



# St Helena Government

## National Maritime Strategy for the IMO Instruments Implementation Code (IINC)



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## 0. Version Control

Version	Review Date	Review Changes	Status
V0.1 (8/20) <i>re-set of a draft version carried over from 2019</i>	8/20 <i>review of a draft version carried over from 2019</i>	First review undertaken by Maritime Compliance Policy Officer (MCPO) Various areas changed to ensure specific to St Helena	Draft only
V 1.0	9/11/20	Endorsed by Board Members	Final
V 2.0	10/2/21	Addition of Board Member	Final
V 3.0	22/7/21	Section 6 - Added information on MoU Organogram amended to reflect change in SHG structure. Change in Board membership to reflect new Portfolio Director, within the new SHG structure.	Final



# 1. Introduction

## 1.1. Maritime Working Group

The St Helena Maritime Working Group (MWG) is a single overarching body established to develop and implement the maritime administration and compliance requirements for maritime safety and environmental protection.

The MWG comprises roles across St Helena Government (SHG) Portfolio's that are responsible for fulfilling the international obligations for those conventions which have been extended through the International Maritime Organization instruments.

## 1.2. Maritime Project Board

The St Helena Maritime Project Board (MPB) has strategic oversight and directs and advises the MWG on achieving compliance with international obligations in accordance with the III Code. The MPB provides recommendations to the relevant departments and oversees their implementation.

The Chair of the MPB is the government's Chief Secretary and the Terms of Reference (ToR) set out the membership, the role of the MPB, governance arrangements, and frequency of meetings.

The ToRs can be found at Annex A.

## 1.3. Maritime Administration

The Governor has special responsibilities, under the Constitution of St Helena, Ascension and Tristan da Cunha, for shipping and by extension maritime matters. These are delegated to the SHG Public Service through the Chief Secretary. St Helena's Maritime Administration is composed of a number of different government ministries and departments.

The Maritime Compliance Policy Officer (MCPO) as chair of the MWG, acts as the single point of contact (SPC) for III Code compliance, and reports directly to the MPB.

The current Maritime Administration structure is illustrated in Annex B.

Please refer to the Constitution of St Helena, Ascension and Tristan Da Cunha, section 44:

<https://www.sainthelena.gov.sh/wp-content/uploads/2020/09/Constitution-of-St-Helena-Ascension-and-Tristan-da-Cunha-2009-Updated-180620.pdf>

## 1.4. International Maritime Organisation

The International Maritime Organization (IMO) is the United Nations specialised agency and the global standard-setting authority for the safety and environmental performance of international shipping. Its main role is to create a regulatory framework for the shipping industry that is fair and effective and universally



adopted and implemented. Shipping is very much an international industry, and it can only operate effectively if the regulations and standards are themselves agreed, adopted and implemented on an international basis. The IMO is the forum at which this process takes place.

## 2. Background

### 2.1. IMO Instruments Implementation Code

The IMO formally adopted the IMO Instruments Implementation (III) Code in 2013, to provide a global standard to enable States to meet their obligations as responsible flag, port and coastal States, and to provide the criteria to determine how Member States give full and complete effect to the provisions of those international maritime conventions to which they are Contracting Parties. The IMO has since adopted amendments to several IMO instruments to make the use of the III Code mandatory for the purpose of auditing Member States, these amendments entered into force on 1st January 2016.

The IMO instruments included within the scope cover:

1. **International Convention for the Safety of Life at Sea (SOLAS 1974 and its 1978 and 1988 Protocols, as amended);**
2. **International Convention for the Prevention of pollution from Ships (MARPOL 1973 and Protocols 1978 and 1997, as amended);**
3. **International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW 1978, as amended);**
4. **International Convention on Load Lines (LL 66 and its 1988 Protocol);**
5. **International Convention on Tonnage Measurement of Ships (Tonnage 1969); and**
6. **Convention on the International Regulations for Preventing Collisions at Sea (COLREG 1972).**

The applicable conventions extended to St Helena are:

1. **SOLAS 1974 and its 1988 Protocol, as amended;**
2. **LL 66 and its 1988 Protocol; and**
3. **COLREG 1972.**

The UK maintains general superintendence and support to SHG in fulfilling international obligations under these treaties.

### 2.2. III Code Strategy Aim

The strategy supports SHG in meeting the aims and objectives herein to achieve full compliance with relevant maritime international conventions in accordance with the mandatory III Code.

The primary overall aims of the Government are to ensure:

1. Safety of Life on all registered vessels and vessels in St Helena waters
2. Minimal risk of pollution to the marine environment



### 3. Vision Statement

To successfully contribute to continuous enhancement of global maritime safety and protection of the marine environment.

