**VTS47-13.2.3.1**

Note – Text needs revision and updating

Note – Text has been updated

Contents

[1 1](#_Toc20384024)

[4.1 INTRODUCTION 1](#_Toc20384028)

[4.2 The United Nations and International Law 2](#_Toc20384029)

[4.3 United Nations Convention on the Law of the Sea 2](#_Toc20384030)

[4.4 International Maritime Organization (IMO) 3](#_Toc20384031)

[4.4.1 IMO - Mandate 3](#_Toc20384032)

[4.4.2 Member States, NGOs and IGOs 5](#_Toc20384033)

[4.4.3 Structure of IMO 5](#_Toc20384034)

[4.4.4 IMO Conventions 6](#_Toc20384035)

[4.4.4.1 Safety of Life at Sea (SOLAS) Convention 6](#_Toc20384036)

[4.4.4.2 SOLAS Chapter V - Safety of Navigation 6](#_Toc20384037)

[4.4.4.3 SOLAS Chapter V - Regulation 12 - VTS 6](#_Toc20384038)

[4.4.5 IMO Resolutions and Codes 6](#_Toc20384039)

[4.4.5.1 Safety of Navigation & Maritime Security 6](#_Toc20384040)

[4.4.5.2 Places of Refuge and Maritime Assistance Services 7](#_Toc20384041)

[4.4.5.3 Standards for Training Certification and Watchkeeping (STCW) 7](#_Toc20384042)

[4.4.5.4 Marine Pollution - Particularly Sensitive Sea Areas (PSSA) 8](#_Toc20384043)

[4.5 IALA [New] 9](#_Toc20384044)

[4.5.1 Standards 9](#_Toc20384045)

[4.5.2 Recommendations 9](#_Toc20384046)

[4.5.3 Guidelines 10](#_Toc20384047)

[4.5.4 Model Courses 10](#_Toc20384048)

[4.5.5 Documentation Relating to VTS 10](#_Toc20384049)

[4.6 Contracting Governments 10](#_Toc20384050)

[4.7 National Legislation 11](#_Toc20384051)

[4.8 Port State Control 11](#_Toc20384052)

[4.9 National Legislative Measures 11](#_Toc20384053)

2. *To be left for correct numbering*.

## INTRODUCTION

The successful organization and provision of Vessel Traffic Services generates a self-evident need for international agreement as to how shipping from various flag-states can successfully and harmoniously interact. At the same time, there is also a need for domestic national and regional law to reflect universally accepted objectives in relation to the ports that such shipping uses.

There is the requirement, therefore, to have a clear and unambiguous link from the global concept, characterised in Lord Donaldson’s report to the UK Government in 1993 - ‘Safer Ships, Cleaner Seas’ - to the local bye-law requirements that might govern the actions of a single VTS Operator in a small local port. Generally, the mariner wishes to be part of a regime where the regulatory requirements and procedures for all ports are consistent, the only principal difference between ports being location.

It is the purpose of this chapter to demonstrate the link between internationally agreed Conventions and the successful provision of VTS at a local level as part of an effective safety management system.

## The United Nations and International Law

Several major developments in international law have occurred under the auspices of the United Nations. These range from the development in the 1970-80s of the Law of the Sea to, more recently, the negotiation and adoption of several key international treaties in such areas as international environmental law, international economic law, the legal measures to counter international terrorism, and the creation of new international entities.

## United Nations Convention on the Law of the Sea

The United Nations Convention on the Law of the Sea (UNCLOS) was adopted in 1982. UNCLOS lays down a comprehensive regime of law and order in the world’s oceans and seas; establishing rules governing all uses of the oceans and their resources. It embodies in one instrument traditional rules for the uses of the oceans and introduces new legal concepts and addresses new concerns. The sovereignty of a coastal State extends, beyond its land territory and internal waters and, in the case of an archipelagic State, its archipelagic waters, to an adjacent belt of sea, described as the territorial sea. The sovereignty over the territorial sea is exercised subject to this Convention and to other rules of international law.

