

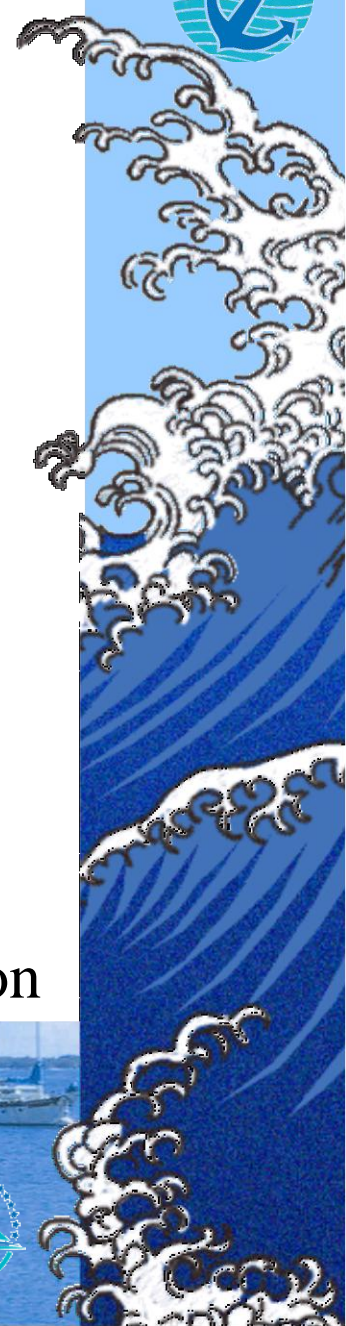
# PIMLA - an update



Driving the harmonization of maritime laws in the PIs region



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# Acknowledgement

- 🚢 PIMLA Executive sincerely convey appreciation to MLAANZ for the invitation
- 🚢 PIMLA Executive also wish to express its appreciation to AMSA for part funding PIMLA's participation



# Presentation Overview

- ⚓ Background
- ⚓ Professional networking
- ⚓ A vision for PIMLA
- ⚓ Strategy for effective implementation of PIMLaws
- ⚓ In country – Maritime Legal Assistance
- ⚓ PIMLaws Review 2007 - 2009
- ⚓ PIMLaws – current status
- ⚓ Conclusion



# Background

⚓ PIMLA established as charitable trust under Fiji laws, 15<sup>th</sup> July 2005.

⚓ Secretariat based at SPC / RMP, Suva, Fiji.

⚓ **Objectives:**

- ⚓ Identify legislative requirements for implementation of international maritime conventions;
- ⚓ Enhance public awareness on maritime transport & environmental impacts within Pacific Islands region
- ⚓ Provide and assist governments & other institutions in the maritime law matters
- ⚓ Liaise & networking with international, regional organizations, governments, institutions and other entities....

⚓ Membership - regular and associate members

⚓ PIMLA Motto : “..Driving the harmonisation of maritime law in the Pacific Islands region..”

⚓ “This is indeed a remarkable initiative that in many respects is a first of its kind. It perfectly encapsulates the Institute’s *raison d’etre* by congregating like-minded persons to work and contribute towards a common goal: the better governance of the sea, albeit within a regional or sub-regional context”.

Prof.David Attard, Director,IMLI

⚓ PIMLA to ensure collective and collaborative review of PIMLaws with relevant maritime stakeholders



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# Professional Networking



**Highlight PIMLA and what it can offer to PICs maritime sector**

- ⚓ **21 qualified IMLI maritime lawyers from within our region**
  - ⚓ **3 recent graduates since 2005**
  - ⚓ **Woman lawyer, Niue's SG currently studying at IMLI**
  - ⚓ **Vision – every PICs to have a maritime lawyer from IMLI or from other regional tertiary institutions**
- ⚓ **50 current membership (IMLI lawyers and lawyers from other regional tertiary institutions, professors, judges etc)**
- ⚓ **Tool for SPC/RMP:**
  - ⚓ **Assist PICs**
  - ⚓ **Review, develop maritime policies, draft legislations (PIMLaws)**
  - ⚓ **In country maritime legal assistance**



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# PIMLA – a vision



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# Strategy for effective implementation of PIMLaws

