International Engagement
Maritime Conventions Law in New Zealand

Stephanie Winson - April 2016
Introduction

- International law in the maritime context
- IMO, ILO, IALA, IMSO
- IMO Convention

“To provide machinery for cooperation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade”
IMO Conventions

Three categories

- Relating to safety
- Relating to protection of the marine environment
- Relating to Liability and Compensation

- Over 30 Conventions – 171 Member States
- “No more favourable treatment” for non-parties
- “Tacit acceptance” procedure to ensure continued uniform adoption
New Zealand approach

• Signatory to the majority of IMO Conventions
• Recent Initiatives
  • Maritime Labour Convention
  • LLMC 96
  • Intervention Protocol
  • Bunkers
  • Ballast Water
  • Container weight verification
  • Cape Town Convention
  • STCW-F
• This takes many years
International Engagement

• 1993 delegation to Maritime NZ (for safety regulatory and technical issues and maritime labour. Also designated “Administration” under IMO Conventions)

• Ministry of Transport and MNZ - shared responsibility for a number of matters including IMO Assembly

• Subsequent delegations include SAR, security and environmental protection.

• 2012 Engagement Strategy - Prioritizing attendance at IMO
Strategy for New Zealand’s International Maritime Engagement
(2013-2020)

Vision
New Zealand engages effectively at IMO, to achieve outcomes which deliver safe, secure, clean seas and efficient shipping

Goal 1
Increase New Zealand’s influence

Goal 2
Comply with international obligations

Goal 3
Benefit from international best practice

Goal 4
Safeguard New Zealand’s reputation

Goal 5
Support Pacific engagement and compliance

Key Performance Indicators
- Stakeholder engagement and communication plan
- Stakeholder feedback
- Clean IMO Audit
- SOLAS update
- Industry flag-state performance indicators
- Streamlined processes
- Annual plan
- Strengthened international partnerships
- Up-to-date legislation and rules
Creating New Conventions

• Development to adoption takes anywhere from 1-10 years.
• You have to be at the table to get results
• At IMO this involves (at least):
  • Attendance at key technical committees were initial obligations are developed
  • Attendance at Legal Committee at critical stage of drafting
  • Attendance at diplomatic conference to sign the treaty
• Different interests and drivers
For adoption of international convention

~ 1-2 years
NEW CONVENTION ADOPTED

- Cabinet process if Reservation required
- Cabinet approval if substantive amendment or if NZ is objecting to amendment
- Conventions open to tacit acceptance

~ 12-18 months
NATIONAL INTEREST ANALYSIS

- Lead government department prepares national interest analysis and consults with other relevant agencies

~ 1-2 years
PARLIAMENTARY PROCESS

- Cabinet approves national interest analysis
- A parliamentary select committee considers the NIA and reports back to the House
- NZ involvement limited to providing advice as required to leading Ministry

~ 1-5 years
LEGISLATIVE PROCESS

- Consultation, draft legislation, including amendments to laws, new laws, amendments to rules and regulations
- Government passes legislation
- Any necessary Maritime Rules are adopted
- Legislation enters into force

~ 12-18 months
RATIFICATION

- Cabinet approves draft legislation
- NZ returns copies of ratification preparations
- NZ signs

NB: New Zealand treaty actions do not extend to the Cook Islands and Niue (since 1988) unless expressly done on their behalf. Conventions prior to 1988 that were extended continue to apply until they denounce and ratify themselves. Treaty-making on behalf of Tokelau is still undertaken by New Zealand after consultation and express statement as to whether or not treaty action applies.

NB: Some Maritime Conventions have not entered into force yet.
Existing Conventions

- Tacit Acceptance procedure compels continued engagement for most
- Greater levels of investment and negotiation required
- Alignment of government and industry perspectives
- Involvement of NGO’s
Conclusions

• Whole of government approach
• Engagement Strategy Review
• Role of MLAANZ?