

## Chapter 1 : Maritime Regulations and Conventions | Maritime Cyprus

*The Regulation of International Shipping Merchant shipping is one of the most heavily regulated industries and was amongst the first to adopt widely implemented international safety standards. Regulations concerning shipping are developed at the global level.*

The subjects covered included tonnage measurement, the prevention of collisions, signalling and others. By the end of the nineteenth century suggestions had even been made for the creation of a permanent international maritime body to deal with these and future measures. The plan was not put into effect, but international co-operation continued in the twentieth century, with the adoption of still more internationally-developed treaties. By the time IMO came into existence in 1948, several important international conventions had already been developed, including the International Convention for the Safety of Life at Sea of 1929, the International Convention for the Prevention of Pollution of the Sea by Oil of 1953 and treaties dealing with load lines and the prevention of collisions at sea. IMO was made responsible for ensuring that the majority of these conventions were kept up to date. It was also given the task of developing new conventions as and when the need arose. The creation of IMO coincided with a period of tremendous change in world shipping and the Organization was kept busy from the start developing new conventions and ensuring that existing instruments kept pace with changes in shipping technology. It is now responsible for more than 50 international conventions and agreements and has adopted numerous protocols and amendments. It is now responsible for nearly 50 international conventions and agreements and has adopted numerous protocols and amendments. Adopting a convention This is the part of the process with which IMO as an Organization is most closely involved. IMO has six main bodies concerned with the adoption or implementation of conventions. Developments in shipping and other related industries are discussed by Member States in these bodies, and the need for a new convention or amendments to existing conventions can be raised in any of them. Entry into force The adoption of a convention marks the conclusion of only the first stage of a long process. Before the convention comes into force - that is, before it becomes binding upon Governments which have ratified it - it has to be accepted formally by individual Governments. Each convention includes appropriate provisions stipulating conditions which have to be met before it enters into force. These conditions vary but generally speaking, the more important and more complex the document, and the more stringent are the conditions for its entry into force. When the appropriate conditions have been fulfilled, the convention enters into force for the States which have accepted - generally after a period of grace intended to enable all the States to take the necessary measures for implementation. In the case of some conventions which affect a few States or deal with less complex matters, the entry into force requirements may not be so stringent. For example, the Convention Relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material, 1971, came into force 90 days after being accepted by five States; the Special Trade Passenger Ships Agreement, 1973, came into force six months after three States including two with ships or nationals involved in special trades had accepted it. For the important technical conventions, it is necessary that they be accepted and applied by a large section of the shipping community. It is therefore essential that these should, upon entry into force, be applicable to as many of the maritime states as possible. Otherwise they would tend to confuse, rather than clarify, shipping practice. Accepting a convention does not merely involve the deposit of a formal instrument. Often national law has to be enacted or changed to enforce the provisions of the convention; in some cases, special facilities may have to be provided; an inspectorate may have to be appointed or trained to carry out functions under the convention; and adequate notice must be given to shipowners, shipbuilders and other interested parties so they make take account of the provisions of the convention in their future acts and plans. At present IMO conventions enter into force within an average of five years after adoption. The majority of these instruments are now in force or are on the verge of fulfilling requirements for entry into force. Signature, ratification, acceptance, approval and accession The terms signature, ratification, acceptance, approval and accession refer to some of the methods by which a State can express its consent to be bound by a treaty. Consent may be expressed by signature where: A State may also sign a treaty "subject to ratification, acceptance or approval". In such a situation, signature does not

