Driving the harmonization of maritime laws in the PIs region
Acknowledgement

† PIMLA Executive sincerely convey appreciation to MLAANZ for the invitation

† PIMLA Executive also wish to express its appreciation to AMSA for part funding PIMLA’s participation
Presentation Overview

- Background
- Professional networking
- A vision for PIMLA
- Strategy for effective implementation of PIMLaws
- In country – Maritime Legal Assistance
- PIMLaws Review 2007 - 2009
- PIMLaws – current status
- Conclusion
Background

PIMLA established as charitable trust under Fiji laws, 15th July 2005.
Secretariat based at SPC / RMP, Suva, Fiji.

Objectives:
- Identify legislative requirements for implementation of international maritime conventions;
- Enhance public awareness on maritime transport & environmental impacts within Pacific Islands region
- Provide and assist governments & other institutions in the maritime law matters
- Liaise & networking with international, regional organizations, governments, institutions and other entities....

Membership - regular and associate members

PIMLA Motto: "Driving the harmonisation of maritime law in the Pacific Islands region."

"This is indeed a remarkable initiative that in many respects is a first of its kind. It perfectly encapsulates the Institute’s raison d’etre by congregating like-minded persons to work and contribute towards a common goal: the better governance of the sea, albeit within a regional or sub-regional context”.

Prof. David Attard, Director, IMLI

PIMLA to ensure collective and collaborative review of PIMLaws with relevant maritime stakeholders
Highlight PIMLA and what it can offer to PICs maritime sector

เชื่อมต่อ PIMLA และสิ่งที่มันสามารถทำให้กับภาคเรียนของ PICs

- 21 อาวุโส IMLI ทนายความที่มีความเชี่ยวชาญในเรื่องกฎหมายทะเลจากท้องถิ่นของเรา
  - 3 ผู้สำเร็จการศึกษาใหม่ตั้งแต่ปี 2005
  - ผู้หญิงทนายความ, ผู้ว่าการ Niue กำลังศึกษาที่ IMLI
  - ศึกษา - ให้ทุก PICs ที่มีทนายความจาก IMLI หรือสถาบันการศึกษาในท้องถิ่นอื่นๆ

- 50 สมาชิกปัจจุบัน (ทนายความ IMLI และทนายความจากสถาบันการศึกษาในท้องถิ่นอื่นๆ, อาจารย์, นักพิพากษา ฯลฯ)

Tool for SPC/RMP:

- ช่วยเหลือ PICs
- รีวิว, ทำนโยบายทะเล, ร่างกฎหมาย (PIMLaws)
- ความช่วยเหลือในประเทศเรื่องกฎหมายทะเล
PIMLA – a vision

SPC Regional Maritime Programme
Strategy for effective implementation of PIMLaws

Phase 1
- To develop a comprehensive maritime shipping policy for each PICT

Phase 2
- To review and draft amended or new maritime legislations

Phase 3
- To ensure PIMLaws are implemented and enforced effectively.
In country – Maritime Legal Assistance

<table>
<thead>
<tr>
<th>Country</th>
<th>Phase</th>
<th>Year</th>
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<tr>
<td>Tuvalu</td>
<td>1 / 2</td>
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<td>Niue</td>
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<tr>
<td>Tokelau</td>
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<tr>
<td>Vanuatu</td>
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<td>2009</td>
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</tbody>
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PICs send in request for assistance to RMP through PIMLA and both will assess the needs, availability of personnel and funding prior to despatching assistance.

Desk top exercises, exchanges of views, opinions and research information through emails are usually implemented in the preliminary to refine issues and for the proposed assistance to be focussed.

