

# **VOLUNTARY IMO MEMBER STATE AUDIT SCHEME**

## **12<sup>th</sup> Meso American & Caribbean Hydrographic Committee Meeting**

*International Maritime Organization  
December 2011*

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# WHO ARE THE ACTORS IN ENSURING COMPLIANCE WITH INTERNATIONAL MARITIME STANDARDS? <sup>3</sup>

**IMO** has the responsibility to develop technical safety, security and pollution prevention standards related to maritime transport, but has no enforcement and compliance monitoring role;

**GOVERNMENTS (flag, port & coastal State)** have the duty to implement and enforce these standards;

**RECOGNIZED ORGANIZATIONS** have a duty to be impartial and to exercise due diligence when acting on behalf of governments;

**SHIPPING COMPANIES** have the responsibility to apply the same standards to individual ships; and

**SHIPBOARD PERSONNEL** have the task of putting into operation the various standards related to safety and pollution prevention on ships.

# WHO ARE THE ACTORS IN ENSURING COMPLIANCE WITH INTERNATIONAL MARITIME STANDARDS?

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## IMO HAS NO ENFORCEMENT AND COMPLIANCE MONITORING POWERS

- The IMO Convention does not contain any provision that gives the Organization enforcement and monitoring role
- With the drive for greater transparency and accountability, it has often been said that IMO needs teeth to ensure compliance
- How to achieve that is emerging gradually

# BACKGROUND TO THE VOLUNTARY IMO MEMBER STATE AUDIT SCHEME - **VIMSAS**

At 88th session of the Council, in **June 2002**, nineteen Member States proposed the development of an IMO Model Audit Scheme

Resolution A.946(23), in **December 2004**, **APPROVED** the establishment and further development of **VIMSAS**, to be implemented on a voluntary basis

# Adoption of the Documentation for the Audit Scheme

- Resolution **A.974(24)**, adopted in December 2005 – Framework and Procedures for the Scheme (2005)

*The Framework describes the objectives, principles, scope, responsibilities, and the capacity-building aspect for Member State audit, which together constitute the strategy for the Audit Scheme*

*The Framework is supported by the Procedures for Member State audit and the Code for the implementation of mandatory IMO instruments*

# Adoption of the Documentation for the Audit Scheme

- Resolution **A.1053(27)** – the Code for the implementation of mandatory IMO instruments, 2011

*The Code is under continuous review*

*Actual audit standard is contained in resolution A.1053(27) adopted by the IMO Assembly last week*

# THE OBJECTIVE

**The objective of the audit is to determine to what extent Member States are implementing and enforcing the applicable mandatory IMO instruments**

**Ten mandatory IMO instruments are currently included in the scope of the Scheme**

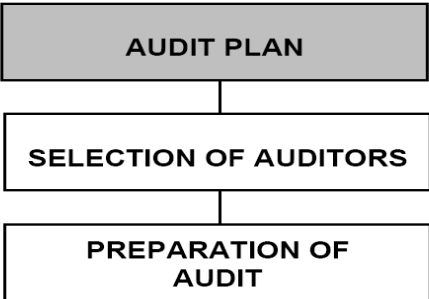


# THE OBJECTIVE

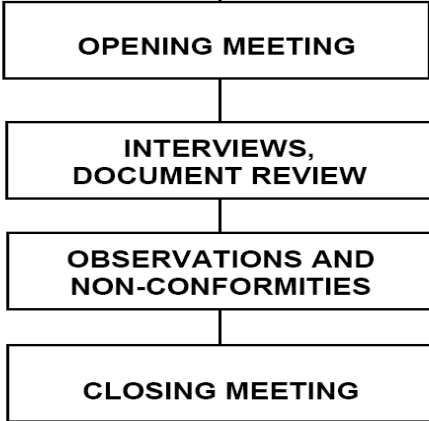
1. the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 1974);
2. the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS PROT 1978);
3. the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS PROT 1988);
4. the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended (MARPOL 73/78);
5. the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978 relating thereto (MARPOL PROT 1997);
6. the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW 1978);
7. the International Convention on Load Lines, 1966 (LL 66);
8. the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (LL PROT 1988);
9. the International Convention on Tonnage Measurement of Ships, 1969 (Tonnage 1969); and
10. the Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended (COLREG 1972).