signify the consent of a State to be bound by the treaty, although it does oblige the State to refrain from acts which would defeat the object and purpose of the treaty until such time as it has made its intention clear not to become a party to the treaty Vienna Convention on the Law of Treaties, Article 18 a. Signature subject to ratification, acceptance or approval Most multilateral treaties contain a clause providing that a State may express its consent to be bound by the instrument by signature subject to ratification. In such a situation, signature alone will not suffice to bind the State, but must be followed up by the deposit of an instrument of ratification with the depositary of the treaty. This option of expressing consent to be bound by signature subject to ratification, acceptance or approval originated in an era when international communications were not instantaneous, as they are today. It was a means of ensuring that a State representative did not exceed their powers or instructions with regard to the making of a particular treaty. The words "acceptance" and "approval" basically mean the same as ratification, but they are less formal and non-technical and might be preferred by some States which might have constitutional difficulties with the term ratification. Many States nowadays choose this option, especially in relation to multinational treaties, as it provides them with an opportunity to ensure that any necessary legislation is enacted and other constitutional requirements fulfilled before entering into treaty commitments. The terms for consent to be expressed by signature subject to acceptance or approval are very similar to ratification in their effect. This is borne out by Article Accession is the method used by a State to become a party to a treaty which it did not sign whilst the treaty was open for signature. Technically, accession requires the State in question to deposit an instrument of accession with the depositary. Article 15 of the Vienna Convention on the Law of Treaties provides that consent by accession is possible where the treaty so provides, or where it is otherwise established that the negotiating States were agreed or subsequently agreed that consent by accession could occur. Amendment Technology and techniques in the shipping industry change very rapidly these days. As a result, not only are new conventions required but existing ones need to be kept up to date. For example, the International Convention for the Safety of Life at Sea SOLAS , was amended six times after it entered into force in - in , , , and In a completely new convention was adopted incorporating all these amendments and other minor changes and has itself been modified on numerous occasions. In early conventions, amendments came into force only after a percentage of Contracting States, usually two thirds, had accepted them. This normally meant that more acceptances were required to amend a convention than were originally required to bring it into force in the first place, especially where the number of States which are Parties to a convention is very large. This percentage requirement in practice led to long delays in bringing amendments into force. To remedy the situation a new amendment procedure was devised in IMO. This procedure has been used in the case of conventions such as the Convention on the International Regulations for Preventing Collisions at Sea, , the International Convention for the Prevention of Pollution from Ships, and SOLAS , all of which incorporate a procedure involving the "tacit acceptance" of amendments by States. This period may be varied by the Maritime Safety Committee with a minimum limit of one year. As was expected the "tacit acceptance" procedure has greatly speeded up the amendment process. Contracting Governments enforce the provisions of IMO conventions as far as their own ships are concerned and also set the penalties for infringements, where these are applicable. They may also have certain limited powers in respect of the ships of other Governments. In some conventions, certificates are required to be carried on board ship to show that they have been inspected and have met the required standards. These certificates are normally accepted as proof by authorities from other States that the vessel concerned has reached the required standard, but in some cases further action can be taken. The SOLAS Convention, for example, states that "the officer carrying out the control shall take such steps as will ensure that the ship shall not sail until it can proceed to sea without danger to the passengers or the crew". This can be done if "there are clear grounds for believing that the condition of the ship and its equipment does not correspond substantially with the particulars of that certificate". An inspection of this nature would, of course, take place within the jurisdiction of the port State. But when an offence occurs in international waters the responsibility for imposing a penalty rests with the flag State. Should an offence occur within the jurisdiction of another State, however, that State can either cause proceedings to be taken in accordance with its own law or give details of the offence to the flag State so that the latter can take appropriate action. Under the terms of the Convention Relating to Intervention on the High

Seas, Contracting States are empowered to act against ships of other countries which have been involved in an accident or have been damaged on the high seas if there is a grave risk of oil pollution occurring as a result. The way in which these powers may be used are very carefully defined, and in most conventions the flag State is primarily responsible for enforcing conventions as far as its own ships and their personnel are concerned. The Organization itself has no powers to enforce conventions. This was one of the most important changes made in the amendments to the Convention which entered into force on 1 February Relationship between Conventions and interpretation Some subjects are covered by more than one Treaty. The question then arises which one prevails. The Vienna Convention on the Law of Treaties provides in Article 30 for rules regarding the relationship between successive treaties relating to the same subject-matter. Answers to questions regarding the interpretation of Treaties can be found in Articles 31, 32 and 33 of the Vienna Convention on the Law of Treaties. A Treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose. When a Treaty has been authenticated in two or more languages, the text is equally authoritative in each language, unless the treaty provides or the parties agree that, in case of divergence, a particular text shall prevail. Uniform law and conflict of law rules A substantive part of maritime law has been made uniform in international Treaties. However, not every State is Party to all Conventions and the existing Conventions do not always cover all questions regarding a specific subject. In those cases conflict of law rules are necessary to decide which national law applies. These conflict of law rules can either be found in a Treaty or, in most cases, in national law. IMO conventions The majority of conventions adopted under the auspices of IMO or for which the Organization is otherwise responsible, fall into three main categories. The first group is concerned with maritime safety; the second with the prevention of marine pollution; and the third with liability and compensation, especially in relation to damage caused by pollution. Outside these major groupings are a number of other conventions dealing with facilitation, tonnage measurement, unlawful acts against shipping and salvage, etc. IMO has endeavoured to make the information on this website as accurate as possible but cannot take responsibility for any errors. The working languages are English, French and Spanish. Some content on this site is available in all official languages. The majority is presented in the working languages.

