

VOLUNTARY IMO MEMBER STATE AUDIT SCHEME (VIMSAS)

12th North Indian Ocean Hydrographic Commission Conference

*Colombo, Sri Lanka
20-23 March 2012*



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

- **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?

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 in Dec '12

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);**

THE OBJECTIVE

- **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*

AUDIT PLAN

SELECTION OF AUDITORS

PREPARATION OF
AUDIT

OPENING MEETING

INTERVIEWS,
DOCUMENT REVIEW

- *AUDITING*

- *FINDINGS*

OBSERVATIONS AND
NON-CONFORMITIES

CLOSING MEETING

INTERIM REPORT AND
RESPONSE

AUDIT FINAL REPORT

- *REPORTING AND
VERIFICATION*

ACTION PLAN/
REMEDIAL WORK

- *RECORDS AND
FOLLOW-UP/
CORRECTIVE ACTION*

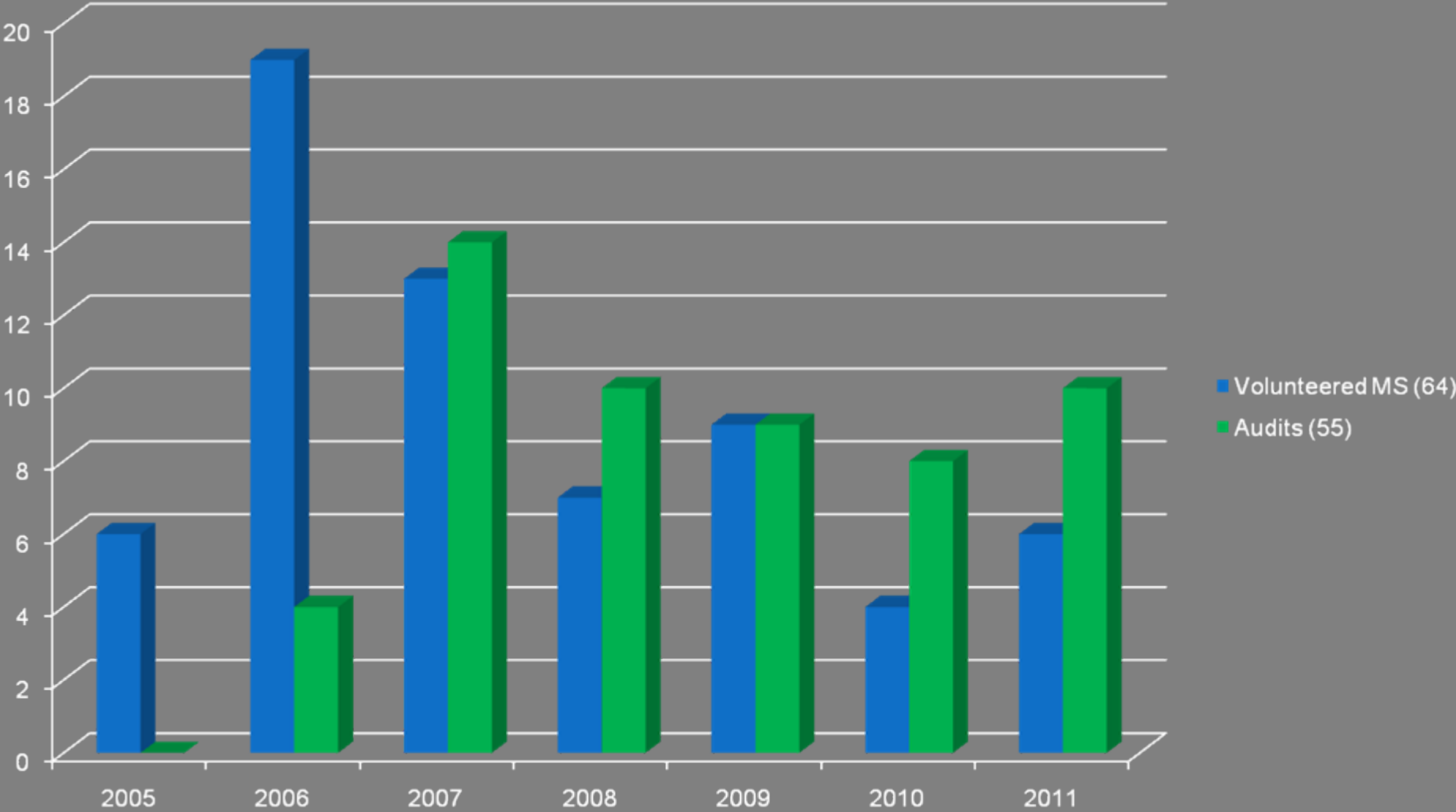
AUDIT SUMMARY REPORT

RECORDS AND
FOLLOW-UP

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