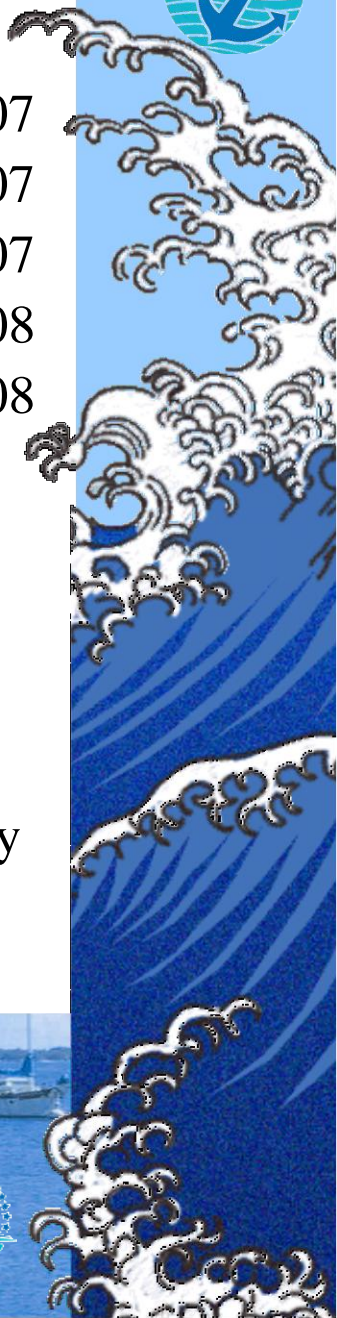
⚓ **Phase 1**  
⚓ To develop a comprehensive maritime shipping policy for each PICT

⚓ **Phase 2**  
⚓ To review and draft amended or new maritime legislations

⚓ **Phase 3**  
⚓ To ensure PIMLaws are implemented and enforced effectively.



# In country – Maritime Legal Assistance



⚓ Tuvalu	Phase 1 / 2	2006 / 2007
⚓ RMI	Phase 1 / 2	2006 / 2007
⚓ Cook Is	Phase 2	2006 / 2007
⚓ Niue	Phase 1	2006 / 2008
⚓ Tokelau	Phase 1	2006 / 2008
⚓ Vanuatu	Phase 1	2009

⚓ PICs send in request for assistance to RMP through PIMLA and both will assess the needs, availability of personnel and funding prior to despatching assistance.

⚓ **Desk top** exercises, exchanges of views, opinions and research information through emails are usually implemented in the preliminary to refine issues and for the proposed assistance to be focussed.

⚓ Ad hoc Legal Advisories





# PIMLaws Review 2007 - 2009



1. To undertake a gap analysis of existing generic maritime legislations under PIMLaws (Four Volumes);
2. To review, update and develop generic maritime legislations taking into account recent IMO/ILO instruments amendments;
3. To assess implications of Conventions listed on national level and develop draft legislative guidelines as part of PIMLaws and draft relevant changes to existing generic legislations;
  - SUA Convention 1988 & Protocols 2005
  - LRIT
  - FAL Convention 1965
  - Maritime Labour Convention 2006
  - Seafarers Identification Documents Convention 2003
  - STCW 95 plus amendments
  - Maritime Casualty and Incidents Investigations 2009



# PIMLaws Review 2007 – 2009cont (1)

- STCW – F Convention
- MARPOL Amendments
- SOLAS Amendments
- SAR Convention plus Amendments
- Ballast Water Convention
- Wreck Removal Convention 2007

- 4. To examine the adequacy of Conventions to deal with contemporary issues;
- 5. To examine the penalty/offences regime under PIMLaws and consider necessary changes, and
- 6. To prepare necessary drafting
- 7. Existing legislations to be reviewed to incorporate Conventions is seen as better approach in certain cases than drafting new laws because of human resources and expertise constraints in SIS