### AUDIT PROCESS

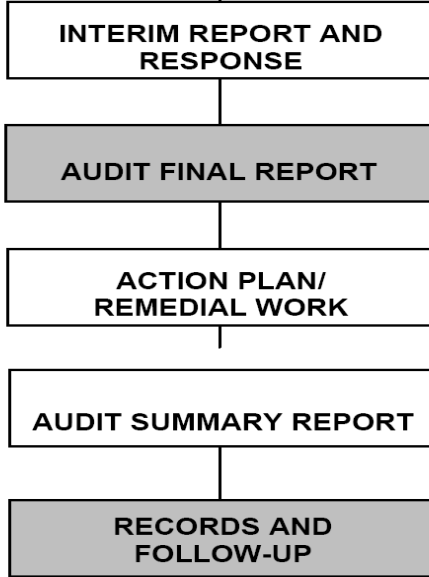
- *PLANNING OF AUDIT*



- *AUDITING*
- *FINDINGS*



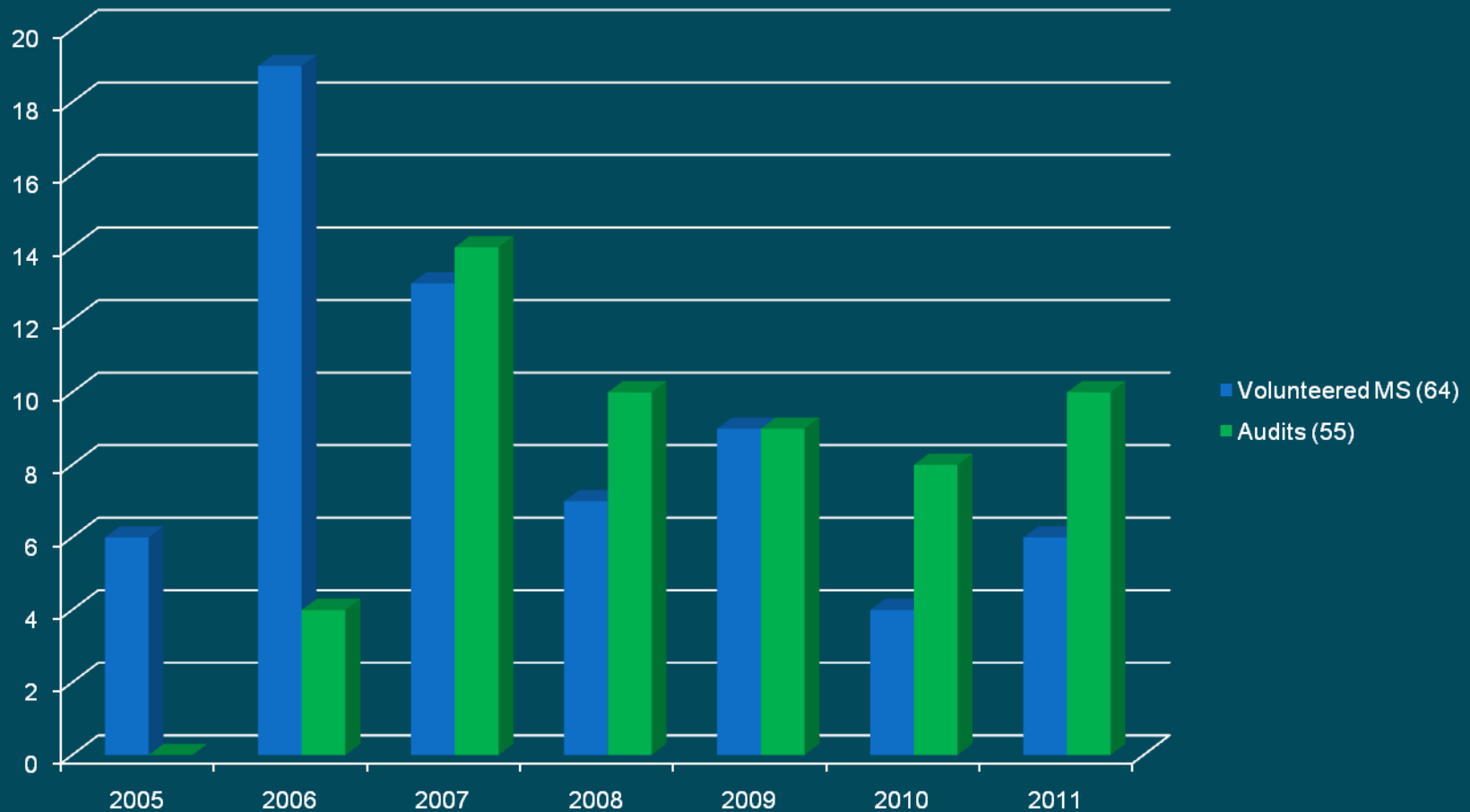
- *REPORTING AND VERIFICATION*
- *RECORDS AND FOLLOW-UP/ CORRECTIVE ACTION*



# Managing the audit scheme

- 64 Member States volunteered for audit
- 193 individuals nominated by 55 Member States
- 80 individual auditors from 42 Member States undertook the 55 audits
- no objection or refusal to circulate the findings from audits to all Member States has been received
- audits have been able to identify areas for improvement in all States audited
- preparation for audits by Member States have identified gaps in existing maritime administration structures
- audit results have led to the commitment of additional resources by States to their maritime administrations
- certain regulations addressed to States may have to be reviewed in the near future

# VOLUNTEERING STATES vs AUDITS CONDUCTED



# Coastal States

Scope of audit for coastal State activities is given in Part 3, paragraphs 45 – 49, of the Code, resolution **A.1053(27)**, as :

- **Implementation**
