

CANADA NEW ENGLAND CRUISE SYMPOSIUM

**“HOW IS THE
SHIPPING/CRUISE INDUSTRY
REGULATED?”**



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REGULATORY BODIES

Bodies of the United Nations develop international treaties:

- UN,
- IMO
- ILO
- WHO
- ISO



TREATIES

What are those treaties?

- A. Law of the Sea Treaty (LOS)**
- B. Safety of Life at Sea Treaty (SOLAS)**
- C. International ship and Port Facilities Code (ISPS)**
- D. International Safety Management Code (ISM)**
- E. International Convention for the Prevention of Pollution from Ships (MARPOL)**
- F. Standards for Training Certification and Watchkeeping (STCW)**
- G. Consolidated Maritime Labour Convention (MLC) (not yet in effect)**
- H. International Health Regulations (IHR)**
- I. Ballast Water Convention (not yet in effect)**



UNITED NATIONS

How do these agencies of the United Nations develop these treaties?

- **Member states, most of the countries of the world, collaborate and negotiate the treaties that control shipping actions throughout the world's oceans.**
- **The treaties become law in a particular country when the country ratifies the treaties and incorporate them into their law.**



UNITED NATIONS

How are the Conventions enforced?

Flag State Enforcement

- **Each ship is registered in a particular country and if that country has ratified the convention, then it has the responsibility to enforce the convention.**
- **The flags that CLIA ships fly include, Bahamas, Netherlands, UK, Bermuda, Panama, Marshall Islands, Malta. All have ratified the above conventions so they apply to the CLIA ships wherever they operate.**
- **Many countries including the US and Canada delegate their inspection functions to organizations called classification societies like American Bureau of Shipping, Lloyd's Register, Det Norske Veritas.**



UNITED NATIONS

How are the Conventions enforced?

Port State Control

- **Each of the above treaties is also subject to what is called port state control which means that when a ship visits a particular country, that country can enforce the requirements of the Convention on those ships in its waters.**



UNITED NATIONS

How are the Conventions enforced?

Domestic Laws

- **Countries like Canada and the U.S. have their own laws that apply to ships that operate within their waters. These laws can be those which implement the Conventions and incorporate them into their laws like the *U.S. Act to Prevent Pollution from Ships* or the *Clean Water Act* or *Clean Air Act*. In Canada the *Canada Shipping Act*, *Migratory Bird Act*, and *Regulations for the Prevention of Pollution from Ships and for Dangerous Chemicals* are some examples.**



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