## Chapter 2 : Convention C - Merchant Shipping (Minimum Standards) Convention, (No. )

*The Principal Regulations Governing Maritime Safety The following are the major international shipping conventions, adopted by the International Maritime Organization (and the International Labour Organization) concerning safety and pollution prevention.*

Patricia Keefe is a veteran journalist, editor and commentator who writes Coast Guard Archives On 21 December , Argo Merchant broke apart and emptied its entire cargo of fuel oil, enough to heat 18, homes for a year. While leaving the Belgian port of Zeebrugge on the night of 6 March , the RoRo ferry left the harbor with her bow-door open, allowing the sea to rush in and flood her decks. She capsized in minutes, killing passengers and crew. Coast Guard Archives Disasters Drive Key Safety Improvement Future safety policy to address the human element The history of marine safety is soaked in water and written in blood. Despite some efforts early on to exert some control over shipping practices, going to sea has been accepted as a risky undertaking as long as man has floated vessels. Of course, caution was not thrown entirely to the wind. The most famous disaster of all, the Titanic, with 1, dead, struck the first blow for real international cooperation on safety regulations, codified as the International Convention for the Safety of Life at Sea SOLAS , and adopted in The primary safety book from which most other policies and regulations sprang, SOLAS is updated on a regular basis and is considered the safety bible for the maritime industries. See related story page 43 The Titanic may have gotten the ball rolling, but the sinking of the Morro Castle off the New Jersey coast, which left dead, also left quite a safety legacy in its wake. The ship, which went up in flames, not only led to new fire suppression, protection and control regulations and equipment requirements, it served as the impetus for both the U. It also led to federally mandated officer training requirements and eventually, to the establishment of the federal maritime academy at Kings Point, N. Historically, the list of maritime disasters is long, and the number of casualties is high, but there are specific incidents that have occurred over the last 75 years that stand out in terms of their significance in helping to force, and forge, international agreement on safety, liability and environmental controls, essentially reshaping the marine landscape. Activated in , that policy was adopted to ensure that adequate compensation is available to victims of oil pollution resulting from maritime casualties involving oil-carrying ships, and places the liability for such damage on the owner of the polluting ship. It split in three before sinking, creating the largest oil spill of its kind in history to that date 1. The beauty of port state control is that it has enabled an international port inspection system that makes it impossible for non-compliant ships to hide. The disaster called out lax U. Coast Guard inspection polices, changed the face of the U. Merchant Marine by leading to the almost immediate scrapping of 70 similar WWII-era vessels, mandated survival suits and led to the creation of the U. Incredibly, the bow door was left open, resulted in the loss of out of the passengers and crew. It also required shipping companies to have a license to operate. OPA greatly increased federal oversight of maritime oil transportation, toughened liability and provided greater environmental safeguards. It also put the spotlight on drug abuse in the merchant marine and led to related programs and reforms. Rounding out the list of accidents that spurred calls to action and helped to write the book on maritime safety are the following: In December , the Liberian flagged tanker ran aground in Nantucket, Mass. According the Coast Guard, the cause was the result of ineffective vessel navigation due to faulty gyrocompass, erratic RDF and human error in the ineffective use of standard and secondary navigation 1 exacerbated by a winter storm. The spill led to the creation of the Port and Tanker Safety Act of , which established vessel traffic services, provided for greater supervision and control of vessels in U. The Panamanian-flagged, largely wood vessel caught fire on Nov. No alarm was sounded, no distress call sent out, nor did the sprinklers work, the windows open, nor were all the lifeboats accessible. Less than half were launchable and the master and crew were the first to abandon ship. It led to a major update of SOLAS, and a mandate that any vessel carrying 50 overnight passengers or more had to be built entirely of noncombustible materials or steel. Retroactive fire and safety amendments went into effect for all ships in The RoRo Ferry sank in heavy seas Sept. To improve the survivability of ferries, it also led to changes in the design parameters so that ferries can take up to a half meter of water on the car deck before the ship starts to

