



STRUCTURAL & REGULATORY FRAMEWORK OF MARITIME DECARBONIZATION

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MARPOL

Consolidated Edition 2022

IDEA → OUTCOME

↓
IMPLEMENTATION

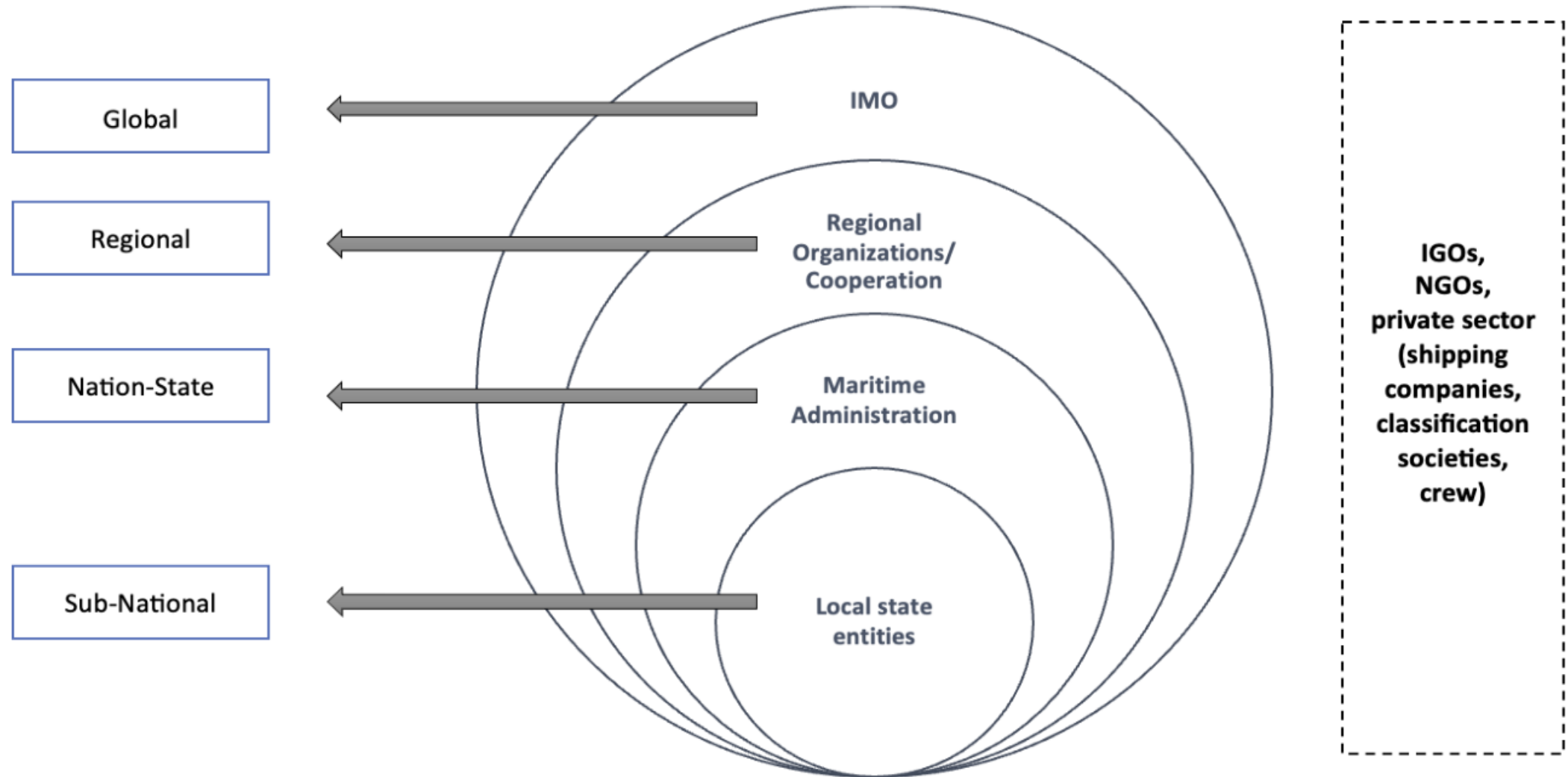
ARTICLE 1

General Obligations under the Convention

- (1) The Parties to the Convention undertake to give effect to the provisions of the present Convention and those Annexes thereto by which they are bound, in order to prevent the pollution of the marine environment by the discharge of harmful substances or effluents containing such substances in contravention of the Convention.
- (2) Unless expressly provided otherwise, a reference to the present Convention constitutes at the same time a reference to its Protocols and to the Annexes.

