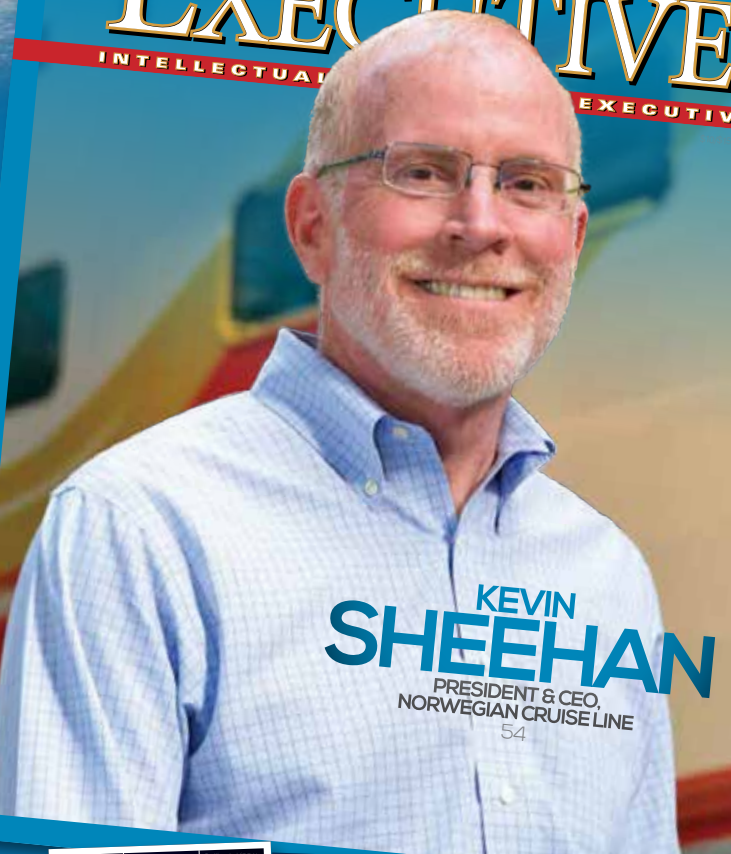
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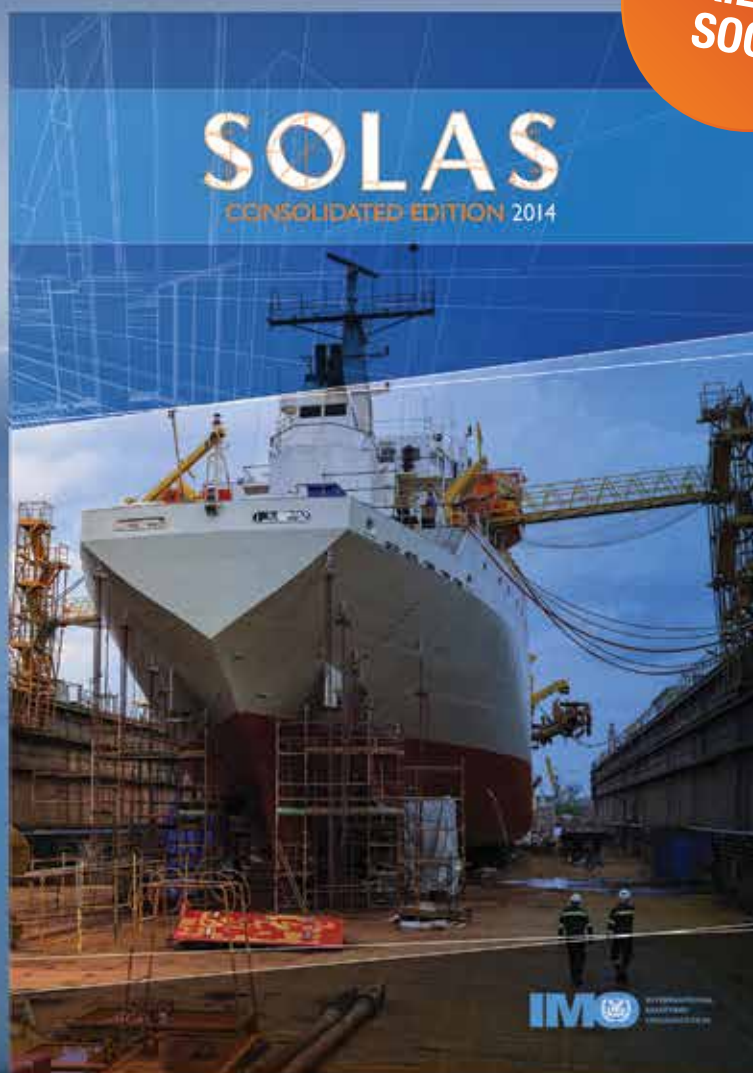


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