Ad hoc Legal Advisories
1. To undertake a gap analysis of existing generic maritime legislations under PIMLaws (Four Volumes);

2. To review, update and develop generic maritime legislations taking into account recent IMO/ILO instruments amendments;

3. To assess implications of Conventions listed on national level and develop draft legislative guidelines as part of PIMLaws and draft relevant changes to existing generic legislations;

- SUA Convention 1988 & Protocols 2005
- LRIT
- FAL Convention 1965
- Maritime Labour Convention 2006
- Seafarers Identification Documents Convention 2003
- STCW 95 plus amendments
- Maritime Casualty and Incidents Investigations 2009
PIMLaws Review 2007 – 2009 cont (1)

- STCW – F Convention
- MARPOL Amendments
- SOLAS Amendments
- SAR Convention plus Amendments
- Ballast Water Convention
- Wreck Removal Convention 2007

4. To examine the adequacy of Conventions to deal with contemporary issues;
5. To examine the penalty/offences regime under PIMLaws and consider necessary changes, and
6. To prepare necessary drafting
7. Existing legislations to be reviewed to incorporate Conventions is seen as better approach in certain cases than drafting new laws because of human resources and expertise constraints in SIS
However, the Review process is **prioritised**:—

- Maritime Security is viewed as important especially ISPS Code and its practical implications on ports and shipping in the region
- SUA 88 and Protocols 2005
- LRIT

PIMLaws Review is **not** a “quick fix” or “band aid” process, it entails thorough gap and situation analysis in each PIC maritime sector prior to finalising and adopting new or amended regulations.

The entire process is **managed** and **coordinated** by the Regional Maritime Legal Adviser, in consultation with RMP team and relevant maritime stakeholders in the region.

**July 2008** – Maritime Policy and Legislative Drafting Workshop

**August 2009** – Drafting of latest Marine Casualty and Incidents Investigation Regulations
PIM Laws – process to harmonise maritime laws

**MARITIME ADMINISTRATION**

- **Shipping Act**
  - Maritime Liens & Mortgages Regs.
  - Arrest of Vessels

- **Vessel Registration**
  - Load Lines Regs.
  - Small Boat Licensing
  - Small Boat Licensing
  - COLREGS

- **STCW Regs.**
- **DG Regs.**
- **Arrest of Vessels**

**SHIP SAFETY**

- **Shipping Act**
  - Safety Regs Convention Vessels
  - Safety Regs Non-Convention Vessels
  - Fishing Vessel Safety Regs

- **Fishing Vessel Safety Regs**
  - Small Fishing Vessel Regs
  - Small Boat Regulations
  - Maritime Security Regulations

**MARINE POLLUTION**

- **Marine Pollution Prevention Act**
  - Reception Facilities Regulations
  - Marine Pollution Response Regs.
  - POLFUND Regulations

- **ISM Code Regs.**
- **GMDSS Regs.**
- **SAR Regulations**

**PORTS**

- **Ports Authority Act**
  - Port Safety Regulations
  - Port Tariff Regulations
  - Cargo Documentation Regulations

- **Pilotage Regulations**

- **Instructions to Registrars**
- **Instructions to Surveyors**
- **Instructions to Assessors**

**COLREGS**

- **Reception Facilities Regulations**
- **Marine Pollution Response Regs.**
- **POLFUND Regulations**

**PIMLaws** – process to harmonise maritime laws
Conclusion

- Recognition of the fact that expertise is available in the region and must be utilised where and when possible

- PICs Maritime sector needs self belief, confidence and utilised its own qualified people and claim ownership on legal assistance by SPC/RMP through PIMLA

- PIMLaws will promote and enhance **rule of law, good governance** within the maritime sector and thus contributes to overall success of both **Pacific Maritime Communiqué 2007 and 2009** and the relevant parts of **Pacific Plan**

- These experts know the Pacific region better than for example consultants from other parts of the world.

- PIMLA is also a tool to disseminate information by way of imparting their knowledge to training institutes such as USP in Fiji and Vanuatu Law School.

- That both tools; **PIMLA** and **PIMLaws** are considered essential and a necessity for continuing growth of the regions maritime sector.

- Networking with Professional bodies eg. MLAANZ, CMI and PILON will ensure robust and update advise to PICs maritime sector

  ≈ Joint MLAANZ / PIMLA Seminar Conference in PIC

- Donor assistance through IMO, Australia, NZ and others will assist RMP in sustaining legal assistance through PIMLA.

  ≈ Funding will ensure sustainability of PIMLA
Thank you and any Questions?