As a result, coastal States can claim jurisdiction over internal waters, territorial seas, contiguous zones, archipelagic waters, exclusive economic zones (EEZs) and the continental shelf. However, the extent of the jurisdiction that can be claimed is different for each of the waters, seas and zones. When a VTS is being considered, care should be taken to establish the extent of jurisdiction that can be applied to the VTS area and its sub-areas or sectors, noting that participation is not mandatory outside of territorial waters.

With regard to the authority that may be given to a VTS, a State retains the right to control its territorial waters and all vessels that are subject to the jurisdiction of the State. Therefore, the authority to establish and operate VTS in a region is clearly established, including the right to mandate participation in a VTS scheme and to regulate a vessel’s movements. Within territorial waters, a coastal State may exercise its authority subject to the right of innocent passage. Beyond territorial waters, a State’s authority with regard to VTS is substantially reduced.

In straits used for international navigation, a VTS Authority cannot restrict or impede the innocent passage of vessels. In these instances a State should endeavour to enter into agreements with neighbouring States, or other maritime nations, to agree standards of conduct for vessels operating in these waters. These standards may include provisions for voluntary participation in a VTS or the requirements of an internationally agreed Ship Reporting System.

(Note: The full text of UNCLOS is currently available at www.un.org/Depts/los/index.htm.)

The Division for Ocean Affairs and the Law of the Sea (DOALOS) of the Office of Legal Affairs of the United Nations serves as the secretariat of the Convention on the Law Of the Sea and provides information, advice and assistance to States with a view to providing a better understanding of the Convention and the related Agreements, their wider acceptance, uniform and consistent application and effective implementation. The Division monitors all developments relating to the Convention, the law of the sea and ocean affairs, and reports annually to the General Assembly of the United Nations.

Although the International Maritime Organization (IMO) is explicitly mentioned in only one of the articles of UNCLOS (article 2 of Annex VIII), several provisions in the Convention refer to the ‘competent international organization’ to adopt international shipping rules and standards in matters concerning maritime safety, efficiency of navigation and the prevention of marine pollution from vessels and by dumping. In such cases, the expression ‘competent international organization’, when used in the singular in UNCLOS, applies exclusively to IMO, bearing in mind its global mandate as a specialised agency of the United Nations.

## International Maritime Organization (IMO)

It has always been recognized that the best way of improving safety at sea is by developing international regulations that are followed by all shipping nations and from the mid-19th century onwards a number of such treaties were adopted. Several countries proposed that a permanent international body should be established to promote maritime safety more effectively, but it was not until the establishment of the United Nations itself that these hopes were realized. In 1948 an international conference in Geneva adopted a Convention formally establishing IMO (the original name was the Inter-Governmental Maritime Consultative Organization, or IMCO, but the name was changed in 1982 to IMO). The IMO Convention entered into force in 1958 and the new Organization met for the first time the following year.

The purposes of the Organization, as summarized by Article 1(a) of the Convention, are ‘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; to encourage and facilitate the general adoption of the highest practicable standards in matters concerning maritime safety, efficiency of navigation and prevention and control of marine pollution from ships’. The Organization is also empowered to deal with administrative and legal matters related to these purposes.

### IMO - Mandate

IMO’s first task was to adopt a new version of the International Convention for the Safety of Life at Sea (SOLAS), the most important of all treaties dealing with maritime safety. This was achieved in 1960 and IMO then turned its attention to such matters as the facilitation of international maritime traffic, load lines and the carriage of dangerous goods, while the system of measuring the tonnage of ships was revised.

But although safety was and remains IMO’s most important responsibility, a new problem began to emerge - pollution. The growth in the amount of oil being transported by sea and in the size of oil tankers was of particular concern and the Torrey Canyon disaster of 1967, in which 120,000 tonnes of oil was spilled, demonstrated the scale of the problem.

During the next few years IMO introduced a series of measures designed to prevent tanker accidents and to minimize their consequences. It also tackled the environmental threat caused by routine operations such as the cleaning of oil cargo tanks and the disposal of engine room wastes - in tonnage terms a bigger menace than accidental pollution.

The most important of all these measures was the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78). It covers not only accidental and operational oil pollution but also pollution by chemicals, goods in packaged form, sewage, garbage and air pollution.