- **Enforcement**
- **Evaluation and review**

# Implementation

Refers to paragraphs 45 – 46 of the Code

**Legislation/guidance → policies →  
responsible party → resources →  
implementation**

- **Obligations (Annex 3 to the Code)**

# Coastal State responsibilities and obligations

## SOLAS 1974 regulation V/9 – Hydrographic services:

1. collection and compilation of hydrographic data and the publication, dissemination and keeping up to date of all nautical information necessary for safe navigation;
2. co-operate in carrying out the following nautical and hydrographic services:
  - hydrographic surveying
  - issue nautical charts, sailing directions, lists of lights, tide tables and other nautical publications
  - promulgate notices to mariners

# Coastal State responsibilities and obligations

*(Contn'd)*

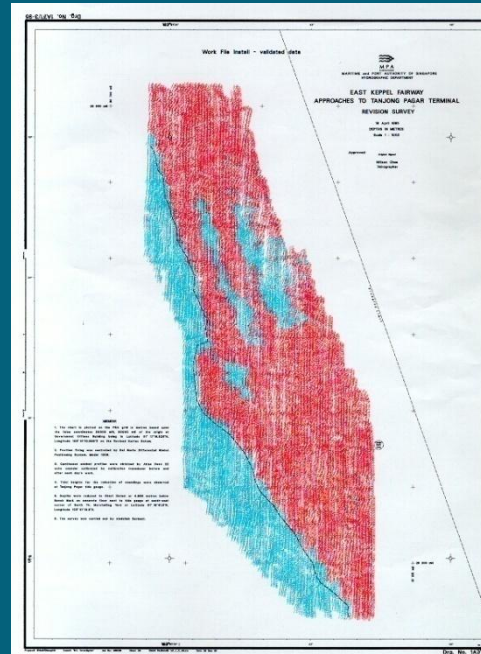
- 3. ensure the greatest possible uniformity in charts and nautical publications and to take into account, whenever possible, relevant international resolutions and recommendations**
- 4. co-ordinate activities to the greatest possible degree**