DEFINING KEY TERMS

- ✓ **Maritime Governance** is a process which involves steering activities surrounding the **development and implementation of rules and objectives** through coordination and coherence amongst different actors for the regulation of shipping. (*Aiken, 2023; Adapted from Pierre (2000)*)
- ✓ **Implementation** is the manifestation of international rules and regulations through the passage of legislation, monitoring, enforcement and the establishment of supportive institutional arrangements steered by a central actor with coordination amongst other actors within multiple organizations and operating at multiple levels. (*Adapted from Victor et. Al. (1998) and Najam (1995)*)



MEMBER STATE OBLIGATIONS

Flag State Responsibility

Legal Basis:

UNCLOS Articles 91–94
MARPOL Annex VI Regulation 5–11

- Ensure that ships flying their flag comply with MARPOL Annex VI requirements
- Issue and maintain valid International Air Pollution Prevention (IAPP) and Energy Efficiency (IEE) certificates
- Conduct flag-state inspections
- Take enforcement actions when violations occur with flagged vessels (on the high seas)
- Investigate violations or environmental incidents involving their flagged ships

Port State Responsibility

Legal Basis:

UNCLOS Articles 218–219
MARPOL Annex VI Regulation 10

- Inspect foreign ships calling at port for compliance with MARPOL Annex VI standards
- Report and take action against ships not meeting air pollution control requirements.
- Detain ships with serious violations
- Take direct action if ships violate MARPOL Annex VI within port or internal waters
- Investigate violations or environmental incidents involving their flagged ships

Coastal State Responsibility

Legal Basis:

UNCLOS Articles 56, 211(5), 212
MARPOL Annex VI Regulations 13, 14, 16

- Monitor emissions from ships operating in their EEZ or territorial sea
- Enforce MARPOL Annex VI regulations in territorial sea and EEZ
- Take enforcement actions when violations occur with flagged vessels (on the high seas)
- Adopt national laws that mirror or supplement MARPOL Annex VI to protect the marine environment

IMPLEMENTATION



SUB-COMMITTEE ON IMPLEMENTATION
OF IMO INSTRUMENTS

8th session
Agenda item 19



ASSEMBLY
28th session
Agenda item 10

Resolution A.1070(28)

Adopted on 4 December 2013
(Agenda item 10)

IMO INSTRUMENTS IMPLEMENTATION CODE (III CODE)

A 28/Re
10 Decembe
Original: EN



III 8/19
30 August 2022

Maritime

IMO decries non-implementation of maritime audit corrective action

By Adaku Onyenucheya

12 May 2022 | 3:13 am



100 audits completed under IMO Member State Audit Scheme

in International Shipping News 22/03/2023



One hundred of IMO's 175 Member States and three associated Members have now been audited under IMO's Member State Audit Scheme (IMSAS). The milestone was reached in March 2023. The audits continue to be rolled out, with 23 audits scheduled to be completed

To achieve this, IMO will focus on the review, development and implementation of and compliance with IMO instruments in its pursuit to proactively identify, analyse and address emerging issues and support Member States in their implementation of the 2030 Agenda for Sustainable Development.



