Ratification and Domestication of Maritime Conventions

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The views expressed in this presentation can in no way be taken to reflect the views of the European Union
• IMO - (International Maritime Organization) is the United Nations Specialized Agency with responsibility for the Safety and Security of Shipping and the Prevention of Marine Pollution by Ships
IMO's Mission Statement

• 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’s instruments with a view to their universal and uniform application.
Domestication of International Conventions
Laws and Regulations

• A maritime treaty is adopted or amended – what happens next?
• IMO treaties are not self-executing and require domestic legislation to give effect to their provisions
• Appropriate implementing legislation must be drafted at the national level, because international treaties can only become law when implemented into national legislation.
Maritime Conventions Ratified by Kenya

• Convention on the International Maritime Organization (IMO Convention) as Amended
• Intergovernmental Standing Committee on Shipping (ISCOS) Agreement 1987 as Amended
• Agreement establishing the Northern Corridor Transit and Transport Coordination Authority, 1986 and its Protocol.
• African Maritime Charter
• Maritime Labour Convention, 2006
• International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 1974)
• International Convention for the Prevention of Pollution from Ships (MARPOL)
1. Benin
2. Congo
3. Ghana
4. Kenya
5. Liberia
6. Nigeria
7. Sierra Leone
8. South Africa
9. Tunisia
Maritime Conventions Ratified by Kenya ............... 

- Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREGS)
- International Convention for Safe Containers, 1972, as amended
- International Convention on Maritime Search and Rescue (SAR)
- Convention on Facilitation of International Maritime Traffic, 1965, as amended (FAL 1965)
Maritime Conventions Ratified by Kenya ..............

• Convention on the Prevention of Marine Pollution by Dumping of Wastes and other matter, (London Convention), 1972
• Convention on the International Mobile Satellite Organization, as Amended (IMSO c 1976)/INMARSAT C 76 /INMARSAT OA 76)
Maritime Conventions Ratified by Kenya ...............  

• International Convention on Salvage, 1989 (Salvage 1989)  
• International Convention on Oil Pollution Preparedness, Response and Co-Operation, 1990, as amended (OPRC 1990)  
• International Convention for the Control and Management of Ships Ballast Water and Sediments, 2004  
• 1988 Protocol to the Load Lines Convention, 1966  
• 1978 Protocol to the 1974 Safety of Life at Sea (SOLAS) convention (SOLAS 78 Protocol)  
• Convention on the Limitation of Liability for Maritime Claims 1976 (LLMC 1976)
Maritime Conventions Ratified by Kenya ...............  

- International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001
Maritime Conventions Ratified by Kenya ............... 

- Under the Law of the Sea and Fisheries
- United Nations Fish Stock Agreement (UNFSA) for Straddling and Highly Migratory Fish, 1995
- UN 1993 FAO Compliance Agreement, 1993
- Code of Conduct for Responsible Fisheries, 1995 (CCRF) of FAO
- International Convention for Regulation of Whaling, 1946
- The World Conservation Union (IUCN)
- Indian Ocean Tuna Commission (IOTC) Agreement
Maritime Conventions Ratified by Kenya ..............

- South West Indian Fisheries Commission Convention (SWIOFC)
- Western Indian Ocean Marine Science Association (WIOMSA).
- Port State Measures Agreement (PSMA) against Illegal, Unreported and Unregulated Fishing (IUU) 2009
Merchant Shipping Act of Kenya (Subsidiary Regulations)

- Merchant Shipping (Fees) Regulations – revoked by L.N. 192/2011 - M16 – 211
- 3 Merchant Shipping (Maritime Service Providers) Regulations, 2011 - M16 – 215
- Merchant Shipping (Fees) Regulations, 2011 - M16 – 233
- Merchant Shipping (Port State Control) Regulations, 2011 - M16 – 253
- Merchant Shipping (Licensing of Vessels) Regulations, 2012 - M16 – 275
THANK YOU!
MTCC-Africa Consortium Members

Jomo Kenyatta University of Agriculture and Technology (JKUAT)

Kenya Maritime Authority (KMA)

Kenya Ports Authority (KPA)

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