IMO was also given the task of establishing a system for providing compensation to those who had suffered financially as a result of pollution. Two treaties were adopted, in 1969 and 1971, which enabled victims of oil pollution to obtain compensation much more simply and quickly than had been possible before. Both treaties were amended in 1992, and again in 2000, to increase the limits of compensation payable to victims of pollution. A number of other legal Conventions have been developed since, most of which concern liability and compensation issues.

Also in the 1970s a global search and rescue system was initiated, with the establishment of the International Mobile Satellite Organization (IMSO), which has greatly improved the provision of radio and other messages to ships.

The Global Maritime Distress and Safety System (GMDSS) was adopted in 1988 and began to be phased in from 1992. In February 1999, the GMDSS became fully operational, so that now a ship that is in distress anywhere in the world can be virtually guaranteed assistance, even if the ship’s crew do not have time to radio for help, as the message will be transmitted automatically.

Two initiatives relate to the human element in shipping. On 1 July 1998 the International Safety Management Code entered into force and became applicable to all ships and mobile offshore drilling units of 500 gross tonnage and above from 1 July 2002.

In July 2004 a comprehensive security regime for international shipping, including the International Ship and Port Facility Security (ISPS) Code became mandatory under SOLAS.

In 2005, IMO adopted amendments to the Convention for the Suppression of Unlawful Acts (SUA) Against the Safety of Maritime Navigation, 1988 and its related Protocol (the 2005 SUA Protocols), which amongst other things, introduced the right of a State to board a ship flying the flag of another State when the requesting State has reasonable grounds to suspect that the ship or a person on board the ship is, has been, or is about to be involved in, the commission of an offence under the Convention.

As IMO instruments have entered into force and been implemented, developments in technology and/or lessons learned from accidents have led to changes and amendments being adopted.

The focus on implementation continues, with the technical co-operation programme a key strand of IMO’s work.

Key issues on the IMO agenda in 2016 included:

* protection of the marine environment by the introduction of the Ballast Water Management Convention amongst other measures;
* addressing the reduction of greenhouse gas emissions from ships and thereby ensuring IMO’s contribution to the climate change issue;
* keeping the safety of life at sea and the human element, especially the seafarer, at the heart of IMO’s work; and
* protecting maritime radio frequencies.

IMO’s mission statement, as stated in Resolution A.1110(30) Strategic Plan for the Organization for the six-year period 2018 to 2023:

‘The mission of the International Maritime Organization (IMO), as a United Nations specialized agency, is to promote safe, secure, environmentally sound, efficient and sustainable shipping through cooperation. This will be accomplished by adopting the highest practicable standards of maritime safety and security, efficiency of navigation and prevention and control of pollution from ships, as well as through consideration of the related legal matters and effective implementation of IMO instruments, with a view to their universal and uniform application.’

### Member States, NGOs and IGOs

IMO currently has 171 Member States and three Associate Members. In 2014 there were 76 international Non-Governmental Organizations (NGO) in consultative status with IMO, of which IALA have been one such organization since 1961. Non-governmental international organizations that have the capability to make a substantial contribution to the work of IMO may be granted consultative status by the Council with the approval of the Assembly.

IMO may enter into agreements of co-operation with other Inter-Governmental Organizations (IGO) on matters of common interest with a view to ensuring maximum co-ordination in respect of such matters. In 2014 there were 64 inter-governmental organizations that have signed agreements of co-operation with IMO.

All Members may participate at meetings of IMO bodies in charge of the elaboration and adoption of recommendations containing safety and anti- pollution rules and standards. These rules and standards are normally adopted by consensus; and

All States, irrespective of whether or not they are Members of IMO or the United Nations, are invited to participate at IMO conferences for the adoption of new IMO Conventions.

### Structure of IMO

The Organization consists of an Assembly, a Council and five main Committees: the Maritime Safety Committee; the Marine Environment Protection Committee; the Legal Committee; the Technical Co-operation Committee and the Facilitation Committee and a number of Sub-Committees support the work of the main technical committees.