IMO

ASSEMBLY
20th session
Agenda item 11

A 20/Res.847
1 December 1997
Original: ENGLISH

RESOLUTION A.847(20)
adopted on 27 November 1997

GUIDELINES TO ASSIST FLAG STATES IN THE IMPLEMENTATION
OF IMO INSTRUMENTS

ASSEMBLY,

RECALLING Article 15(j) of the Convention on the International Maritime Organization giving the functions of the Assembly in relation to regulations and guidelines concerning maritime safety and the prevention and control of marine pollution from ships,

RECALLING FURTHER that, at its sixteenth session, it affirmed the contents of resolution XII) and the assignment of the highest priority to promoting the implementation of relevant international instruments for the improvement of maritime safety and pollution prevention,

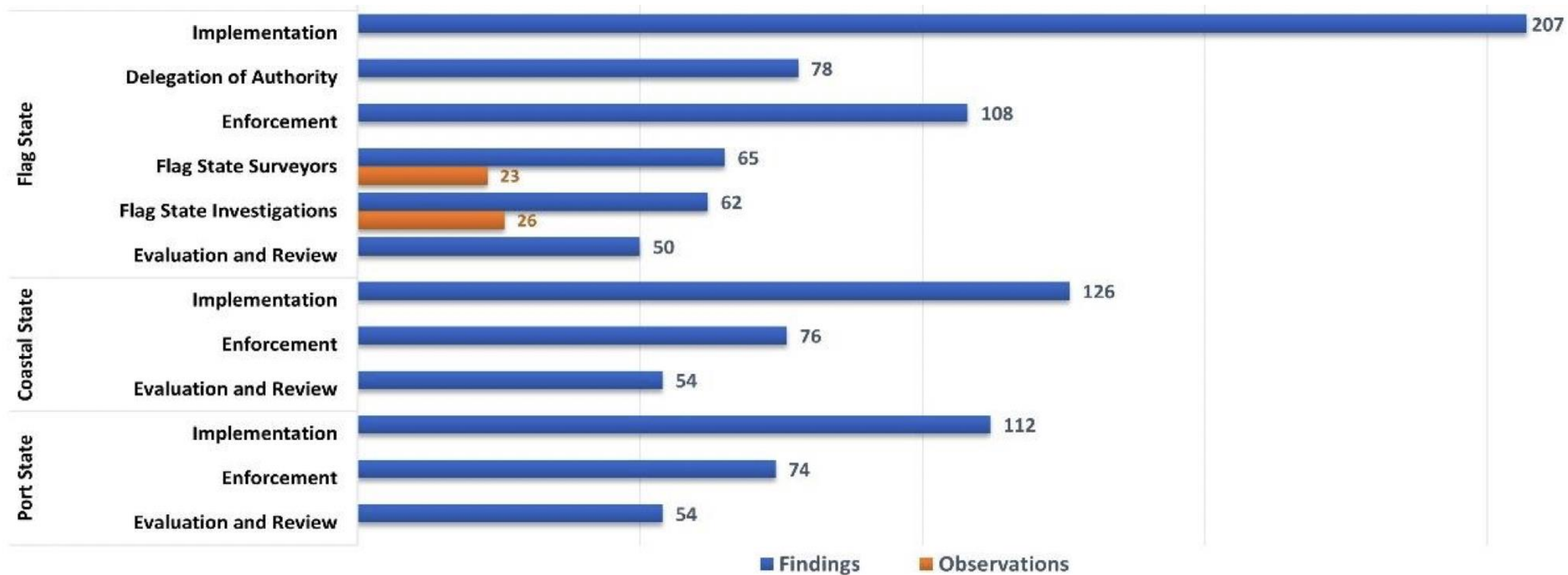
RECOGNIZING that international law requires flag States to meet the responsibilities set forth in accepted international regulations, procedures and practices contained in IMO instruments and mandatory instruments, and to take any steps which may be necessary to secure their observance,

STRATEGIC DIRECTIONS

As IMO continues to carry out its work, the following strategic directions set out its particular focus for the period 2018 to 2023.

