



ISF



# Promoting Maritime Treaty Ratification

Campaign Update

International Chamber of Shipping  
International Shipping Federation





# Promoting Treaty Rati

ICS and ISF member national shipowners' associations continually emphasise to their governments that shipping is an inherently international industry which depends on a global regulatory system to operate efficiently.

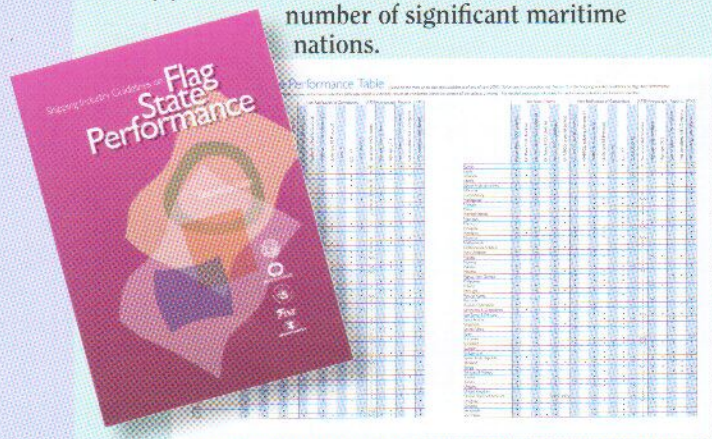
It is crucial that the same regulations governing such matters as safety, environmental protection, liability, and seafarers' working conditions apply to all ships in international trade and that the same laws apply to all parts of the voyage. The alternative would be a web of conflicting rules and regulations that would compromise the efficiency of global trade, around 90% of which is carried by sea.

It is therefore very important that governments appreciate that the smooth operation of a global maritime regulatory regime is impeded by any failure or delay on their part in the ratification and implementation of international instruments to which they have agreed at IMO, ILO and other Diplomatic Conferences.

The failure of new Conventions to enter into force or become widely ratified also gives encouragement to the promotion of unwelcome unilateral or regional regulation.

ICS and ISF have identified various international maritime Conventions which they believe are especially important for all governments to ratify as a matter of priority.

There are many other Conventions that require wider ratification and the reasons for highlighting only certain instruments are complex (see opposite). Indeed, as can be seen by the Round Table of international shipping associations' Flag State Performance Table (see [www.marisec.org/flag-performance.htm](http://www.marisec.org/flag-performance.htm)) there are several core Conventions that have been in force for many years but which have still not been ratified by a number of significant maritime nations.



For many years the International Chamber of Shipping (ICS) and the International Shipping Federation (ISF) have been conducting a global campaign to stress the vital necessity for governments to ratify and implement maritime Conventions adopted by the **International Maritime Organization (IMO)**, the **International Labour Organization (ILO)** and other United Nations bodies that impact on shipping. This brochure reiterates the reasons behind the ICS and ISF campaign and provides an update on recent developments.





# fication: The ICS and IS

## IMO Instruments

### International Convention on Control and Management of Ships' Ballast Water (BWM), 2004



ICS remains concerned that, in the continuing absence of entry into force of a global regime, there is an increasing proliferation of national and local regulations at variance with the IMO Convention, and resultant difficulties as shipowners struggle to comply with conflicting requirements at different parts of a voyage. For example, individual US States are introducing micro-organism 'kill standards' that are 100 times more stringent than those stipulated by the BWM Convention, for which treatment technology does not exist.

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



The LLMC Protocol entered into force in 2004 and increases significantly the liability limits for a number of maritime claims. The increased levels of compensation for claimants and the international community's continued endorsement of the concept of limitation of liability are supported by ICS, which is promoting the widespread ratification of this important instrument.

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



The HNS Convention is modelled on the highly successful international oil pollution liability and compensation regime and will establish an international regime for HNS damage, the cost of which will be shared between shipowners and HNS cargo receivers. However the failure to enter into force has been giving encouragement to regional action and has been cited in a number of European Commission proposals. In 2010, IMO adopted a Protocol to the HNS Convention intended to overcome obstacles to ratification, which governments should no longer have any reason to delay. Until the HNS Convention enters into force, an existing EU Directive on Environmental Liability for Preventing and Remedying Environmental Damage will apply to HNS incidents in the waters of EU Member States.



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

Early entry into force will help improve safety and environmental standards in ship recycling yards and impose mandatory requirements on ships, such as the maintenance of inventories of hazardous materials, from the time of their construction to their final demolition. It will also require that ships are only sold to recycling yards that meet the new standards. The Convention is fully supported by the shipping industry as an alternative to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes, which was never intended to be applied to international shipping and which would make efficient ship recycling extremely impractical.

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

The Protocol introduces compulsory insurance for passenger personal injury claims and other mechanisms to assist passengers in obtaining compensation, the level of which is increased significantly. An EU Regulation, which incorporates the Protocol, has determined that EU Member States will apply the Protocol in the EC by January 2013 at the latest. The Protocol has been ratified already by



a few countries both within and outside the EU and, in the interests of consumer protection, it is clearly desirable that it achieves global acceptance as soon as practicable.

### MARPOL Protocol of 1997 (MARPOL Annex VI - Prevention of Atmospheric Pollution by Ships)

Although MARPOL Annex VI entered into force in 2005 and was amended in 2008 in order to reduce atmospheric pollution dramatically, the relatively low number of ratifications could lead to problems when, as agreed by IMO, Annex VI is the mechanism used for the early introduction of global measures to reduce CO<sub>2</sub> emissions from shipping, since any requirements that do not apply to all ships, regardless of flag, will be bad for the environment and cause serious market distortions. In the meantime, non-parties to Annex VI are less likely to comply with existing requirements concerning sulphur content in fuel, such as the need to ensure the provision of bunker delivery notes confirming that the fuel quality meets IMO requirements.





