

CONTRIBUTION OF THE INTERNATIONAL MARITIME ORGANIZATION (IMO) TO THE SECRETARY-GENERAL'S REPORT ON OCEANS AND THE LAW OF THE SEA, 2010

CAPACITY-BUILDING

Background

IMO's capacity-building activities are developed and delivered through the Integrated Technical Co-operation Programme (ITCP), which focuses on assisting developing countries in building up their human and institutional capacities for uniform and effective compliance with the Organization's regulatory framework.

IMO's technical co-operation programme began in the 1960s. This programme provided assistance in the areas of maritime safety, marine environment protection, legal matters falling within IMO's mandate and facilitation of international maritime traffic. In the last decade, several new theme areas have been identified and included in the ITCP, such as enhancement of maritime security, promotion of the linkage between the ITCP and the Millennium Development Goals (MDGs) and repression of piracy and armed robbery against ships. Meeting the special needs of Africa, Small Island Developing States (SIDS) and Least Developed Countries has become the key objectives of the ITCP.

The Global Programme on Enhancement of Maritime Security was developed in 2002. Since then, some 6,000 persons have been trained through 68 country needs assessment and advisory missions, 69 national and 51 regional seminars, workshops or courses to implement special measures developed by IMO to enhance maritime security for ships and ports.

Following the 2005 World Summit which endorsed and re-affirmed the MDGs, the Organization has established a linkage between the ITCP and the MDGs by the adoption of Assembly resolution A.1006(25) in 2007. It was identified that the work of IMO and the ITCP have a major impact and direct impact on at least five MDGs, namely, MDG 1 - Eradicate extreme poverty and hunger; MDG 3 - Promote gender equality and empower women; MDG 6 - Combat HIV/AIDS; malaria and other diseases; MDG 7 – Ensure environmental sustainability; and MDG 8 – Develop a global partnership for development.

Through this linkage, the ITCP gives priority to those activities which not only promote early ratification and effective implementation of IMO instruments, but also contribute to the attainment of the MDGs. Activities developed and delivered include the following:

- A new Global Programme on support to Small Island Developing States (SIDS) and Least Developed Countries (LDCs) for their special shipping needs was developed to address the issue of sustainable livelihoods and poverty alleviation through capacity-building activities in the shipping sector. The needs for maritime search and rescue (SAR) and Global Maritime Distress and Safety System (GMDSS) facilities, as well as for the improvement of navigation safety in the Pacific Island countries and in the Caribbean SIDs have been addressed. More resources have been given to Africa to facilitate the region's establishment of a network of Regional Maritime Rescue Coordination Centre (MRCC) and Maritime Rescue Subcentre (MRSC). (MDG-1)

- The Global Programme on Integration of Women in the Maritime Sector (IWMS), which was launched in 1988, has been strengthened. Recent activities under the programme include assistance to the establishment of regional associations worldwide for women in the maritime sector and its follow-ups. (MDG-3)
- A series of studies to assess the impact of HIV/AIDS on ports in Africa have been made and a number of national seminars on HIV/AIDS in the workplace have been carried out in the Philippines to promote prevention and care among the seafaring community in co-operation with the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the World Health Organization (WHO). (MDG-6)
- The existing programmes on the protection of the marine environment have been strengthened and more ITCP resources have been allocated to help implement new regulations such as International Convention for the Control and Management of Ships' Ballast Water and Sediments and International Convention on the Recycling of Ships. (MDG-7)
- IMO attaches great importance to partnership arrangements for the delivery of its technical co-operation activities. At its twenty-third session held in 2003, the IMO Assembly adopted resolution A.965(23) on the "Development and Improvement of Partnership Arrangements for Technical Co-operation". Following the linkage established between the ITCP and the MDGs, more efforts have been made by the IMO Secretariat, IMO Member States and organizations to develop and improve partnership arrangements for technical co-operation. As at 31 December 2009, 61 partnership arrangements were operational, many of which were concluded with developing countries. (MDG-8)

For more than two decades, IMO has successfully contributed to offer developing and developed countries the possibility to accede to a high-level maritime education, through the establishment of two prestigious institutions, the World Maritime University (WMU) and the IMO International Maritime Law Institute (IMLI).

