

(IMO) COASTAL STATE RESPONSIBILITY - HYDROGRAPHY

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Introduction

- 1982 United Nations Convention on the Law of the Sea (UNCLOS) – Coastal State's legislative Jurisdiction *vis a vi* safety of Navigation
- Coastal State Responsibility under IMO - International Convention for the Safety of Life at Sea as amended (SOLAS).
- Conclusion

Coastal State's legislative Jurisdiction

- Article 21: Laws and regulations of the coastal State relating to innocent passage
 - allows the coastal State to adopt laws and regulations, relating to innocent passage through the territorial sea, “in respect of: **navigation**, conservation of living resources, and customs, fiscal, immigration and sanitary regulation. Art. 21(1).
- Article 41: Sea lanes and traffic separation schemes in straits used for international navigation
 -States bordering straits may designate sea lanes and prescribe traffic separation schemes for navigation in straits where necessary to promote the safe passage of ships.

Coastal State's legislative Jurisdiction

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Coastal State's legislative Jurisdiction

- Article 53: Right of archipelagic sea lanes passage
 - An archipelagic State may designate sea lanes and air routes thereabove, suitable for the continuous and expeditious passage of foreign ships and aircraft through or over its archipelagic waters and the adjacent territorial sea.
- The three provisions (Art. 21, 41 & 53) envisage the establishment for reasons of safety, of sea lanes or traffic separation schemes, respectively in the territorial sea, in straits used for international navigation and in archipelagic waters.
- ...States shall refer proposals to the competent international organization with a view of their adoption.

Coastal State's legislative Jurisdiction

- Article 22:4. The coastal State shall clearly indicate such sea lanes and traffic separation schemes on charts to which due publicity shall be given.
-3(a).. designated by it taking into account the recommendations of the **competent international** organization.
- IMO is that competent authority.
- IMO is the United Nations specialized agency with the authority for global standard-setting for the safety, security and environmental performance for efficient and sustainable international shipping. Its main role is to create a regulatory framework for the shipping industry that is fair and effective, universally adopted and universally implemented.

- The importance the SOLAS is evident in the wide coverage of the Chapters, regulations and annexes
- For the purpose of this seminar – SOLAS CH. V – Safety of Navigation;
 - **Regulation 4. – Navigational Warnings;**
 - **Regulation 9. – Hydrographic Services;**
 - Regulation 10. – Ship's Routing;
 - Regulation 11. – Ship Reporting Systems;
 - Regulation 12. – Vessel Traffic Services;
 - Regulation 13 – Aids to Navigation;



- **SOLAS V-Safety of Navigation. Reg. Regulation 4 - Navigational Warnings**
- Contracting Governments are required to promulgate all dangers to navigation
 - obliges Contracting Governments to promulgate information relating to any type of danger received from any reliable source to the knowledge of those concerned and communicated to other interested Governments
- *Refer to the Guidance on the IMO/IHO World-Wide Navigational Warning Service adopted by the Organization by resolution A.706(17), as amended*

Coastal State Responsibility under IMO – SOLAS Convention as amended (cont.)

- **SOLAS V-Safety of Navigation. Reg. 9-Hydrographic Services**
- Contracting Governments' obligations for providing hydrographic services.
 - Contracting Governments undertake to arrange for the collection and compilation of hydrographic data and the publication, dissemination and keeping up to date of all nautical information necessary for safe navigation.
 - In particular, Contracting Governments undertake to co-operate in carrying out, as far as possible, the following nautical and hydrographic services, in the manner most suitable for the purpose of aiding navigation:
 - to ensure that hydrographic surveying is carried out, as far as possible, adequate to the requirements of safe navigation;
 - to prepare and issue nautical charts, sailing directions, lists of lights, tide tables and other nautical publications, where applicable, satisfying the needs of safe navigation;

- **SOLAS V-Safety of Navigation. Reg. 9-Hydrographic Services**
 - to promulgate notices to mariners in order that nautical charts and publications are kept, as far as possible, up to date; and
 - to provide data management arrangements to support these services.
- Contracting Governments undertake to ensure the greatest possible uniformity in charts and nautical publications and to take into account, whenever possible, relevant international resolutions and recommendations

Coastal State Responsibility under IMO – SOLAS Convention as amended (cont.)

- **SOLAS V-Safety of Navigation. Reg. 9-Hydrographic Services**
- Contracting Governments undertake to co-ordinate their activities to the greatest possible degree in order to ensure that hydrographic and nautical information is made available on a world-wide scale as timely, reliably, and unambiguously as possible.

This need is underlined in the IMO Circulars MSC/Circ. 1118 and MSC/Circ. 1179, which also highlight areas of the world currently not surveyed to the required standard.

A.958(23) - Provision of hydrographic services which invites Coastal States that want to develop or improve their hydrographic capabilities to seek the assistance and support of the IHO and also invites States that are not IHO members to consider becoming members of the IHO.

Coastal State Responsibility under IMO – SOLAS Convention as amended (cont.)

- **SOLAS V -Safety of Navigation. Reg. 10 - Ships' Routeing**
- Contracting Governments to refer ships' routeing systems to IMO for adoption.
- Routeing systems to adhere to measures adopted by IMO
- Ships to use mandatory routeing systems unless there is a compelling reason not to.
- Details of IMO-adopted schemes are contained in Resolution A.572(14), as amended.
- For further information on use and observance of IMO-adopted ships' routeing systems refer to: ANNEX 5- Use of IMO-adopted Routeing Systems.

Coastal State Responsibility under IMO – SOLAS Convention as amended (cont.)

- **Regulation - 11 Ship Reporting Systems**
- Contracting Governments may refer ship reporting systems to IMO for adoption.
- Ship reporting Systems to adhere to measures adopted by IMO
- Ships to comply with requirements of adopted mandatory reporting systems.
- This regulation does not address ship reporting systems established by Governments for search and rescue purposes which are covered by chapter 5 of the 1979 SAR Convention as amended.

Coastal State Responsibility under IMO – SOLAS Convention as amended (cont.)

- **Regulation 12 - Vessel Traffic Services**
- Contracting Governments to establish VTS where traffic volume or risks justify it.
- VTS to follow guidelines adopted by IMO
- VTS can only be mandatory in territorial seas
- Ships to be encouraged by Administrations to use VTS

Refer to the Guidelines on Vessel Traffic Services adopted by the Organization by resolution A.857(20).

Coastal State Responsibility under IMO – SOLAS Convention as amended (cont.)

- **Regulation 13 - Establishment and operation of aids to navigation**

Contracting Governments to –

- Provide appropriate aids to navigation
- Take into account international recommendations and guidelines
- Arrange for information on aids to navigation to be made available

Conclusion

- The enforcement of IMO conventions depends upon the Governments of Member Parties
- Coastal States is responsible for the provision of hydrographic services.
- IMO invites Coastal States that want to develop or improve their hydrographic capabilities to seek the assistance and support of the IHO and also invites States that are not IHO members to consider becoming members of the IHO. A.958(23)