# Hydrographic services

Hydrographic surveys - IHO standards in use (S-44)

Annex to document **MSC 81/24/4** provided for guidance to Member States and auditors

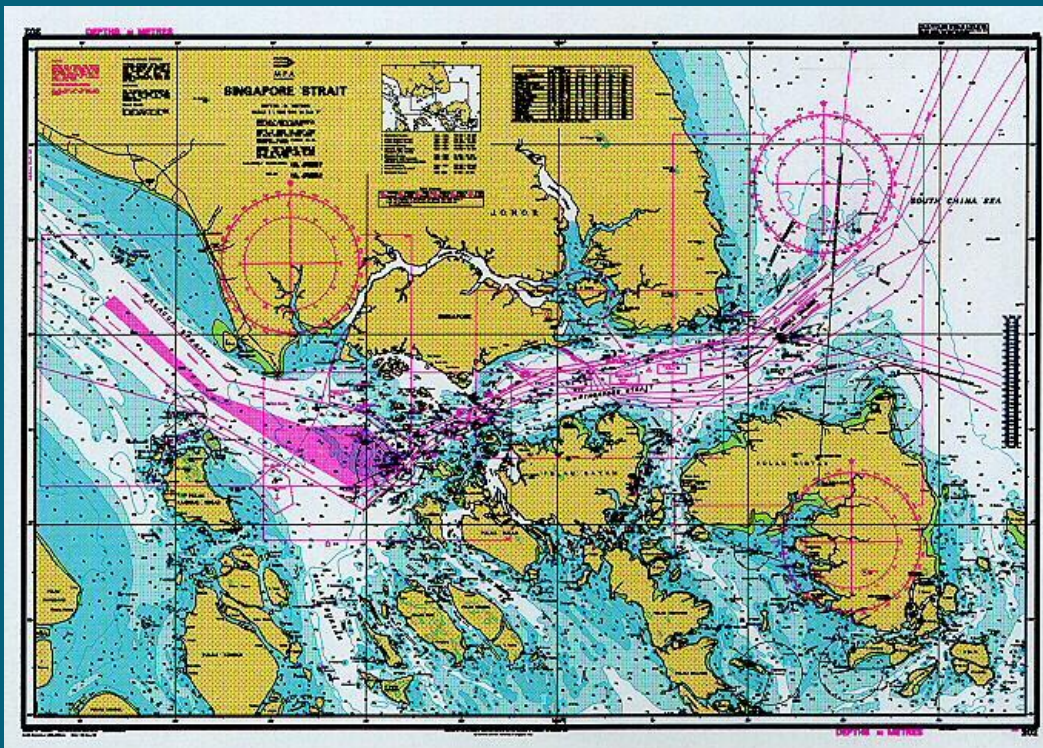


# Hydrographic services

Nautical Charts

Paper charts, RNCs, ENCs

IHO Chart Specifications in use to meet SOLAS 1974, regulation V/9



Nautical publications

Notices to Mariners

# Findings related to hydrographic services

## Non-conformities

### Example

The State has not undertaken to arrange for the collection and compilation of hydrographical data and the publication, dissemination and updating of all nautical information necessary for safe navigation.

Arrangements are not in place to ensure the uniformity of charts and nautical publications with relevant international recommendations and there is a lack of coordination of the activities of the State to ensure that hydrographical and nautical information is made available in a timely, reliable and unambiguous way (SOLAS 1974, regulation V/9; Code, Part 3, paragraph 47).