list. There was a palpable shift in focus to combating pollution, and providing adequate training and certification of crews. Even the oil companies got into the act, proactively launching spill response coalitions in both Europe and the U. It all started with the Torrey Canyon. To achieve its objectives, MARPOL provides a detailed set of regulations, covering issues from vessel construction and operation to the discharge of sewage and other substances via a set of six technical Annexes. It was signed in 1973, but it took so long to get the necessary ratifications that the original set of protocols were merged with a update fueled by a number of accidents in 1979. It finally became effective in 1982, 16 years after the outrage over Torrey Canyon. The international community has come around: OPA created a comprehensive program to address prevention, response, liability and compensation for oil pollution incidents within U. It also decreed that all tankers entering U. And resisted at first. But a pile up of oil spills in European waters, particularly the Prestige and the Erika, brought an outraged EU in line with U. While not a perfect solution, the move to double hulls added to the level of environmental protection. Indeed, figures from multiple sources show a steady drop in oil spills. All three split in two, and sank. Eerily, the Pendleton and Mercer broke up almost simultaneously in almost the same spot off Cape Cod in November of 1991. With great difficulty and heroism, most of the crews were saved. The Marine Electric has no such luck. Only three out of the 34 men aboard survived. Most were badly patched and barely hanging together. All of the ships were horror shows, says Frump. Calicchio, changed all that. National Transportation Safety Board NTB hopes to see a shift in focus to what it sees as more key to the future of marine safety - the human element. However, many other maritime instruments concerning more specific issues are also in force worldwide. SOLAS also requires regular ship surveys and the issue by flag states of certificates of compliance. MARPOL concerns the prevention of pollution from oil, bulk chemicals, dangerous goods, sewage, garbage and atmospheric pollution, and includes provisions such as those which require certain oil tankers to have double hulls. Companies and their ships must undergo regular audits to ensure that a safety management system is in place, including adequate procedures and lines of communication between ships and their managers ashore.

## Chapter 3 : ICS | The Regulation of International Shipping

*Key IMO Conventions International Convention for the Safety of Life at Sea (SOLAS), , as amended International Convention for the Prevention of Pollution from Ships, , as modified by the Protocol of relating thereto and by the Protocol of (MARPOL).*

