

NTSB CRUISE SHIP SAFETY FORUM

Panel 1 Regulatory Framework

The role of the flag State

John Akhurst

Deputy Director, Maritime Affairs

Bahamas Maritime Authority
25-26 March 2014



The Bahamas
Maritime Authority

NTSB CRUISE SHIP SAFETY FORUM

Panel 1 Regulatory Framework

- Obligations and responsibilities of the Flag state
- Role of the United Nations Convention on the Law of the Sea in the activities of Flag states
- Exercising jurisdiction and the concept of a genuine link
- Flag state's efforts to ensure ships implement international maritime safety laws and conventions
- The role of the Recognized Organization
- Dealing with instances of non-compliance or Port State detention of ships



NTSB CRUISE SHIP SAFETY FORUM

Panel 1 Regulatory Framework

- The Bahamas Maritime Authority Act 1995
- Ministry of Transport and Aviation
- United Nations Convention on the Law of the Sea (UNCLOS)
- Bahamas ratification 29th July 1983
- Article 94 “Duties of the flag State”
- Article 91 – the “genuine link”



NTSB CRUISE SHIP SAFETY FORUM

Panel 1 Regulatory Framework

Article 91.1

Every State shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. Ships have the nationality of the State whose flag they are entitled to fly. There must exist a genuine link between the State and the ship.



NTSB CRUISE SHIP SAFETY FORUM

Panel 1 Regulatory Framework

The 1958 Convention on the High Seas

Article 5.1

Each State shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. Ships have the nationality of the State whose flag they are entitled to fly. There must exist a genuine link between the State and the ship; in particular, the State must effectively exercise its jurisdiction and control in administrative, technical and social matters over ships flying its flag.



NTSB CRUISE SHIP SAFETY FORUM

Panel 1 Regulatory Framework

Bahamas Maritime Authority

- Government Agency since 1995
- Flag State Administration
- Around 1600 ships, 57m GT, Average age 15 years
- Total Passenger ships 227
- “Cruise” ships 115, 6.1 m GT, Average age 18.6 years



NTSB CRUISE SHIP SAFETY FORUM

Panel 1 Regulatory Framework

Exercising jurisdiction - do Bahamas ships meet Convention requirements?

- Independent measures
 - Port State Control
 - White lists
 - Qualship 21



NTSB CRUISE SHIP SAFETY FORUM

Panel 1 Regulatory Framework

Exercising jurisdiction

- Flag state statutory surveys
 - Recognized Organisations
- Flag state inspections
- Flag state detention



NTSB CRUISE SHIP SAFETY FORUM

Panel 1 Regulatory Framework

Responding to under-performing ships and management

- Enhanced Monitoring Programme (EMP)
 - Based on information from PSC inspections; Annual Inspections; Surveys; ISM audits etc.

www.bahamasmaritime.com/downloads/Bulletins/136bulltn.pdf



NTSB CRUISE SHIP SAFETY FORUM

Panel 1 Regulatory Framework

Responding to Port State Control inspections and detention

- Reporting results of all PSC inspections to BMA
- In cases of detention:
 - Company to notify BMA; RO & ISM issuing body
 - Company to perform root cause analysis
 - Company to implement corrective action within 3 weeks
 - BMA may require additional surveys and/or audits depending on deficiencies



NTSB CRUISE SHIP SAFETY FORUM

Panel 1 Regulatory Framework

Responding to Port State Control inspections and detention

- Where ship has been detained twice in 24 months:
 - Immediate additional SMC audit (scope of initial)
 - Additional DOC audit
- Where ship detained three times in 24 months:
 - All statutory certificates to be renewed
 - Additional SMC and DOC audits



NTSB CRUISE SHIP SAFETY FORUM

Panel 1 Regulatory Framework

Annual inspections:

www.bahamasmaritime.com/downloads/Bulletins/66bulltn.pdf

PSC inspections:

www.bahamasmaritime.com/downloads/Bulletins/85bulltn.pdf

PSC detentions:

www.bahamasmaritime.com/downloads/Bulletins/120bulltn.pdf



NTSB CRUISE SHIP SAFETY FORUM

Panel 1 Regulatory Framework

Thank you for your attention

Bahamas Maritime Authority
25-26 March 2014



The Bahamas
Maritime Authority