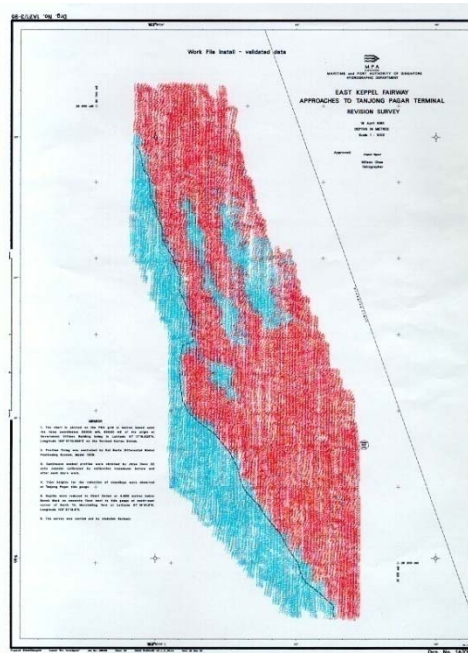
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- 3. ensure the greatest possible uniformity in charts and nautical publications and to take into account, whenever possible, relevant international resolutions and recommendations**
- 4. co-ordinate activities to the greatest possible degree**

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, Digital charts, ENC's
- Nautical publications
 - Notices to Mariners
 - IHO Chart Specifications in use to meet SOLAS 1974, regulation V/9

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:

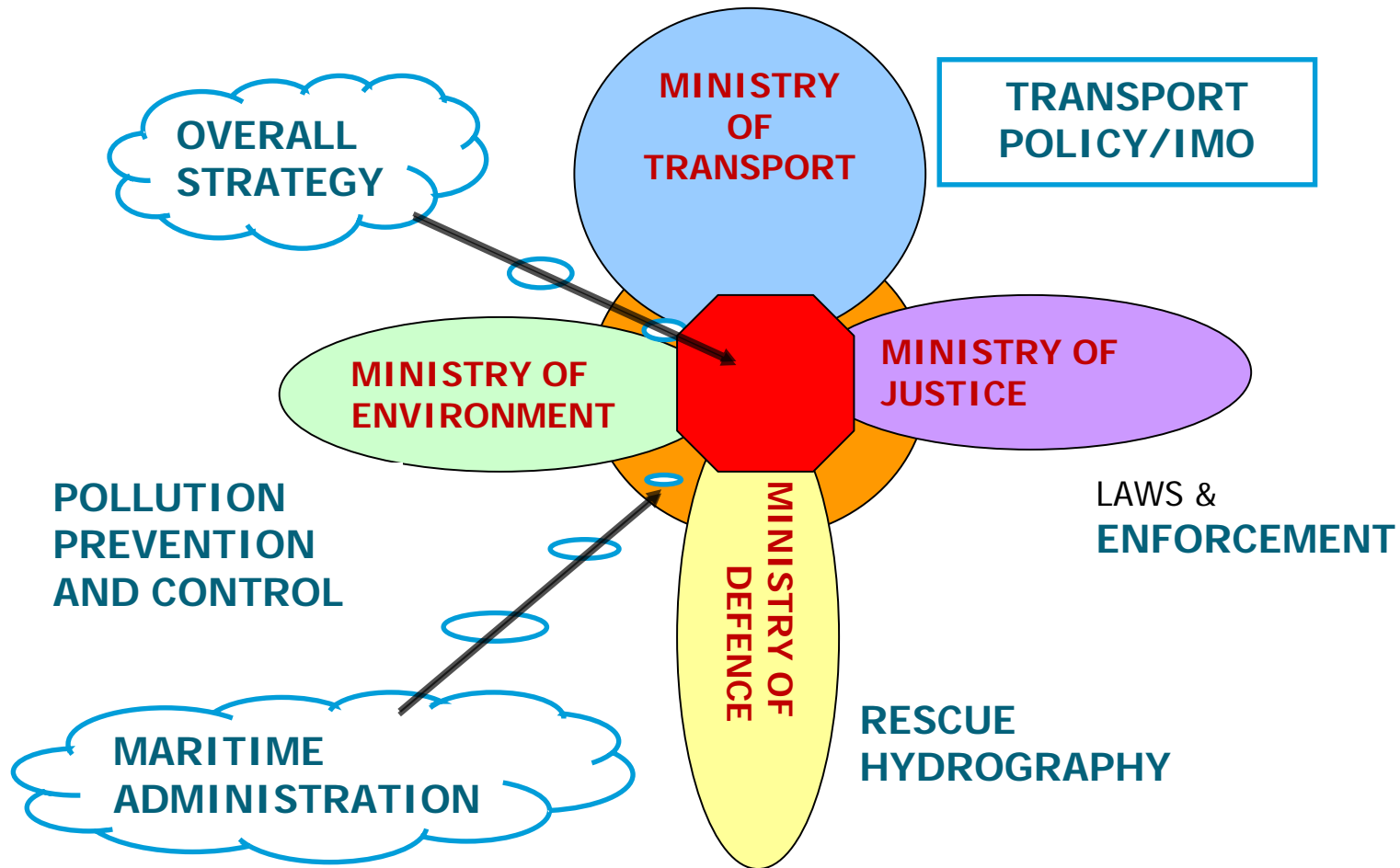
- **flag State surveyors**
- **delegation of authority to recognized organizations**
- **communication of information**
- **initial actions/legislation**
- **implementation (flag States)**

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



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**



**THANK YOU FOR YOUR
ATTENTION**