If the collision is caused by force majeure, or if there are doubts as to the cause of the collision, the damages shall be borne by those who have suffered them. If the collision is caused by the fault of one of the colliding vessels, liability to remedy the damages shall be borne by the vessel that committed the fault. Wirjono Prodjodikoro, an Indonesian scholar, stated that a collision caused by a defect unseaworthiness of the vessel shall also be considered as the fault of the vessel. If the collision is caused by the fault of two or more vessels, the liability of each vessel is in proportion to the degree of their respective faults. Prodjodikoro stated that the test of fault is the impact of the fault on the damage suffered, irrespective of the intention culpa of the vessel. If a vessel being towed collides due to the fault of the towing vessel, the owners of both the towed and the towing vessel shall be jointly and severally responsible for the damage. Upon declaring independence in , Indonesia decided that the articles of the ICC would continue to be followed unless they were contrary to the Constitution. Under the Shipping Law, all crew members in a vessel are obliged to prevent and mitigate environmental pollution from their vessel. In addition, vessel owners or operators are obliged to procure an insurance policy for their pollution liability. Under Article of the ICC, a salvage reward shall be paid for any salvage operation. Such reward must be paid even if the salvage operation is not successful, unless otherwise agreed by the parties. The salvor is also entitled to receive compensation for costs, losses and loss of profits. Indonesia has not ratified the York-Antwerp Rules, but parties may agree to incorporate such rule within their agreements. In the absence of a contractual provision on general average, the provisions of the ICC shall apply. This requirement is waived for war vessels, state vessels used for governmental duty, and motor vessels with a gross tonnage of less than 35 tonnes. Based on the original text of Article of the ICC, the liability of a vessel owner due to vessel collision or cargo claims is limited to 50 gulden the currency used by the Netherlands during the East Indies occupation per cubic metre of the net tonnage of a vessel. A mechanically moved vessel shall have the tonnage of the machinery added to the gross tonnage to determine the net tonnage for vessel collision liability. However, the tonnage of such machinery shall be deducted from the gross tonnage to determine net tonnage for cargo claims liability. In practice, a shipper may request the vessel owner to provide a cash deposit to be used as a limitation fund. The Shipping Law provides that any preliminary investigation with respect to vessel accidents shall be conducted by the relevant port authority. The port authority may forward the result of its investigation to the Shipping Court Mahkamah Pelayaran to be examined further.

*Citation and commencement. 1. These Regulations may be cited as the Merchant Shipping (Maritime Labour Convention) (Hours of Work) Regulations and come into force on 6th April*

Further information Introduction The shipping industry is regulated by various UN agencies - primarily the International Maritime Organization IMO , which develops and maintains the framework of global maritime safety regulations. Maritime regulations also originate from EU legislation and UK legislation. The MCA works closely with national and international partners in the shipping industry to promote the safe construction, operation and navigation of ships. This guide covers how the industry is regulated, the different sources of maritime regulations and how you can keep up-to-date when regulations change or new regulations are introduced. Sources of maritime regulations Regulations which govern the maritime industry come from: Acts of Parliament are the highest level of law. Acts often grant power to government ministers to create more detailed regulations called Statutory Instruments SIs. Most UK legislation is in the form of SIs. Find a directory of UK legislation on the Legislation. EU legislation comes in the form of: By comparison, directives and decisions must be transposed transferred into UK national law before they come into force. The EUR-Lex website is the official source of all EU treaties, legislation proposed, upcoming and in force and case-law. It aims to provide a regulatory framework covering safety, environmental concerns, legal matters, technical co-operation, maritime security and the efficiency of shipping. The IMO carries out its work in a series of meetings attended by member states. These meetings produce large amounts of documentation, such as circulars and resolutions, which IMO member states - including the UK - are encouraged to accept and implement. Find out about the work and responsibilities of the IMO on their website. The MLC consolidated the existing 65 international labour standards. These documents expand on the technical detail of the shipping and fishing legislation they support. They may be mandatory or non-mandatory, depending on whether they are given force of law by an SI. M-notices inform the shipping and fishing industries of important safety, pollution prevention and other maritime information. M-notices are issued by the MCA. There are also codes of practice that provide practical guidance on how to comply with the legislation. There are 3 types of M-notice: Merchant Shipping Notices MSNs provide mandatory guidance on legislation, and must be complied with when enforced by an SI Marine Guidance Notes MGNs provide guidance on the interpretation of the law, recommendations on best practice and general safety advice Marine Information Notes MINs are intended for a specific audience - eg equipment manufacturers - or give time-limited information - such as timetables for MCA examinations - and expire after a certain date usually no more than 12 months after publication M-notices also have suffixes to indicate whether the documents relate to:

## Chapter 5 : The Merchant Shipping (Work in Fishing Convention) Regulations

*Maritime Regulations and Conventions. ICS - Preparing for Compliance with the 'Global Sulphur Cap' (IMO), the global regulatory body for shipping. The.*