# Findings related to hydrographic services

*(contn'd)*

## Root cause

**The implementation of the IMDG Code is not properly co-ordinated.**



# Findings related to hydrographic services

## Corrective action

The surveyor general will coordinate the development of hydrographic services in the State to ensure that hydrographical and nautical information is made available in a timely, reliable and unambiguous way. The deadline for the implementation of this corrective action is the end of 2016.

## Root cause

The obligation to provide hydrographic services was not clearly identified in national legislation.

# Lessons learned

**The most specific problematic five areas identified in twenty-six audits:**

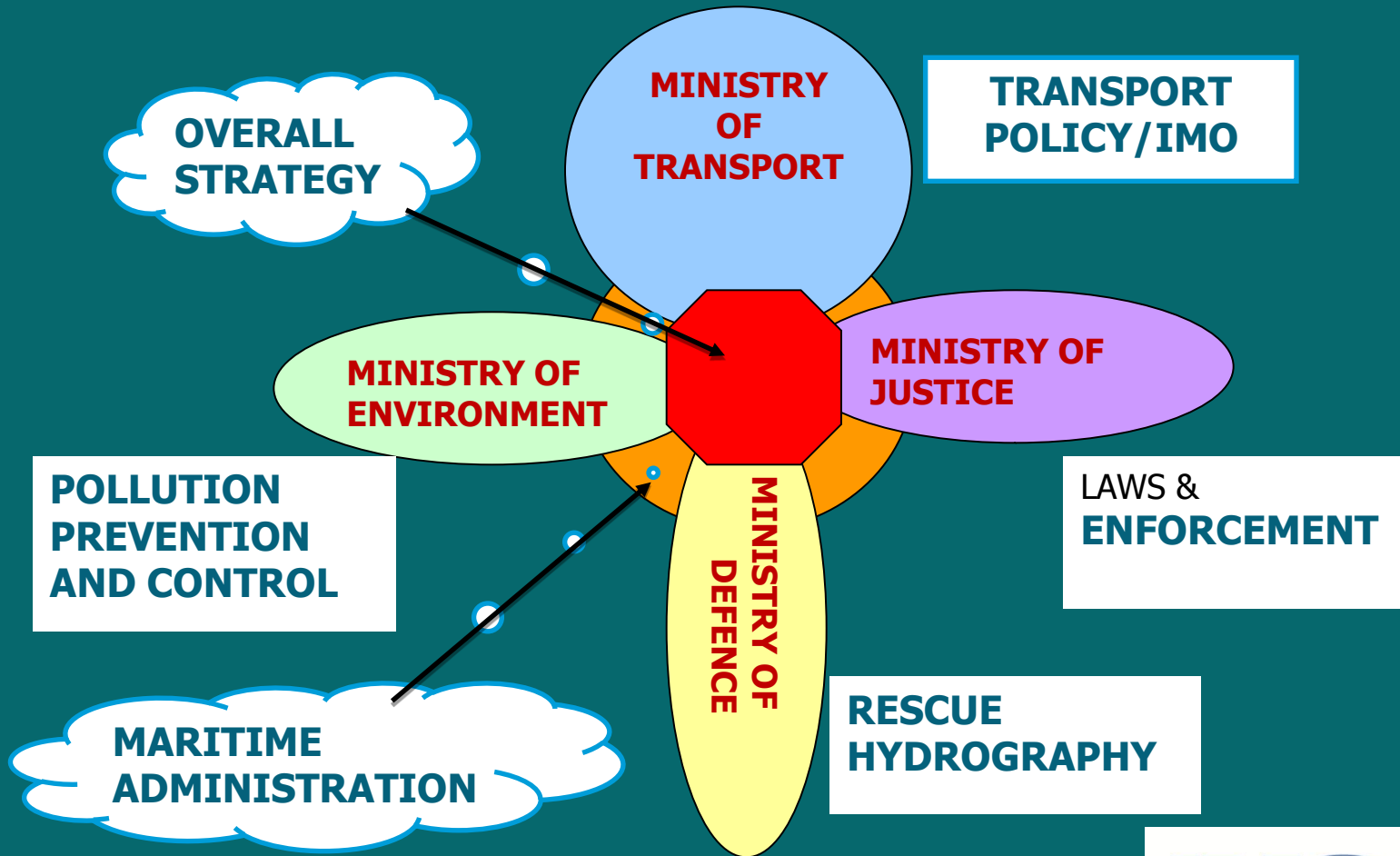
- **flag State surveyors**
- **delegation of authority to recognized organizations**
- **communication of information**
- **initial actions/legislation**
- **implementation (flag States)**