# Campaign



United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea (Rotterdam Rules), 2009



The Rotterdam Rules, adopted by the United Nations Commission on International Trade Law (UNCITRAL), are intended to replace existing cargo liability regimes such as the Hamburg and Hague/Visby Rules. It is vital that the new regime is ratified to prevent a proliferation of regional cargo liability regulations, and to ensure a global regime that reflects modern 'door to door' services involving other transport modes in addition to the sea-leg, and 'just in time' delivery practices. If the Rotterdam Rules do not take hold then the United States and the EU will almost certainly pursue their own regional regimes and the opportunity for global uniformity will be lost for another generation.

## ILO Instruments

### Maritime Labour Convention (MLC), 2006

For the first time, 67 ILO legal instruments covering such matters as conditions of employment, seafarers' hours of work, medical treatment, repatriation, and crew accommodation at sea have been consolidated into a single 'super convention' that can be enforced internationally both by flag state inspection and port state control. Its entry into force will provide the 'level playing field' of international maritime employment standards which shipowners and seafarers require, representing the 'fourth pillar' of global maritime regulation along with the IMO SOLAS, MARPOL and STCW Conventions.

### Seafarers' Identity Documents Convention (Revised), 2003 (ILO 185)

ILO 185 was adopted as part of the package of maritime security measures following the terrorist attacks of 2001. As a quid pro quo for requiring seafarers to carry new identity documents, port states are required to facilitate shore leave and transits to and from ships, for example by not requiring seafarers to obtain visas from overseas consulates in advance of their arrival. As well as addressing the security concerns of port states, the wide ratification of the Convention should materially assist the welfare of seafarers who are increasingly deprived of shore leave in certain countries.

## Campaign Update

**The IMO Anti-Fouling Systems (AFS) Convention** and the **IMO Bunker Spill Liability Convention**, which featured in the last ICS/ISF campaign update, have now entered into force. However, more widespread ratification is still needed to ensure global protection for the environment and potential pollution claimants.

**The IMO Ballast Water Management (BWM) Convention** has almost received the necessary ratifications to enter into force, assisted by the finalisation by IMO of Guidelines on implementation and the type-approval of equipment. However, questions remain about the application of the Convention to some existing ships.

**The ILO Maritime Labour Convention (MLC)** is expected to enter into force by 2013. It has already been ratified by most of the large open registers and as a result of agreement between employers and unions, it is expected to be ratified by most EU States and enforced through Port State Control. In practice, MLC minimum rest hour requirements will be enforced from 2012, due to the entry into force of similar, though even stricter requirements, contained in the 'Manila Amendments' to the IMO Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW 2010).

**The Protocol to the HNS Convention** was agreed in 2010 following ICS's willingness to accept a compromise, whereby shipowner's liability in incidents involving packaged dangerous goods will be increased, in order to achieve an equitable sharing of the costs of compensation between shipowners and cargo interests. Adoption of the Protocol will hopefully pave the way for the early entry into force of the IMO HNS Convention.

**The IMO Ship Recycling Convention** and early implementation of its requirements are being actively encouraged through the inter-industry Guidelines on Transitional Measures for Shipowners Selling Ships for Recycling, which are specifically intended to help improve safety and environmental conditions in recycling yards in advance of the entry into force of the new Convention.

**The Rotterdam Rules** on cargo liability are being actively promoted by ICS. Early ratification by major trading nations will almost certainly give widespread acceptance critical momentum, and the United States is shortly expected to put ratification before Congress.

**MARPOL Annex VI** has recently been amended to include mandatory technical measures to reduce shipping's CO<sub>2</sub> emissions – the first global agreement for an entire industrial sector of its kind.





ICS is the principal international trade association representing all sectors and trades of the shipping industry. Together with representatives of its member national shipowners' associations, ICS participates actively at virtually every committee meeting of the International Maritime Organization (IMO), and contributes significantly to the development of all IMO regulations which impact on international shipping.



*IMO in session*

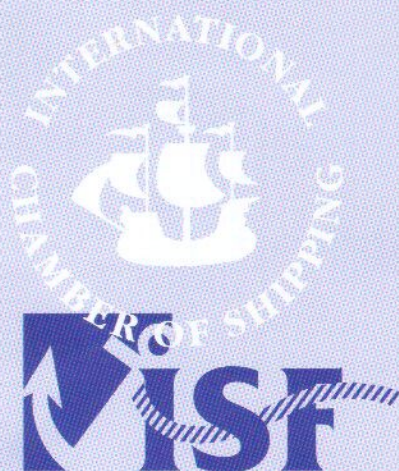


*ILO Maritime Conference*



ISF is the principal international organisation for maritime employers. As an official International Labour Organization (ILO) 'social partner', ISF is responsible for co-ordinating the votes of the national shipowners' association representatives who adopt ILO maritime Conventions as part of the ILO tripartite process, together with governments and seafarers' representatives co-ordinated by the International Transport Workers' Federation (ITF). ISF also represents maritime employers at IMO.





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Inter-Industry  
Anti Piracy Campaign

The ICS and ISF ratification campaign is supported by member national shipowners' associations in the following countries:

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Bahamas	Italy
Belgium	Japan
Brazil	Korea
Bulgaria	Kuwait
Canada	Liberia
Chile	Mexico
China	Netherlands
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