The increasing maritime safety and security concerns led to the demand for creation of a permanent international maritime body by the shipping nations in the last decade of the nineteenth century. IMO was made responsible for developing new conventions as well as keeping these existing conventions up to date by making necessary amendments. Today, the primary roles of IMO are to promote safe, secure, environmentally sound, efficient and sustainable shipping through cooperation. Since its creation, IMO has been busy in formulating and promoting new conventions and updating existing conventions related to maritime safety and pollutions. Majority of conventions adopted by IMO usually fall into three main categories - maritime safety, prevention of marine pollution, and liability and compensation, especially in relation to damage caused by pollution. There are other minor conventions dealing with facilitation, tonnage measurement, unlawful acts against shipping and salvage etc. At present, IMO is responsible for implementing and promoting over fifty international conventions and agreements related to safety, pollution and other maritime issues. These international regulations must be followed by all shipping nations to improve maritime safety and environment. The second and third versions of the treaty were introduced in and respectively. But the amendment procedures appeared to be slow taking several years. As a result, IMO introduced a new version of SOLAS in to include the tacit acceptance procedure - which provides that an amendment shall enter into force on a specified date unless, before that date, objections to the amendment are received from an agreed number of Parties. But before its implementation, a series of tanker accidents occurred in , leading to the formulation of the MARPOL Protocol that fully absorbed the Convention. As the name suggests, the Convention has been created to set training and certification standard for masters, officers, and watch personnel on seagoing merchant ships. The Convention came into effect in after the ratification by pre-requisite number of countries. Hague-Visby Rules Drafted at the International Convention at Brussels, Hague-Visby Rules are basically a set of rules governing the international carriage of goods by seagoing merchant ships. These rules were created as a result of growing dissatisfaction among shippers and their insurers due to arbitrary restrictions imposed by carriers to limit their liability in case of damage or loss of cargo. The Hague rules primarily aimed to solve this problem by establishing standard basic obligations and responsibilities of the carrier and shipper for goods covered under a bill of lading. Hamburg Rules Adopted in March at Hamburg, the Hamburg Rules are basically improved version of Hague-Visby rules governing the international shipment of goods. It was an attempt to create a level playing field for developing countries in the area of international shipments of goods. The developing countries believed that Hague Rules were colonial in nature, and were created for the sole benefit of colonial maritime nations. They demanded for a full re-examination of these Rules to address the existing imbalances between carrier and shipper interests. The Convention came into effect in November when pre-requisite number of countries which was twenty ratified the Convention. As of May , a total of 34 nations had ratified the convention.

## Chapter 6 : Admiralty and Maritime Law Guide - International Conventions

*These Regulations implement parts of the Work in Fishing Convention, (Cm ) (the "Convention"). They apply to United Kingdom fishing vessels wherever they may be and to fishing vessels in United Kingdom waters.*

Except as otherwise provided in this Article, this Convention applies to every sea-going ship, whether publicly or privately owned, which is engaged in the transport of cargo or passengers for the purpose of trade or is employed for any other commercial purpose. National laws or regulations shall determine when ships are to be regarded as sea-going ships for the purpose of this Convention. This Convention applies to sea-going tugs. This Convention does not apply to-- a ships primarily propelled by sail, whether or not they are fitted with auxiliary engines; b ships engaged in fishing or in whaling or in similar pursuits; c small vessels and vessels such as oil rigs and drilling platforms when not engaged in navigation, the decision as to which vessels are covered by this subparagraph to be taken by the competent authority in each country in consultation with the most representative organisations of shipowners and seafarers. Nothing in this Convention shall be deemed to extend the scope of the Conventions referred to in the Appendix to this Convention or of the provisions contained therein. Article 3 Any Member which has ratified this Convention shall, in so far as practicable, advise its nationals on the possible problems of signing on a ship registered in a State which has not ratified the Convention, until it is satisfied that standards equivalent to those fixed by this Convention are being applied. Measures taken by the ratifying State to this effect shall not be in contradiction with the principle of free movement of workers stipulated by the treaties to which the two States concerned may be parties. If a Member which has ratified this Convention and in whose port a ship calls in the normal course of its business or for operational reasons receives a complaint or obtains evidence that the ship does not conform to the standards of this Convention, after it has come into force, it may prepare a report addressed to the government of the country in which the ship is registered, with a copy to the Director-General of the International Labour Office, and may take measures necessary to rectify any conditions on board which are clearly hazardous to safety or health. In taking such measures, the Member shall forthwith notify the nearest maritime, consular or diplomatic representative of the flag State and shall, if possible, have such representative present. It shall not unreasonably detain or delay the ship. For the purpose of this Article, complaint means information submitted by a member of the crew, a professional body, an association, a trade union or, generally, any person with an interest in the safety of the ship, including an interest in safety or health hazards to its crew. This Convention is open to the ratification of Members which-- a are parties to the International Convention for the Safety of Life at Sea, , or the International Convention for the Safety of Life at Sea, , or any Convention subsequently revising these Conventions; and b are parties to the International Convention on Load Lines, , or any Convention subsequently revising that Convention; and c are parties to, or have implemented the provisions of, the Regulations for Preventing Collisions at Sea of , or the Convention on the International Regulations for Preventing Collisions at Sea, , or any Convention subsequently revising these international instruments. This Convention is further open to the ratification of any Member which, on ratification, undertakes to fulfil the requirements to which ratification is made subject by paragraph 1 of this Article and which are not yet satisfied. The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General. It shall come into force twelve months after the date on which there have been registered ratifications by at least ten Members with a total share in world shipping gross tonnage of 25 per cent. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the