The World Maritime University's success is the fruit of an efficient partnership between IMO, Governments and donors. Located in Malmö, Sweden, it was founded in 1983. Since then, the University has established an excellent reputation as the global centre for advanced education, training and research for specialist personnel from the international maritime community. To date, a total of 2,855 students from 158 countries and territories around the world have graduated from the University.

The IMO International Maritime Law Institute, located in Valletta, Malta, was founded in 1988, with the objective of training experts in international maritime law. To date, a total of 518 lawyers from some 116 States and territories worldwide have obtained their Master's from IMLI.

Resolution on Capacity-building

In 2007, the twenty-fifth Assembly of the International Maritime Organization (IMO) noting lack of capacity that Governments and, in particular, those of developing countries, experience at the point when implementation of IMO instruments is urgently required, adopted resolution A.998(25) on Need for capacity-building for the development and implementation of new, and amendments to existing, instruments dated November 2007. The resolution recommended that the IMO organs should

establish a mechanism to identify new instruments requiring the provision of technical assistance prior to implementation, issues requiring special focus when developing technical co-operation and assistance activities relating to the implementation of new measures, and new instruments requiring simplified guidance for implementation. The Maritime Safety Committee (MSC) and the Marine Environment Protection Committee (MEPC) in response to the resolution, adopted amendments to the Committees' Guidelines on the organization and method of work of the MSC and MEPC and their subsidiary bodies.

Maritime safety and security

- **Establishment of Search and Rescue centers**

Under its Integrated Technical Co-operation Programme (ITCP), IMO has assisted the Governments of the Eastern and Southern African coastal States bordering the Indian and South Atlantic Oceans to establish maritime search and rescue co-ordination centres (MRCCs) in their various countries. Assistance is still being provided to the Central, West and North African countries bordering the North Atlantic Ocean.

- **Investigation into Piracy and armed robbery**

IMO is implementing an **anti-piracy** project, a long-term project which began in 1998. Phase one consisted of a number of regional seminars and workshops attended by Government representatives from countries in piracy-infested areas of the world; while phase two consisted of a number of evaluation and assessment missions to different regions. IMO's aim has been to foster the development of regional agreements on implementation of counter piracy measures. Regional co-operation among States has an important role to play in solving the problem of piracy and armed robbery against ships, as evidenced by the success of the regional anti-piracy operation in the Straits of Malacca and Singapore.

In addition, bearing in mind the rights and obligations of States under the international law of the sea, including the provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS), and recognizing with deep concern the grave danger to safety of life at sea, maritime safety and the protection of the marine environment arising from acts of piracy and armed robbery against ships, the twenty-second session of the Assembly of IMO adopted in November 2001, resolution A. 922 (22) on Code of practice for the investigation of the crimes of piracy and armed robbery against ships. This Code of practice was reviewed by the twenty-sixth session of the Assembly of IMO and an amended version was adopted as resolution A.1025(26) on Code of practice for the investigation of the crimes of piracy and armed robbery against ships.

- **Djibouti code of Conduct**

A sub-regional meeting to conclude agreement on maritime security, piracy and armed robbery against ships for States from the Western Indian Ocean, Gulf of Aden and Red Sea areas which was held in Djibouti from 26 to 29 January 2009, adopted *inter alia*, a Code of conduct concerning the repression of piracy and armed robbery against ships in the Western Indian Ocean and the Gulf of Aden (the Djibouti Code of Conduct). The Djibouti Code of Conduct has been signed by 12 States from the region, namely Comoros, Djibouti, Egypt, Ethiopia, Kenya, Madagascar, Maldives, Seychelles, Somalia, Sudan, United Republic of Tanzania and Yemen.

With a view of promoting the implementation of the Djibouti Code of Conduct, a workshop was held in Seychelles in October 2009 and Training for national focal points for issues relating to piracy and armed robbery against ships was provided in Singapore and in the Philippines in November 2009. Further meetings and workshops have been scheduled for 2010.