The Assembly is the highest Governing Body of the Organization. It consists of all Member States and it meets once every two years in regular sessions, but may also meet in an extraordinary session if necessary. The Assembly is responsible for approving the work programme, voting the budget and determining the financial arrangements of the Organization. The Assembly also elects the Council.

The Maritime Safety Committee (MSC) is the highest technical body of the Organization. It consists of all Member States. The functions of the Maritime Safety Committee are to ‘consider any matter within the scope of the Organization concerned with aids to navigation, construction and equipment of vessels, manning from a safety standpoint, rules for the prevention of collisions, handling of dangerous cargoes, maritime safety procedures and requirements, hydrographic information, log-books and navigational records, marine casualty investigations, salvage and rescue and any other matters directly affecting maritime safety’.

The MSC is also required to provide machinery for performing any duties assigned to it by the IMO Convention or any duty within its scope of work that may be assigned to it by or under any international instrument and accepted by the Organization. It also has the responsibility for considering and submitting recommendations and guidelines on safety for possible adoption by the Assembly. The expanded MSC adopts amendments to Conventions such as SOLAS and includes all Member States as well as those countries that are Party to Conventions such as SOLAS even if they are not IMO Member States.

### IMO Conventions

There are many Conventions concerned with maritime safety, marine pollution and liability and compensation. There is one directly related to VTS, namely the SOLAS Convention (Chapter V Regulation12).

#### Safety of Life at Sea (SOLAS) Convention

This Convention in its successive forms is generally regarded as the most important of all international treaties concerning the safety of merchant ships. The first version was adopted in 1914, in response to the Titanic disaster, the second in 1929, the third in 1948 and the fourth in 1960. The 1974 version includes the tacit acceptance procedure - which provides that an amendment shall enter into force on a specific date unless, before that date, objections to the amendment are received from an agreed number of Parties. As a result the 1974 Convention has been updated and amended on numerous occasions. The Convention in force today is sometimes referred to as SOLAS, 1974, as amended.

#### SOLAS Chapter V - Safety of Navigation

Chapter V identifies certain navigation safety services that should be provided by Contracting Governments and sets out provisions of an operational nature applicable in general to all ships on all voyages. This is in contrast to the Convention as a whole, which only applies to certain classes of ship engaged on international voyages.

#### SOLAS Chapter V - Regulation 12 - VTS

Regulation 12, which came into force in July 2002, contains five paragraphs. These are shown in ANNEX B.

### IMO Resolutions and Codes

Besides Conventions, IMO has also issued a series of Resolutions and Codes, including guidelines on navigation issues and performance standards for ship borne navigational and radio communications equipment. Some are simply Recommendations - though such is their wide acceptance that they effectively mark international policy - while others are referred to by relevant Regulations of specific Conventions, thereby giving them the same weight as the Convention Regulations themselves.

#### Safety of Navigation & Maritime Security

The events of 11 September 2001 sent shock waves that were to have a global impact, not least in the maritime community. At the IMO Diplomatic Conference in December 2002, amendments to SOLAS Chapter XI were adopted. The new Chapter XI-2 introduced regulations under the heading - ‘Special Measures to Enhance Maritime Security’, as well as the International Code for the Security of Ships and Port Facilities (ISPS Code).

The ISPS Code is a comprehensive set of measures to enhance the security of ships and port facilities as well as the security of passengers and crews and has two parts, one mandatory and one recommendatory. In essence, the Code takes the approach that ensuring the security of ships and port facilities is a risk management activity and that, to determine what security measures are appropriate, an assessment of the risks must be made in each particular case. The purpose of the Code is to provide a standardised, consistent framework for evaluating risk, enabling Governments to offset changes in threat with changes in vulnerability for ships and port facilities through determination of appropriate security levels and corresponding security measures.

The ISPS Code indirectly affects a VTS centre, which is generally part of a port’s infrastructure. Port facilities, to which Chapter XI-2 applies, are required to develop and maintain a port facility security plan on the basis of a port facility security assessment.

These facilities are also required to designate port facility security officers who, together with appropriate port facility security personnel, are required to undergo training in maritime security in accordance with the guidance given in Part B of the ISPS Code. They are also required to conduct drills and exercises with respect to the port facility security plan.