SD 1: Improve implementation

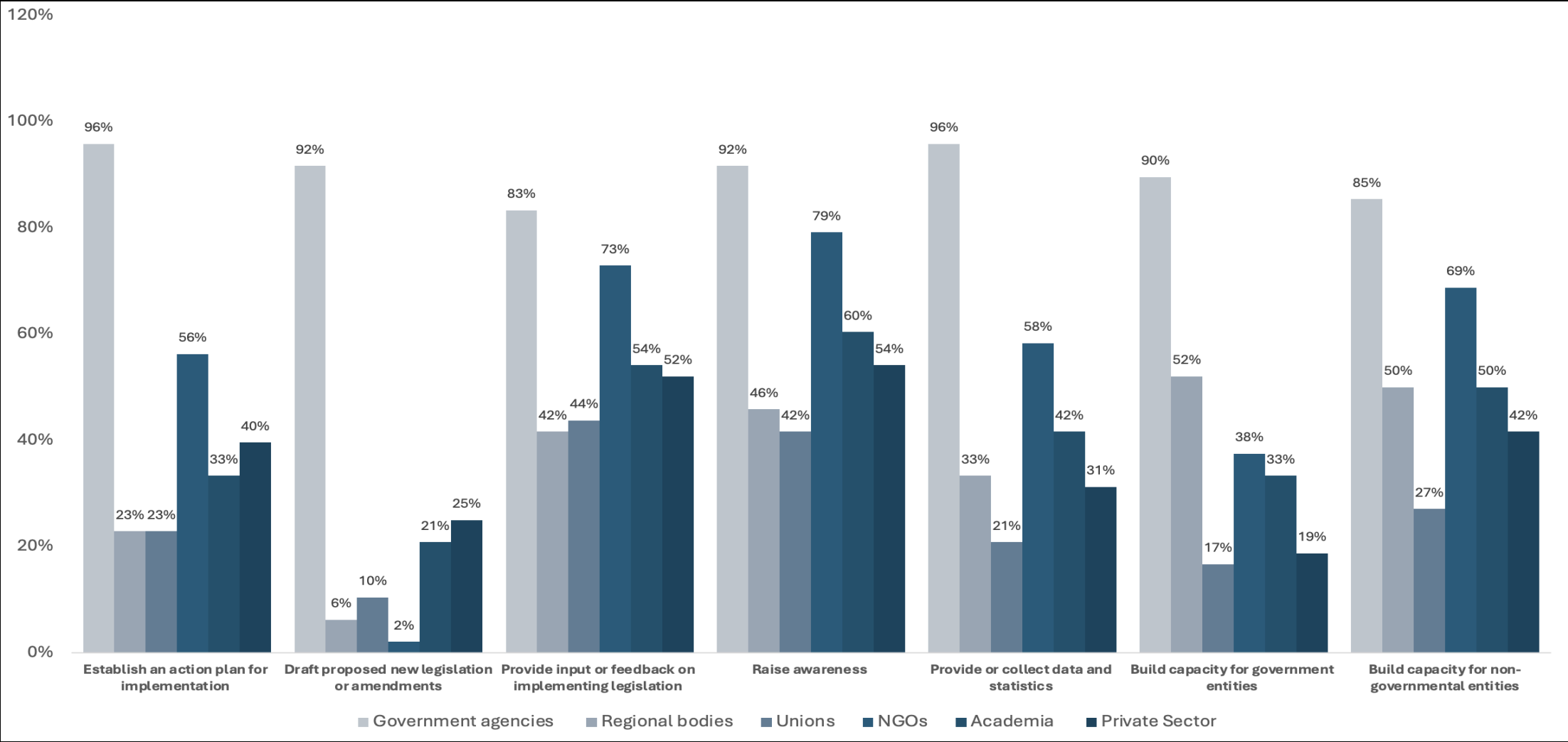
STATUS OF IMPLEMENTATION



Source: IMO (2024), Analysis of Consolidated Audit Summary Reports, III 10/INF.6, May 2024

Audits of 82 countries
Close to 50% of IMO Membership

ROLE OF OTHER MARITIME STAKEHOLDERS





WORKSHOP

WORKSHOP



- You are placed in groups of 3
 - **15 minutes**
 - Individually read through the entire Regulatory Map template
 - Complete section 7

- **30 minutes**
 - Group discussion
 - 3 roles – Presenter, Peer Reviewer A, Peer Reviewer B
 - 1 Leader

- **30 minutes**
 - Group Presentation – Group leader to summarize & present overview of group discussion

LET'S DEBRIEF



LET'S DEBRIEF

Group debrief:

- What was one thing you learned from your peers?
- Did your understanding of your own regulatory context change?
- What follow-up action will you take (e.g., literature to review, policy to analyze)?