In addition, the twenty-sixth session of the Assembly of IMO adopted resolution A.1026 (26), which envisages the provision of technical assistance to the countries in the region with respect to the implementation of its provisions, including those of the Djibouti Code of Conduct. The resolution, which requested the Secretary-General to undertake, as and when necessary, steps which would promote the co-operation, coordination and avoid duplication of efforts amongst the States and organizing, providing or seeking to provide assistance to the States in the region so as to enable them individually and collectively to be actively engaged in the repression of piracy armed robbery against ships. IMO has since established the Djibouti Code Trust Fund assist signatory States to implement fully the provisions of the Djibouti Code of Conduct. Resolution A.1026(26) further acknowledged the contribution of those countries that had deployed resources to fight piracy off the coast of Somalia.

Marine environment

- **Integrated Technical Cooperation Programme for IMO's MEAs**

Programmes have been initiated to strengthening regional and national capacity to prevent, control, combat and mitigate marine pollution, in particular, through the implementation of training programmes and the exchange of expertise and know-how and assistance in developing, revising and updating national maritime legislation. These programmes have been reinforced by additional initiatives to foster regional co-operation for the implementation and enforcement of the relevant IMO Multi-lateral environmental agreements (MEAs) and instruments.

Assistance to regions and countries has focussed on the ratification, implementation and enforcement of the:

- .1 International Convention for the Prevention of Pollution from Ships as modified (MARPOL), and other rules, standards, guidelines and recommendations developed by IMO's Marine Environment Protection Committee related more specifically to the provision of port reception facilities, waste management and ship recycling, including the provision of reception facilities in the vicinity of recycling yards; and assisting countries in the identification and establishment of Particularly Sensitive Sea Areas (PSSAs), special areas under MARPOL or Emission Control Areas under the revised Annex VI to MARPOL and assisting countries in the uniform application of IMO's policy for the reduction of GHG emissions from ships;
- .2 the International Convention on Oil Pollution Preparedness, Response and Co operation, 1990 and its related Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000 and enhancing regional co-operation in marine pollution preparedness, response and co-operation, the latter utilizing the existing regional seas programmes of UNEP. In this regard, associated to the aspect of the reimbursement of costs of mutual aid in case of a major pollution incident, assistance to address

provisions on liability and compensation for damage resulting from accidental marine pollution under the Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage, 1969 and Protocol of 1992 to amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 was also provided.

- .3 International Convention on the Control of Harmful Anti-fouling Systems, 2001; and
 - .4 International Convention on the Control and Management of Ships' Ballast Water and Sediments.
- **London Convention and Protocol – “Removal of barriers to accession to, implementation of and compliance with the London Protocol Project” (B2C Project)**

Capacity building, through technical co-operation and assistance among Contracting Parties to the London Convention and Protocol, has long been viewed as crucial to the implementation of, and compliance with these instruments and their promotion. In the past such activities were often conducted on an *ad hoc* and opportunistic basis subject to unilateral funding from Parties. Effectiveness in the form of ratifications to the London Protocol and compliance to the instruments was questionable.

In 2006 the governing bodies of the London Convention and Protocol adopted a revised Long-term Strategy for Technical Co-operation and Assistance that aimed to offer a more strategic and co-ordinated approach. As part of this approach, the governing bodies undertook, in 2006/2007, a global review to identify barriers to accession to, implementation of and compliance with international sea dumping controls (in 'developing' countries) with a view to expand their membership to the Protocol and improve implementation (compliance) with these agreements to better protect the marine environment. The global review proposed a “set of recommendations for follow-up projects” or ‘activities’ aimed at capacity building at the regional and national level to remove known barriers, impediments to compliance with the instruments and recommended ways to overcome these.

To give effect to these recommendations, the governing bodies adopted a Strategic Approach which helped to prioritize support for States to overcome the identified legislative, institutional, technical and socio-economic barriers. It included objectives and guidance on operational elements that would allow for flexibility and regional approaches in identifying and engaging potential recipients and donors. It also focussed on the use of existing tools and support mechanisms available, rather than developing new tools, although it was recognized that new communication tools would be needed. The governing bodies also developed an Implementation Plan for a number of activities that matched funding and in-kind pledges that had been received. The Implementation Plan, in particular, was used by Parties to identify activities that may be of particular interest to them, whether as a donor and/or offering a particular skill or as a (future) recipient.