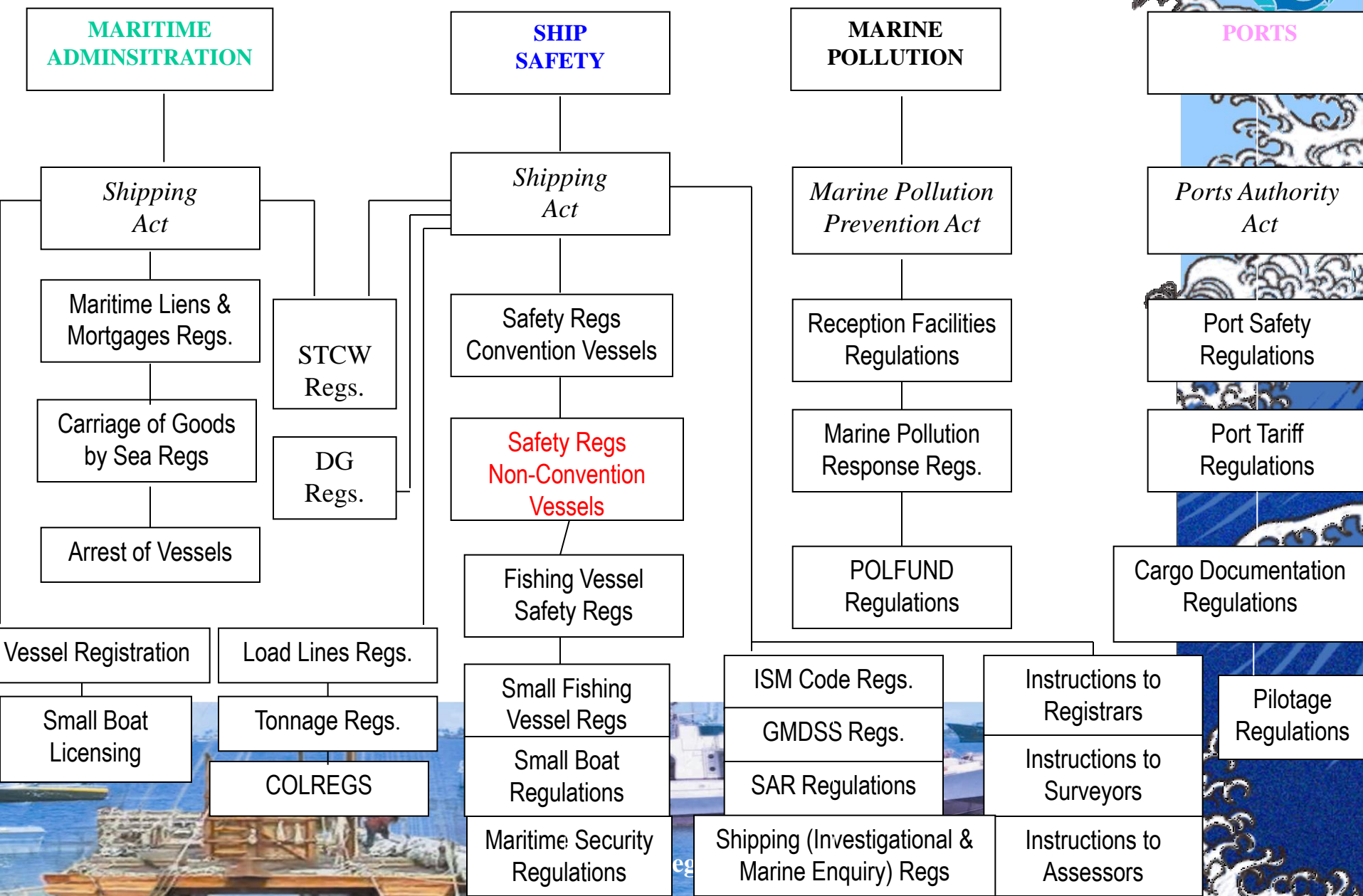
# PIMLaws Review 2007 – 2009 cont (2)



- ⚓ However, the Review process is **prioritised**:-
  - ⚓ Maritime Security is viewed as important especially ISPS Code and its practical implications on ports and shipping in the region
  - ⚓ SUA 88 and Protocols 2005
  - ⚓ LRIT
- ⚓ PIMLaws Review is **not** a “**quick fix**” or “**band aid**” process, it entails thorough gap and situation analysis in each PIC maritime sector prior to finalising and adopting new or amended regulations
- ⚓ The entire process is **managed** and **coordinated** by the Regional Maritime Legal Adviser, in consultation with RMP team and relevant maritime stakeholders in the region
- ⚓ July 2008 – Maritime Policy and Legislative Drafting Workshop
- ⚓ August 2009 – Drafting of latest Marine Casualty and Incidents Investigation Regulations



# PIMLaws – process to harmonise maritime laws



# Conclusion

- ⚓ Recognition of the fact that expertise is available in the region and must be utilised where and when possible
- ⚓ PICs Maritime sector needs self belief, confidence and utilised its own qualified people and claim ownership on legal assistance by SPC/RMP through PIMLA
- ⚓ PIMLaws will promote and enhance **rule of law, good governance** within the maritime sector and thus contributes to overall success of both **Pacific Maritime Communiqué 2007 and 2009** and the relevant parts of **Pacific Plan**
- ⚓ These experts know the Pacific region better than for example consultants from other parts of the world.
- ⚓ PIMLA is also a tool to disseminate information by way of imparting their knowledge to training institutes such as USP in Fiji and Vanuatu Law School.
- ⚓ That both tools; **PIMLA** and **PIMLaws** are considered essential and a necessity for continuing growth of the regions maritime sector.
- ⚓ Networking with Professional bodies eg. MLAANZ, CMI and PILON will ensure robust and update advise to PICs maritime sector
  - ⚓ Joint MLAANZ / PIMLA Seminar Conference in PIC
- ⚓ Donor assistance through IMO, Australia, NZ and others will assist RMP in sustaining legal assistance through PIMLA.
  - ⚓ Funding will ensure sustainability of PIMLA



# Thank you and any Questions?



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