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**Global
implementation of
global standards
established by IMO is
the backbone of the
present prosperity of
international
shipping**

- Dr. Koji Sekimizu (2021)

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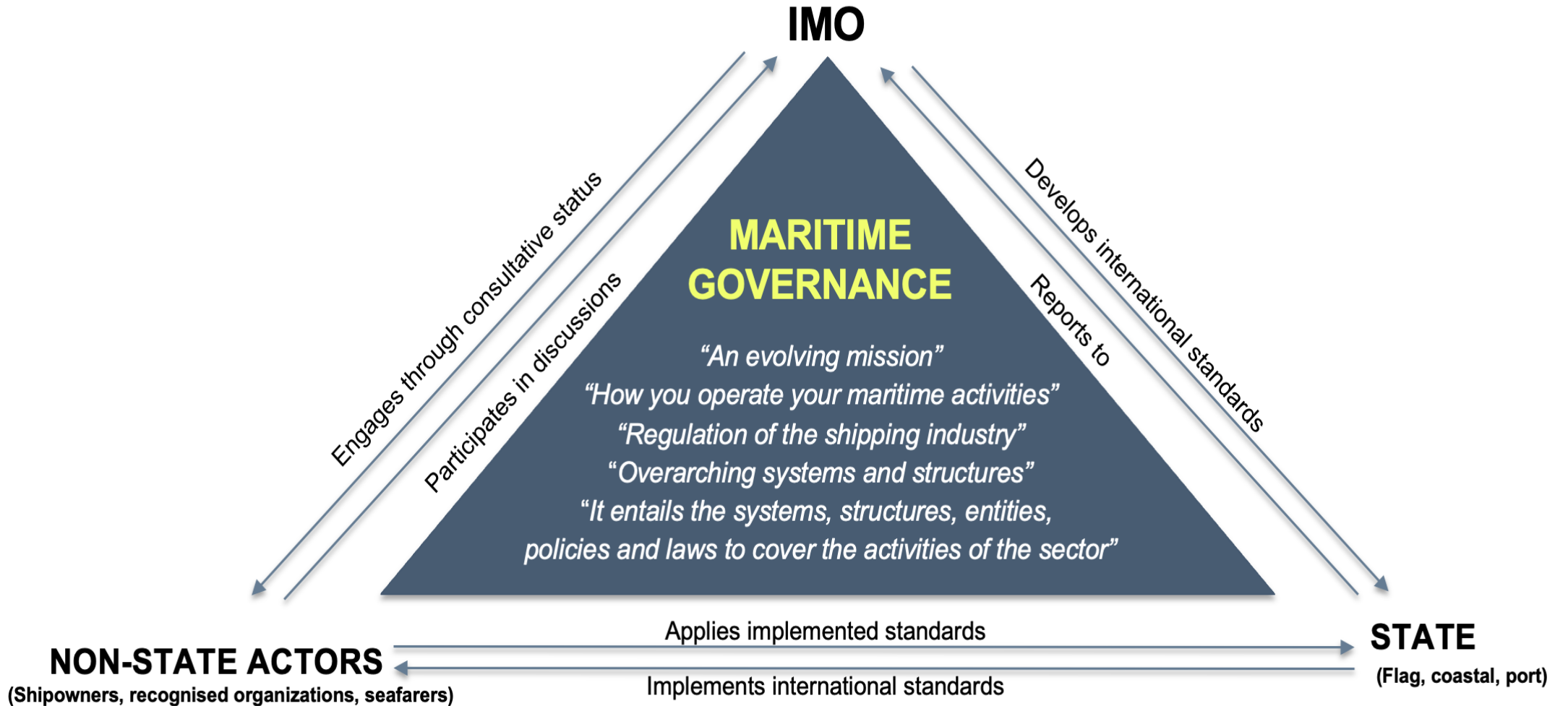
TAL TECH

ESTONIAN MARITIME
ACADEMY

**TAL
TECH**

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MARITIME REGULATORY FRAMEWORK



Source: Aiken, D. (2023). Maritime governance: contextual factors affecting implementation of IMO instruments.