right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article. The Director-General of the International Labour Office shall notify all Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation. When the conditions provided for in Article 6, paragraph 2, above have been fulfilled, the Director-General shall draw the attention of the Members of the Organisation to the date upon which the Convention will come into force. Article 9 The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article of the Charter of the United Nations full particulars of all ratifications and acts of denunciation registered by him in accordance with the provisions of the preceding Articles. Article 10 At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides: This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention. Article 12 The English and French versions of the text of this Convention are equally authoritative.

## Chapter 7 : Shipping - Regulations

*The International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS Convention) was adopted at a Diplomatic Conference in As with the oil pollution instruments, it applied in the territory, territorial sea and exclusive economic zone of Contracting States.*

Back to top It is now necessary to step back in time to the point when the whole concept of shipowner liability for oil pollution came to the fore as a result of the Torrey Canyon incident in March. However, it soon became clear that existing provisions for limitation and compensation were no longer suitable to respond to and meet the very large claims arising from a major oil spill incident. New thinking was necessary. However, liability attached to all vessels, regardless of size, with compensation graduated up to a maximum monetary figure. The CLC had limited geographic coverage in that it applied to pollution damage only in the territory including the territorial sea of a Contracting State and to preventive measures taken to prevent or minimise such damage. However, it also perpetuated the shortcoming of the Convention in that the right to limit was lost if the incident occurred as a result of the actual fault or privity of the owner. While it was hoped that CLC would generally provide sufficient compensation to satisfy compensation claims, the ever-increasing size of tankers meant that shipowner liability could be exceeded. A novel approach was therefore taken with the development of a second tier, the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage Fund Convention, to share liability with cargo interests in the most serious incidents. It would be funded by a levy on oil imports in Contracting States to provide additional compensation up to a further over-arching maximum figure. As with all international conventions, complex entry into force provisions meant that CLC did not take effect until June and the Fund Convention until October. However, in recognition of the public outcry if adequate compensation was not available in response to a further incident, the shipping and oil industries set up their own interim compensation schemes: The schemes were designed to fill gaps in the international regime. They were terminated in 1992. As a result, CLC establishes a trade-off between almost unbreakable limitation in return for strict liability and high levels of compensation. Parallel changes were made to the Fund Convention. Compensation was similarly enhanced. The entry into force mechanism in the Protocols updating CLC and Fund Convention envisaged participation by the USA which had remained outside the original regime. However, the subsequent absence of US ratification and development of the US Oil Pollution Act, meant that the Protocols would not come into effect. A further Diplomatic Conference was held in 1992 where revised implementation provisions facilitated entry into force in May 1992. The updated CLC provided threshold compensation, payable by the shipowner, of SDR 3 million, for all vessels up to 5,000 gross tons, and then increased by SDR 1 million for each additional ton up to a maximum of SDR 7 million.