The B2C Project, through its Strategic Approach and Implementation Plan, has seen larger amounts of funding being pledged than in previous years from donor countries, but also from multi-lateral funding resources. A number of targeted regional workshops to raise awareness and in-depth needs assessments to identify follow-up work at the institutional level have been conducted. Capacity building in technical matters is envisaged at the next level of activity.

Further follow-up, with individuals engaged at the activity level is seen as a critical element in determining the effectiveness of uptake of the Project. However, the overall effectiveness of the Project approach has not yet been determined as implementation of the Project is in early stages.

- **GESAMP**

GESAMP¹ has adapted its working practices and orientation to incorporate capacity building aspects into its work. GESAMP, being an advisory group of experts whose mission is to provide interdisciplinary, independent advice to the UN system and member governments to support the protection and sustainable use of the marine environment, has – with the substantial support it received from the Government of Sweden in the period 2006 – 2009 - redesigned its programmes, *inter alia*, to increase the ownership of developing countries further and consolidate the long-term viability of GESAMP, which is a tool in system-wide assessment processes such as the UN Regular Process. Increasingly, experts from developing countries, women and junior scientists are being involved in the work of GESAMP, with the added benefit of further widening and strengthening GESAMP's network.

- **Major projects - GLOBALLAST**

The GEF/UNDP-funded GloBallast Partnerships Project, building on the successful antecedent GloBallast Pilot Project, made significant progress in implementing activities that included regional level training programmes, formation of national and regional task forces and development of regional strategies, in addition to specific activities by some countries such as port specific risk assessments and drafting national regulations. The various tools developed by the GloBallast Project, such as training packages, risk assessment methodologies and port baseline survey procedures, are proving to be very useful and the Member States are encouraged to make further use of such tools developed by the Project.

In addition, the GloBallast Project is also implementing a GloBallast Country Profile Database and the GloBallast Research & Development Directory to provide information on Ballast Water Management activities in various countries including existing projects worldwide on Ballast Water Management and technology development. A significant GloBallast achievement has been the formation of the “Global Industry Alliance (GIA) for Marine Biosecurity” within the GloBallast Project framework, a groundbreaking public-private sector partnership, which includes shipowners and shipbuilders cooperating and it is expected that this pioneering global partnership will accelerate innovative solutions to help address ballast water issues.

- **Major projects - Marine Electronic Highway**

The Global Environment Facility (GEF)/World Bank provided a grant on 31 December 2005 to the International Maritime Organization (IMO) to implement the follow-on MEH Demonstration Project in the Straits of Malacca and Singapore.

¹ The IMO/FAO/UNESCO-IOC/WMO/UNIDO/IAEA/UN/UNEP Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection. Further information can be obtained by visiting: <http://gesamp.org>

The Project aims to establish a regional mechanism in the Straits of Malacca and Singapore for enhanced maritime safety and marine environment protection with a sustainable financial component in a co-operative arrangement with the three littoral States of Indonesia, Malaysia and Singapore and partnership with the Republic of Korea, the International Hydrographic Organization (IHO), the International Association of Independent Tanker Owners (INTERTANKO) and the International Chamber of Shipping (ICS). The Project should be appraised as a technological network and cooperative partnership that could bring about the realization of Article 43 of the United Nations Convention on the Law of the Sea (UNCLOS 1982) at the same time backstopping the efforts of the littoral States, for the effective functioning of the Cooperative Mechanism in line with article 43 of the Convention.

- **SAFEMED**

The European Union (EU) financed a regional MEDA project entitled “EUROMED Co-operation on Maritime Safety and Prevention of Pollution from Ships – SAFEMED” and its follow-up SAFEMED II Project, both implemented by the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) under IMO's supervision.

Both projects were developed in response to the interest of the European Union to develop Euro-Mediterranean co-operation in the field of maritime safety and security and prevention of pollution from ships by providing technical advice and support to the non-EU Mediterranean partners identified in the 1995 Barcelona Process. The implementation of the project started on 1 January 2006 with ten of those partners, namely Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestinian Authority, Syria, Tunisia and Turkey. The main objective of the project was to mitigate the existing imbalance in the application of maritime legislation in the region between the EU and non-EU Mediterranean partners, through the promotion of a coherent, effective and uniform implementation of the relevant international conventions and rules aimed at better protecting the marine environment in the Mediterranean region by preventing pollution from ships.