#### Places of Refuge and Maritime Assistance Services

In November 2003, the IMO Assembly adopted two Resolutions addressing the issue of places of refuge for ships in distress - an important step in assisting those involved in incidents that may lead to the need for a place of refuge to make the right decisions at the right time.

IMO Resolution A.949(23) - ‘Guidelines On Places Of Refuge For Ships In Need Of Assistance‘, is intended for use when a ship is in need of assistance but the safety of life is not involved. Where the safety of life is involved, the provisions of the SAR Convention should continue to be followed. (Amendment proposed by INTERTANKO and others)

The guidelines recognize that, when a ship has suffered an incident, the best way of preventing damage or pollution from its progressive deterioration is to transfer its cargo and bunkers, and to repair the casualty. Such an operation is best carried out in a place of refuge. However, to bring such a ship into a place of refuge near a coast may endanger the coastal State, both economically and from the environmental point of view, and local authorities and populations may strongly object to the operation.

IMO Resolution A.950(23) - ‘Maritime Assistance Services’ (MAS), recommends that all coastal States should establish a MAS. The principal purposes would be to receive the various reports, consultations and notifications required in a number of IMO instruments; monitoring a ship’s situation if such a report indicates that an incident may give rise to a situation whereby the ship may be in need of assistance; serving as the point of contact if the ship’s situation is not a distress situation but nevertheless requires exchanges of information between the ship and the coastal State, and for serving as the point of contact between those involved in a marine salvage operation undertaken by private facilities if the coastal State considers that it should monitor all phases of the operation.

The need to review the issues surrounding the need for places of refuge was included in a list of measures aimed at enhancing safety and minimizing the risk of oil pollution, drawn up in December 2000 in response to the oil tanker Erika incident of December 1999. The November 2002 sinking of the oil tanker Prestige further highlighted the issue.

International law recognizes the right of States to regulate entry into their ports (UNCLOS, Article 2, refers to the sovereignty of a coastal State over its land territory, internal waters, archipelagic waters and the territorial sea). The right of a foreign ship to stop and anchor in cases of force majeure or distress is explicitly referred to by UNCLOS in the case of navigation in the territorial sea (Article 18(2)), Straits used for international navigation (Article 39.1(c)) and in archipelagic waters (Article 54).

The right of a foreign ship to enter a port or internal waters of another State in situations of force majeure or distress is not regulated by UNCLOS, although this constitutes an internationally accepted practice, at least in order to preserve human life. This, however, does not preclude the adoption of rules or guidelines complementing the provisions of UNCLOS.

#### Standards for Training Certification and Watchkeeping (STCW)

The 1978 STCW Convention was the first to establish basic requirements on training, certification and watchkeeping for seafarers on an international level. Previously the standards of training, certification and watchkeeping of officers and ratings were established by individual governments, usually without reference to practices in other countries. As a result standards and procedures varied widely, even though shipping is the most international of all industries. The Convention prescribes minimum standards relating to training, certification and watchkeeping for seafarers which countries are obliged to meet or exceed.

On 1st February 1997, the 1995 amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978 entered into force. They greatly improved seafarer standards and, for the first time, gave IMO itself powers to check Government actions with Parties required to submit information to IMO regarding their compliance with the Convention.

These amendments, adopted by the 1995 Conference, represented a major revision of the Convention, in response to a recognized need to bring the Convention up to date and to respond to critics who pointed out the many vague phrases, such as ‘to the satisfaction of the administration’, which resulted in different interpretations being made.

The 1995 Conference was of particular importance for VTS, with the adoption of Resolution 10. The Conference invited the International Maritime Organization to consider developing provisions covering the training and certification of maritime pilots, VTSOs and maritime personnel employed on mobile offshore units for inclusion in the 1978 STCW Convention or in such other instrument or instruments as may be appropriate.

The Manila amendments to the STCW Convention and Code were adopted on 25th June 2010, marking a major revision of the STCW Convention and Code. The 2010 amendments came into force on 1st January 2012 under the tacit acceptance procedure and are aimed at bringing the Convention and Code up to date with developments since they were initially adopted and to enable them to address issues that are anticipated to emerge in the foreseeable future.