### 4. Mission Statement

The SHG will exercise its maritime responsibilities by performing duties to give full and complete effect to applicable international maritime rules and regulations to ensure maritime safety and marine environmental protection.

### 5. III Code Strategy Purpose

#### 5.1 Aims

1. Provide a consistent approach for SHG to meet the requirements of the III Code.
2. Achieve and maintain the ability to effectively implement and enforce relevant international mandatory instruments.
3. Improve overall performance and capability as a flag, port and coastal State by continuous monitoring, review and evaluation.
4. Enhance awareness and co-operation between the respective SHG Directorates, entities and relevant stakeholders to develop a collaborative approach to demonstrate compliance.

#### 5.2 Objectives

1. Effectively demonstrate compliance in accordance with the requirements of the III Code.
2. Identify areas of non-compliance, potential non-compliance and/or improvement.
3. Enforce policies through issuing national legislation, procedures and guidance and ensure they are kept current.
4. Maintain a monitoring programme across all stakeholders to continuously check the adequacy of the measures being taken to meet the requirements of the III Code.
5. Ensure that competent personnel and sufficient resources and processes are in place to give full effect to the requirements of the III Code.



6. Maintain relationships with responsible stakeholders outside of SHG to continue and improve collaborative working.
7. Continuously review the strategy to achieve, maintain and improve the overall organisational performance and capability as a flag, port and coastal state.

### 5.3 Activities

This III Code strategy's aims and objectives are met through the following ongoing activities:

#### 5.3.1. Development and implementation of policies and procedures

1. Explanation and implementation of the III Code and mandatory audit is incorporated into the ToR of the MPB.
2. Actions are identified and carried out by responsible stakeholders to demonstrate ongoing adherence to the III Code, where applicable.
3. Areas recognised where stakeholders are requiring support in fully meeting their obligations and responsibilities are referred to the MPB.
4. Policies are developed and amended as necessary, following the required consultation, by the administration to implement amendments to international conventions.
5. Policies are effectively communicated for giving complete effect to applicable IMO instruments.
6. Applicable records for tracking and compliance purposes are stored and maintained effectively, in line with the Corporate Records Management Policy for the management and control of documents.
7. Responsibilities, authorities, qualifications and continuous training of personnel who manage and perform work relating to and affecting safety and pollution prevention are defined and documented.
8. Records are maintained by the responsible departments to ensure sufficient resources and processes capable of administering an effective system of safety and environmental protection are established.

#### 5.3.2 Stakeholder Relationships

1. Liaise with responsible stakeholders to maintain collaborative relationships so as to promote the requirements of the III Code, gather feedback on how compliance is maintained and offer guidance for improvement where problem areas are identified.
2. Maintain collaborative relationships with the UK Maritime Administration and the Red Ensign Group (REG) to receive support in fulfilling obligations, through monitoring visits, REG Conference and Technical Forum.

#### 5.3.3 Monitoring



1. The UK Maritime Administration monitors compliance every four years.
2. The MPB periodically assesses the performance of Directorates, taking into account their feedback and that of the UK Maritime Administration and advises on opportunities for performance improvement.

#### 5.3.4 Review and Improvement

1. Periodic reviews of all processes and policies will be undertaken by the MPB as per the ToRs.
2. Adequacy of measures taken are continually reviewed and improved to ensure SHG's international obligations are being met.
3. The MWG identifies issues and makes changes to improve its effectiveness in carrying out its services and processes under the III Code.
4. The MWG supports and provides the maritime industry opportunities for improvement of performance in maritime safety and environmental related activities, through education and training programmes, and regular drills and exercises which engage relevant stakeholders including companies and seafarers.

## 6. Category of Register

The UK's Statutory Instrument No. 1248 of 2003, the Merchant Shipping (Categorisation of Registries of Relevant British Possessions) Order 2003, as amended, provides for St Helena to be a **Category 2** Registry which permits St Helena to register commercial ships and yachts of up to 150 gross tons, and pleasure vessels; that is, those not operated commercially of up to 400 gross tons.

A Memorandum of Understanding (MoU) between the UK and the SHG sets out the responsibilities and conditions mutually agreed for the operation by SHG as the Maritime Administration of its Category 2 Shipping Registry.





## 7. Annexes

### 7.1 Annex A - Maritime Project Board Terms of Reference

#### **ST HELENA GOVERNMENT (SHG)**

#### **MARITIME PROJECT BOARD**

#### **Terms of Reference**

Version 3.0 July 2021

#### **1 Introduction and Context**

The purpose of this document is to set out the terms of reference, composition and operating arrangements of the Maritime Project Board.