## Chapter 8 : List of Conventions

*As to collisions, Indonesia has ratified the International Regulations for Preventing Collisions at Sea, by way of Presidential Decree No. 50 of , but has not ratified the Convention for the Unification of Certain Rules of Law with respect to Collisions between Vessels.*

Masters, relying on shipping documents alone, may inadvertently trim their containers improperly, resulting in serious accidents. Unstable loads may also lead to truck accidents and train derailments. Improperly balanced containers increase costs by decreasing efficiency, creating unnecessary delays, and causing supply chain interruptions. To comport with this new directive, the cargo must either: Guidelines regarding the verified gross mass of a container carrying cargo, MSC. The shipper see below ultimately bears the responsibility for weight verification. While this may all sound simple in theory, the practical considerations are numerous. Numerous parties are likely involved in intermodal supply chains, from the customer who packs the container to a logistics company or freight forwarder. Thus, it may be difficult to trace the shipper of a non-compliant container. This is especially true when time is of the essence, when the container must be loaded timely to ensure the vessel stays on schedule. While it makes logical sense to have the containers weighed before loading to avoid repacking problems, the vague verbiage leaves little guidance for shippers and transportation companies as to when the weighing of the containers should occur. Just like a master relying on the mis-declared shipping forms to trim the vessel, a driver may also rely on mis-declared documents when relaying the container to the terminal. How do those in the latter part of the supply chain ensure that the shipper complies with the regulation in the first place? Record-keeping measures may need to change in order to preserve evidence to demonstrate that the container was found to comply with the new regulation before an accident occur. Technology like twist locks or head block sensors may weigh the containers. Alternatively, spreaders used to lift the containers onto the vessel can weigh these containers. Ultimately, shippers will need to bear these costs, or shift them to consumers, in order to successfully implement these new measures. As noted above, it may be difficult to trace the shipper if a container is found too heavy upon arrival at the terminal. If the shipper is far away geographically, who should be responsible for the re-packaging of the container to ensure compliance? If so, who pays for the storage costs in preparation for re-packaging? Where should it be stored? If the shipper does not pay these incidental costs immediately, who should bear the initial cost of re-packaging before the cost is transferred to the shipper? What enforcement mechanism should be adopted if a container is found to be mid-declared? Should the containers be banned if a shipper is found to be a habitual violator of this new regulations? The United States already mandates the compulsory weighing of all export containers. See 29 CFR This new regulation is merely the next logical step towards transparency in the supply chain and reduction in operational risks. However, these issues should be discussed and considered well before the new regulations take effect in July The shipper is defined as a legal entity or person named on the bill of lading or sea waybill or equivalent multimodal transport document e.

## Chapter 9 : Disasters At Sea & Their Impact On Shipping Regulation

*the shipping (local trade) regulations, (8) The fees specified in the Third Schedule shall be payable in the Third currency of the United States of America as therein specified or in the Schedde.*

General duty of shipowner, master, employer 5. Minimum hours of rest 6. Authorised exceptions to minimum hours of rest 7. Hours of rest requirement for MLC ships 8. Posting up of table 9. Requirement to post up table in relation to MLC ships The master of a ship to which this regulation applies, or a person authorised by the master, must post a table of the working shipboard arrangements in accordance with the provisions of paragraphs 10 and 11 of Standard A2. Exception for emergencies Records requirement for MLC ships Power to require information A shipowner in relation to a ship to which this regulation applies must provide the MCA with such information as the MCA may specify on watchkeepers and other seafarers working at night. Entitlement to annual and additional leave Annual leave requirement for MLC ships The employer of a seafarer in relation to a ship to which this regulation applies must ensure that the seafarer is given paid annual leave in accordance with Regulation 2. The shipowner and the master of a ship to which this regulation applies must ensure that shore leave is granted to seafarers who work on the ship to benefit their health and well-being where consistent with the operational requirements of their positions. Entitlements under other provisions Inspection of MLC ships Detention of ships Release of ships detained under regulation 21 Arbitration and compensation Release of information The MCA must ensure the publication, at least every month, of the information specified in Merchant Shipping Notice M concerning ships which during the previous month have been detained in a port in the United Kingdom under regulation Offences, penalties and defence Extension of complaint period to facilitate conciliation before institution of proceedings Restriction on contracting out