

Specification for Marine Management System and Effective Navigation Guarantee of the Recognized Organization

Ruipeng Ma

Tianjin AtoN Division, The Navigation Guarantee Centre of North China Sea
285942636@qq.com

Abstract. After the entry into force of “United Nations Convention on the law of the sea” (1982), marine affairs are faced with the challenge in the new situation. In order to sustainable use of marine resources better, preservation of the marine rights and interests, protection of the marine environment, and regulate the development and utilization of marine order, many coastal countries have their own characteristics to establish or adjust the marine management system. The example in this essay has many problems in Institutional responsibilities and RO management. Also, author believes that clear institutional responsibilities could avoid of overlapping areas of responsibility between the various government entities. In order to truly good performance in the framework of the United Nations Convention on the law of the sea, State A should straighten out the maritime jurisdiction and has good management of the recognized organization.

Keywords: Marine Management; Navigation Guarantee; RO.

1. Introduction

With the rapid development of the global marine development and after the entry into force of “United Nations Convention on the law of the sea” (1982), marine affairs are faced with the challenge in the new situation. In order to sustainable use of marine resources better, preservation of the marine rights and interests, protection of the marine environment, and regulate the development and utilization of marine order, many coastal countries have their own characteristics to establish or adjust the marine management system.[1]

The RO Code was recognized by MSC (92) at June 21, 2013. (MSC.349.92) and came into force in January 1, 2015. [2] Ship certificate is defined by the flag state authorities and approved by the Recognized Organizations (RO), in accordance with the relevant international conventions and the government regulatory approval issued by the flag state government, including the accurate and effective dates, comply with the relevant provisions of the convention, the rules and format specified in the certificate of ship and the crew and equipment list. Ship certificate can be issued not only by the flag state authorities or issued by recognized organizations authorized lonely, but also can be simultaneously issued. International treaties stipulate that the ship should keep the validity of the certificate, and the recognized organizations authorized by the flag state and also have the obligation to implement the statutory certificates related to the overall and effective control.

As mentioned in the factual scenario, state A has many problems in Institutional responsibilities and RO management. In this essay, author believes that clear institutional responsibilities could avoid of overlapping areas of responsibility between the various government entities. At the same time, carrying out effective supervision to recognized organizations, State A can fulfill its obligations and functions as a port or coastal states effectively.

2. How to Adjust the Marine Management System

The capital contains the headquarters of the various government entities forming the Maritime Administration. On the surface, the various law enforcement departments carry out their duties, but there still have many problems in the process of law enforcement. First of all, State A has many departments that constitute the maritime administration, which easy to cause overlapping areas of responsibility between the various government entities. Waste of law enforcement resources.

Secondly, the lack of coordination and communication between departments might cause low enforcement efficiency.

2.1 Possible overlapping areas of responsibility between the various Government entities

2.1.1 Overlapping areas of responsibility between Ministry of Transport with its Department of Shipping, the survey office and six Recognized Organizations

The ministry of transport with its department of shipping has responsibility such as surveys, inspections and audits of ships and companies. However, the Administration maintains a survey office at the major port, which is located in the capital. So, there are some overlapping areas of responsibility between these two departments. Although the six recognized organizations are members of the International Association of Classification Societies, activities relating to statutory survey and certification of cargo ships under international conventions might be confuse under the complicated situation. The affiliation between ship survey office and the ministry of transport with its department of shipping is not clear, which may result in division of responsibility is not clear in the actual work. Under this situation, duplicate law enforcement and law enforcement blank phenomenon may occur. Six recognized organizations share parts of the vessel inspection function, however, the relationship between the recognized organization and ship survey office and the ministry of transport with its department of shipping also need to be further clear. It is necessary to be clear who is whose boss, which help to avoid overlapping responsibilities.

2.1.2 Overlapping areas of responsibility between Ministry of Transport with its Department of Shipping and Ministry of Environment with its Environmental Protection Agency

People may say that ministry of transport with its department of shipping and ministry of environment with its environmental protection agency has different responsibilities on environment protection. The first one is responsible for environmental issues on board a ship; however, the second one is responsible for environmental issues outside of a ship. It seemed so clear. However, there are two problems. The first one is not easy to distinguish pollution from ships or on land. The second is sometimes need the two departments joint to fulfill the responsibility of law enforcement.

2.1.3 Overlapping areas of responsibility between Ministry of Defence and vessel survey agency (RO & Ministry of Transport with its Department of Shipping)

State A is a party to the United Nations Convention on the Law of the Sea (UNCLOS). It is a member state of IMO and has ratified or acceded to the following IMO mandatory instruments, such as SUA1988. However, the responsibility of ship survey is belonging to Ministry of Defence and vessel survey agency (RO and Ministry of Transport with its Department of Shipping). The question is coming. Ministry of Defence is not responsible for the inspection of the ship. Who is responsible for issuing the security certificate?

2.2 Measures should be taken

According to the separation of administrative power and administrative law enforcement principle, separating comprehensive marine management powers and maritime law enforcement powers. Don't cross and mutual coordination, mutual access to each other but also support each other with the field. Although the capital contains the headquarters of the various government entities forming the maritime administration, marine management system is a kind of highly dispersed management mode. [7] It is necessary to separated the headquarters of the various government entities from its original entities and reform them into a new maritime institution. This headquarters should be separated from the original organization and attributable to the new maritime institution. Take the Ministry of Transport with its Department of Shipping as an example; the Department of Shipping should independent of the Ministry of Transport. The functions such as ship survey should integrate into the ship survey department in the new mechanism.

The level of a national marine management mainly depends on whether there is a high level, comprehensive, effective marine policy coordination mechanism. The implementation of the national coordination management system must establish an effective coordination mechanism on the management of marine industry. The implementation of centralized management of countries generally do not need to establish a coordination mechanism of specialized in addition to the marine administrative department, the coordination function can be performed by the marine department itself. [3]

3. How to Monitor the Recognized Organizations

3.1 Recognized Organizations should be authorized

According to the requirements of the resolution of International Maritime Organization (IMO A.739.18), the competent authorities of the government must be the organizations or personnel on specific test were authorized. There is specific authorized guidance. [4]

3.2 The qualification management of ship inspection agency

In accordance with the requirements of the rules of the resolution approved inspection and certification responsibilities under IMO A.789 (19), RO must have the ability in the four big modules, such as management, technology assessment, inspection and personnel qualification. State A should formulate relevant rules and regulations, which reflecting the requirements to the ship survey agencies engage in international ship inspection and certification at A-class.[6] These requirements should conclude management, organization, evaluation ability, personnel allocation and inspection etc. [1]

3.3 The establishment of the registered surveyor examination system

According to the IMO A.789 (19), RO and personnel must meet with the requirements of qualifications and training ability in the field of four basic modules of inspection and certification responsibilities. The requirements of various types of certificates issued to all kinds of module capacity also should be met. The state A should establish a suitable examination system for ship surveyor.[7]

4. Summary

In order to truly good performance in the framework of the United Nations Convention on the law of the sea, State A should straighten out the maritime jurisdiction and has good management of the recognized organization.

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