The UK is one of the International Maritime Organization's (IMO) Member States and a signatory to international maritime conventions. The UK Member State comprises the UK, its Crown Dependencies and Overseas Territories who operate British Shipping Registers and is collectively known as Red Ensign Group (REG). Under the UN Convention on the Law of the Sea (UNCLOS) the UK has devolved implementation of the duties, obligations and responsibilities for flag, port and coastal State to the individual respective REG members. The Maritime and Coastguard Agency (MCA), on behalf of the UK Secretary of State, is responsible for implementing those international conventions to which it is a party in the UK and for ensuring that all other REG jurisdictions accomplish the same for those international conventions which have been extended to them.

In recognition of its international obligations, including those flag, port and coastal State duties in the IMO Instruments Implementation Code (III Code), SHG has formed a Maritime Project Board (MPG) to act on its behalf in maintaining oversight of the St Helena's III Code implementation strategy.

#### **2 Aim**

2.1 The aim of the MPB is to support and advise SHG in achieving full compliance with relevant maritime international conventions in accordance with the III Code and IMO audit scheme.

2.2 The Objectives of the MPB are to:

1. Develop and maintain III Code strategy for the SHG. The Strategy will be reviewed annually as a minimum.
2. Monitor international maritime standards and obligations through liaison with the UK Maritime Administration as the IMO Member State, and provide guidance and/or recommendations on their appropriateness to SHG.
3. Recommend methods of implementation and enforcement of policies through issuing legislation, procedures and guidance, and ensure they are kept current.
4. Ensure maritime compliance requirements and strategies are appropriately communicated within government and that appropriate domestic legislative arrangements are in place.



5. Promote the requirements of the III Code to enhance awareness and cooperation within SHG to develop a collaborative approach to demonstrate compliance and routinely collect feedback from relevant stakeholders based on the Category 2 Quality Objectives on how international obligations are maintained.
6. Ensure that overall performance and capability as a flag, port, and coastal state is achieved, maintained and improved by continuous monitoring, review and evaluation, having oversight of the recommendations made by the UK Maritime Administration and ensuring actions are addressed within appropriate timelines.
7. Seek to identify and eliminate causes of actual and potential non-compliance by monitoring reports of post incident and exercise reviews and providing recommendations to the relevant Directorates.
8. Create and/or take part in opportunities to maintain relationships with all relevant stakeholders within the REG to continue a collaborative working approach.

### **3 Membership of the Maritime Project Board**

3.1 Membership of the MPB shall comprise of the following:

- Chief Secretary (SHG) – (CHAIR)
- CSSF Projects Lead (FCDO)
- Sea Rescue Manager (SHG)
- Deputy Emergency Planning Manager (SHG)
- Marine Conservation Officer (SHG)
- Safety, Security and Home Affairs Portfolio Director (SHG)
- Corporate Services Executive Assistant (SHG)

3.2 Additional members when required:

- On occasion, elected members and representatives from other governmental and non-governmental organisations may advise as and when the MPB sees fit but will not be a substantive member of the MPB.

### **4 Frequency of Meetings and Agenda Items**

4.1 The MPB shall meet MONTHLY, as is deemed necessary, or more frequently if required.

4.2 Prior to a meeting, members will be invited by the Secretariat to highlight items they would like to be included within the agenda. Any relevant papers will be circulated one (1) week prior to the meeting to allow members to have sufficient time to read.

4.3 Before the close of the meeting, actions, responsibilities and completion dates will be agreed by the members. Where the members agree that one or more members complete an action, it should, as far as possible, be completed within the time specified.

4.4 The Secretariat will produce a set of draft minutes and all members will be provided with an opportunity to comment on the contents before agreeing a final version.

4.5 Where recommendations/actions are required to be escalated to the relevant Directorates to obtain approval or a decision, the Secretariat will coordinate appropriate briefing papers and supporting documentation.

### **5 Proxies**

5.1 Members of the MPB where there is only one representative shall nominate a proxy to attend a meeting if the member is unable to attend.



5.2 The Chair will be informed of the substitution at least one (1) working day prior to the scheduled nominated meeting.

5.3 The nominated proxy shall provide relevant comments/feedback, of the MPB member they are representing, to the attended meeting.

## **6 Working arrangements for ad hoc groups**

6.1 The MPB may be supported by ad hoc groups established by the MPB to discuss specific issues.

6.2 MPB members may participate in any such groups relevant to their area of interest. The Chair of each group will be determined by its members.

6.3 The progress and/or outcome(s) of discussions of a group will be fed back by the Chair of the group for information/agreement at the MPB.

6.4 Specific outcomes or targets will be provided to the group by the meeting of MPG that establishes the group.

## **7 Version control**

<b>Version</b>	<b>Date</b>	<b>Changes made</b>	<b>Status</b>
V 1.0	Nov '20	Endorsed by Board Members	Final
V 2.0	Feb '21	Additional Board Members	Final
V 3.0	July '21	Additional Board Member	Final



## 7.2 Annex B - Maritime Administration Structure