## Challenges vs reality

New requirement: a **STRATEGY** as an effective mechanism for the State to evaluate its effectiveness in meeting its international obligations under the relevant IMO Conventions

- Concept of a corporate entity as Maritime Administration not apparent
- Treaty obligations spread over several entities, ministries, agencies, etc.
- Concept of audit and review not fully accepted (lack of experience of this or culture)

# THE NATIONAL DIALOGUE - NEW NORM FOR PARTICIPATING STATE ENTITIES IN A MARITIME ADMINISTRATION





# Further development of the Audit Scheme

The Assembly, at its 26th regular session in November/December **2009** adopted resolution **A.1018(26)** for the institutionalization of the Scheme

That resolution contains a timeframe for the development of the institutionalized Scheme

## TIME FRAME AND SCHEDULE OF ACTIVITIES TO INSTITUTIONALIZE THE IMO MEMBER STATE AUDIT SCHEME

<b>IMO Body</b>	<b>Timing</b>	<b>Action</b>
<b>MSC and MEPC</b>	<b>First half of 2010</b>	<b>Consider how to make the Code for the implementation of mandatory IMO instruments mandatory, including provisions for auditing</b>
<b>MSC and MEPC</b>	<b>Second half of 2010</b>	<b>Identify mandatory IMO instruments through which the Code and auditing should be made mandatory</b>
<b>Council</b>	<b>End 2010</b>	<b>Establishes Joint Working Group (JWG) of MSC, MEPC, FAL and TCC to review the Framework and Procedures for the Scheme</b>
<b>MSC and MEPC</b>	<b>2011 and 2012</b>	<b>Develop provisions to make the Code mandatory through the identified mandatory IMO instruments</b>
<b>Council</b>	<b>Second half of 2011</b>	<b>Approves a progress report for submission to A 27</b>
<b>Assembly 27</b>	<b>November 2011</b>	<b>Receives a progress report and decides as appropriate</b>
<b>JWG</b>	<b>2011 and 2012</b>	<b>Reviews the Framework and Procedures for the Scheme</b>
<b>JWG</b>	<b>2013</b>	<b>Finalizes the Framework and Procedures, taking into account the finished product on the Code and related amendments to mandatory IMO instruments</b>
<b>Council</b>	<b>First half of 2013</b>	<b>Approves the Framework and Procedures for the Scheme, for submission to A 28 for adoption</b>
<b>Committees</b>	<b>2013</b>	<b>Adopt amendments to the mandatory IMO instruments concerned for entry into force on 1 January 2015</b>
<b>Assembly 28</b>	<b>November 2013</b>	<b>Adopts resolution on the Framework and Procedures for the Scheme and amendments to those mandatory instruments under the purview of the Assembly</b>
<b>Council, Committees and Secretariat</b>	<b>2014</b>	<b>Preparatory work for the commencement of an institutionalized audit scheme</b>

# Summary

- The Scheme is planned to be **mandatory in 2015**
- **All States** will benefit from the Audit Scheme
- The process will be inclusive of all
- The diversity of State structures, ability and specific maritime interests will **inform the regulatory framework** for the future
- The administrative and organizational aspects of the Scheme do not rely exclusively on the decision of individual Member State; but become a collective pool of resources
- The concept of a quality management system is introduced globally in the implementation and enforcement of State obligations and responsibilities relating to maritime transport



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**THANK YOU FOR YOUR  
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