The amendments also drew attention to the use of the SMCP (Standard Marine Communication Phrases) together with VTS procedures.

Partly in response to STCW 1995 and partly in response to demands from its membership, IALA developed a training regime (V-103) for VTSOs to match the format and requirements of those established for mariners in STCW 1995. This training regime was initially approved by IMO in MSC Circ.952, which was superseded in 2002 by MSC Circ.1065 - ‘IALA Standards for Training and Certification of Vessel Traffic Service (VTS) Personnel’ (See ANNEX C). This approval by IMO of the IALA standard of training was recognised as a significant milestone for the VTS world in general and for VTSOs in particular.

#### Marine Pollution - Particularly Sensitive Sea Areas (PSSA)

A Particularly Sensitive Sea Area (PSSA) is an area that needs special protection through action by IMO because of its significance for recognised ecological or socio-economic or scientific reasons and which may be vulnerable to damage by international maritime activities.

Guidelines on designating a Particularly Sensitive Sea Area (PSSA) are contained in IMO Resolution A.982(24) - ‘Revised Guidelines for the Identification and Designation of Particularly Sensitive Sea Areas (PSSAs)’. These guidelines include criteria to allow areas to be designated a PSSA if they fulfil a number of criteria, including: ecological criteria, such as unique or rare ecosystem, diversity of the ecosystem or vulnerability to degradation by natural events or human activities; social, cultural and economic criteria, such as significance of the area for recreation or tourism; and scientific and educational criteria, such as biological research or historical value. The provisions of the United Nations Convention on the Law of the Sea (UNCLOS) are also relevant.

When an area is approved as being a particularly sensitive sea area, specific measures can be used to control the maritime activities in that area, such as routeing measures, strict application of MARPOL discharge and equipment requirements for ships, such as oil tankers and installation of VTS.

A PSSA can be protected by ships routing measures – such as an area to be avoided: an area within defined limits in which either navigation is particularly hazardous or it is exceptionally important to avoid casualties and which should be avoided by all ships, or by certain classes of ships.

Wetlands of international importance are covered by the Convention on Wetlands (Ramsar), which is an intergovernmental treaty that embodies the commitments of its member countries to maintain the ecological character of their Wetlands of International Importance and to plan for the ‘wise use’, or sustainable use, of all of the wetlands in their territories. (CHAPTER 4 FUNCTIONS OF VTS, section 0406 (Protection of the Environment) provides further explanation on this Convention.)

*(0210 Enforcement deleted from Ed. 2016)*

## IALA [New]

To achieve world‐wide improvement and harmonisation of Vessel Traffic Services IALA publishes Standards, Recommendations, Guidelines, and Model Courses, specifically related to the development, implementation and operation of VTS.

IALA Standards are a vital component of the Strategic Vision, providing the overarching framework to harmonise Marine Aids to Navigation worldwide, including VTS, through implementation by all coastal states.

The principal components to the IALA document structure include:

1. Standards

2. Recommendations

3. Guidelines

4. Model Courses

### Standards

An IALA Standard is a part of a framework, the implementation of which by all coastal states will harmonise Marine Aids to Navigation, including VTS, worldwide. IALA standards cover technology and services and are non‐mandatory.

IALA Standards are suitable for direct citation by States in the interest of an efficient and harmonised global delivery of VTS.

Unlike the standards issued by some other organisations, an IALA Standard does provide technical content. It is simply a vehicle for referencing Recommendations.

There are four Standards that relate to VTS:

* 1040 - Vessel Traffic Services
* 1010 - AtoN Planning and Service Requirements
* 1050 - Training and Certification
* 1060 - Digital Communications Technologies

### Recommendations

IALA Recommendations specify what practices shall be carried out in order to comply with a Recommendation, and may be referenced, in full or in part, in an IALA Standard.

Recommendations may be referenced as Normative or Informative, where the meaning is:

* **Normative** provisions are those with which it is necessary to conform in order to claim compliance to the Standard.
* **Informative** provisions are those which specify additional desirable practices but with which it is not necessary to conform in order to claim compliance to the Standard.

