

CIL-MPA Workshop on Ocean Governance and International Shipping

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Keynote Speech by Mr Koji Sekimizu

I am promoting a study of maritime governance. An important field of the study of maritime governance is the rule of laws including United Nations Convention on the Law of the Sea (UNCLOS). It is a study of international law-making process: history, present state and research for the future of international laws and regulations. I am encouraging the World Maritime University, Kobe University in Japan, MPA Academy and, here, Center of International Law (CIL) of Singapore to take leadership in the study of maritime governance.

The International Maritime Organization (IMO) will mark 60 years of activity next year, 2018. The IMO has been working as the global legislative body for the international shipping and maritime industries for the last six decades and is still an active and dynamic organisation in the United Nations system, responding to the present needs for ensuring sustainable shipping.

The IMO has made significant contributions to proper maritime governance and achieved the current state of global system of sharing responsibilities among flag States, coastal States, port States, States providing training institutions for seafarers, ship owners, classification societies and other stakeholders in maritime business. The ideal of IMO governance is the global implementation of global standards established at the IMO, but this ideal is always challenged under the threat of unilateral application and enforcement of national or regional standards, which would be more stringent than international standards adopted at the IMO.

For the study of IMO maritime governance, it is important to recognise historic developments at the United Nations in formulating ocean and environment policies such as Stockholm Declaration in 1972, adoption of UNCLOS in 1982, Rio Declaration in 1992, and Agenda 21 and Sustainable Development Goals generated after Rio plus 20 summit in 2012.

Among 26 principles adopted for the Stockholm Declaration, four principles were designated for maritime governance, such as Principle 26 on the need for prevention of marine pollution of the seas, Principle 22 on the need for further international law regarding liability and compensation for victims of pollution and other environmental damages, and Principle 25 encouraging international organisations to play a coordinated, efficient and dynamic role for the protection and improvement of the environment.

The importance of adoption of UNCLOS for the work of the IMO cannot be overemphasised. The IMO has significantly contributed to the adoption of international rules and regulations envisaged in various Articles of the Convention, and it is worth remembering that Article 196 provides that States shall take all measures necessary to prevent and control pollution of the marine environment resulting from the intentional or accidental introduction of species, alien or new, to a particular part of the marine environment, which may cause significant and harmful changes thereto. This provision is particularly relevant to IMO's efforts in the preparation, adoption and implementation of the Ballast Water Management Convention, which will come into force on 8 September this year. Furthermore, it is worth acknowledging that Article 195 provides that States shall act so as not to transform one type of pollution into another when considering to implement measures to prevent harmful emissions of SO_x from marine engines. Under the provisions of MARPOL Annex VI, ships will be required to use low sulphur marine fuels or onboard scrubbers to treat emissions from 2020, but care needs to be taken in dealing with sulphuric acid effluent from scrubber, so that the waste is not released in creating another form of marine pollution.

Rio Declaration and Agenda 21 made significant impacts on the IMO's work in the field of protection of the marine environment. Section 17.30 of Agenda 21 sets ambitious action programmes for the IMO's work of providing ten most important issues to be tackled by the IMO. These were related to (1) implementation of IMO Conventions, (2) designation of particularly sensitive sea areas, (3) development of rules on ballast water discharge to prevent the spread of non-indigenous organs, (4) promotion of safety by adequate charting, (5) need for stricter international regulations to reduce risk of accidental pollution, (6) need for measures for the

carriage of irradiated nuclear fuels, (7) updating IMO Code of Safety of Nuclear Merchant Ships, (8) establishing measures for reducing air pollution from ships, (9) establishing a compensation scheme for Hazardous and Noxious Substances pollution damages, and (10) implementation of London Convention to prohibit dumping of harmful substances at sea. Past 25 years of work at the IMO in the field of prevention of pollution and protection of the marine environment were serious efforts to meet the expectation of the Earth Summit in Rio in 1992, and the IMO has successfully responded in generating international rules and regulations dealing with all the action programmes identified in Agenda 21, except for updating the Code of Safety of Merchant Nuclear Ships.

In the last 60 years of activities, the IMO has provided significant contributions to the work of UN in the field of maritime governance and has become a major institutional framework for the sustainable shipping. It is open to participation by all nations of the world and has become now an important public good and asset of the international society.

Ideals of the IMO shall be global implementation of global standards, but the unilateral application of national or regional standards beyond IMO standards has always been an issue for the IMO. The shipping industry is now facing real challenges of implementation of Ballast Water Management Convention, SO_x regulation from 2020, and further measures to reduce GHG emissions from ships. For the sustainable shipping, activities of the IMO to ensure the ideals and objectives of the global legislative body must be supported and more proactive participation from all nations in the work of the IMO should be promoted.

I would like to encourage CIL and MPA Academy to take a leadership role in promoting a serious study of maritime governance, its history, the present state and future. Furthermore, I am of the opinion that the IMO should reflect the spirit of Paris Agreement of COP 21 of UNFCCC in 2015 in the current debate at Marine Environment Protection Committee (MEPC) on reduction of GHG emissions from ships, and such debate should be accelerated through an actual process at the IMO of drafting a new international legal instrument on fiscal market-based measures, such as

IMO Emission Trading Scheme and fuel oil levy. I would also like to encourage the CIL and MPA Academy to prepare a draft text of such a legal instrument in the form of a new Convention for consideration at the IMO.

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