### Guidelines

IALA Guidelines describe how to implement practices normally specified in a Recommendation.

### Model Courses

IALA Recommendation V-103 - on the Standards for Training and Certification of VTS Personnel sets out the training requirements and certification standards for VTS personnel. Amongst other things the Recommendation provides the basis for model courses to establish a training programme on the specific knowledge and skill requirements necessary for qualification as a VTS Operator.

### Documentation Relating to VTS

The Standards, Recommendations, Guidelines and Model Courses specifically related to the development, implementation and operation of VTS are within Annex 1.

Implementation of a Standard by a marine aids to navigation provider is at the choice of the organisation. IALA Standards are not mandatory. However if an organisation wishes to claim compliance with an IALA Standard then it should implement the Normative Recommendations referenced in the Standard.

The IALA Standards and associated documentation specifically related to VTS are provided in Chapter <x - title>.

For further information on IALA Standards is available at <link to IALA website>.

## Contracting Governments

The enforcement of IMO Conventions depends upon the Governments of Member States. Contracting Governments enforce the provisions of IMO Conventions as far as their own ships are concerned and also set the penalties for infringements, where these are applicable. They may also have certain limited powers in respect of the ships of other Governments.

In some Conventions, certificates are required to be carried on board ship to show that they have been inspected and have met the required standards. These certificates are normally accepted as proof by authorities from other States that the vessel concerned has reached the required standard. Should an offence occur within the jurisdiction of another State, however, that State can either cause proceedings to be taken in accordance with its own law or give details of the offence to the flag State so that the latter can take the appropriate action.

Under the terms of the 1969 International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties,

Contracting States are empowered to act against ships of other countries that have been involved in an accident or have been damaged on the high seas if there is a grave risk of oil pollution occurring as a result. The way in which these powers may be used are very carefully defined, and in most Conventions the flag State is primarily responsible for enforcing Conventions as far as its own ships and their personnel are concerned.

In 1973 The Conference adopted the Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil. This extended the regime of the 1969 Intervention Convention to substances which are either listed in the Annex to the Protocol or which have characteristics substantially similar to those substances. Various amendments have been made to this Protocol in line with a revision of the list of substances other than oil. The latest amendment came into force in June 2004.

## National Legislation

Contracting States to international Conventions are Sovereign States that undertake, as part of the accession and ratification process to each Convention or protocol, to enact appropriate national legislation to give effect to the provisions that have been agreed. Such enactments will, where appropriate, include provisions for enforcement and sanctions for infringements.

Whilst it is for governments to determine how best to enact international agreements within the framework of national legislation, it is evident that some broad similarities emerge in the way that States undertake this responsibility. Most governments find it necessary in the maritime context to rely on two broad bodies of primary legislation; one concerned with its flag shipping, the other with its geographical jurisdictions. These can be summarised as:

* Marine, Shipping, Merchant Shipping Laws or Acts; and
* Harbour, Port, Docks Laws or Acts.

With regard to the second category, which is normally of a national character with uniform applicability to all port undertakings, it may be accompanied by local legislation that has applicability only to the port to which it refers.

Some typical examples of national legislation in connection with VTS are given at Annex G where a table provides a synopsis of some of the various methods used by States to implement international obligations.

## Port State Control

Under the provisions of the IMO Conventions (see section 0208 for a summary), a flag state is responsible for promulgating laws and regulations to give the effect to applicable Conventions, ensuring that a ship is fit for service. In some cases it is difficult for the flag State to exercise the necessary degree of continuous control over their ships, because they may not frequently visit the flag State. This can be partly overcome by the delegation of these tasks to the Port State that the ships visit.

Port State Control procedures have been established by IMO and promulgated in IMO Resolution A.1119(30) - ‘Procedures for Port State Control’. The document is intended to provide basic guidance on conduct of port State control inspections and afford consistency in the conduct of these inspections, the recognition of deficiencies of a ship, its equipment, or its crew, and the application of control procedures.

*(0213 European Union (EU) deleted from Ed.2016)*

## National Legislative Measures

Examples of national legislative measures are given below and summary tables are at Annex E.

*(Comment: Refer to VTS Manual 2016 for the examples.)*