



# MINISTRY OF TOURISM AND TRANSPORT

**The Hon. Zane J.S. DeSilva, JP, MP**  
Minister of Tourism and Transport

## MINISTERIAL STATEMENT

### **SUBJECT**

**Implementation of the International Maritime Organization  
(IMO) Instrument Implementation Code (Triple I Code)**

14 December 2018

**Mr. Speaker**, I am pleased to provide this Honorable House with an update on the progress that is being made on the implementation of the International Maritime Organization (IMO) Instrument Implementation Code that is commonly referred to as the Triple I Code.

**Mr. Speaker**, the Triple I Code is concerned with providing a unified international standard for the operation of maritime functions by IMO Member States in accordance with the provisions of the IMO Instruments. It also forms the basis of audit standards for the mandatory IMO Member State Audit Scheme (IMSAS Audits). The audit schedule has been approved by the Council of the IMO and, according to the schedule, the UK audit will take place in September 2020, and it includes the Overseas Territories (OTs). In preparation, the UK Maritime and Coastguard Agency (MCA) will conduct assurance audits in 2019 of all OTs to gauge and measure compliance and readiness for the IMO Audit.

**Mr. Speaker**, the IMO Instruments set out the rights and obligations of a State with regards to maritime functions conducted by its Government authorities under the provisions of the relevant Conventions to which it is a Party. Bermuda is a party to all major International Maritime Conventions through the United Kingdom (UK) which is the IMO Member State, and the Signatory to such conventions, on behalf of itself and its OTs. These IMO Conventions have been extended to Bermuda by the UK Government. For the purpose of State wide implementation of IMO conventions, the 'State' is divided into three separate and distinct sub-States: the Coastal State, Port State and Flag State. While each of these State parties is responsible for undertaking the maritime functions delegated to it by the Government (State), the Government remains responsible for giving full and complete effect to the IMO Conventions.

There are eight (8) main International Conventions conferring rights and obligations upon Bermuda.

**One United Nations convention:**

- United Nations Convention on Law of the Sea, 1984 (UNCLOS 1984)

**Six International Maritime Organization conventions:**

- International Load Lines Convention
- International Convention on Measurement of Tonnage of Ships
- International Regulations for Prevention of Collisions at Sea
- International Convention on Prevention of Pollution from Ships (MARPOL)
- International Convention on Safety of Life at Sea, (SOLAS)
- Standards of Training, Certification and Watchkeeping, (STCW)

**And, one International Labour Organization (ILO) convention:**

- Maritime Labour Convention, 2006 (MLC 2006)

**Mr. Speaker**, to properly implement and enforce Bermuda's rights, obligations and responsibilities with respect to the relevant IMO Instruments, current legislation, policies and procedures must be reviewed, gaps identified, responsibilities clarified and remedies put in place. The actions required with respect to Code compliance involve and span a considerable number of agencies. In this regard, the Bermuda Shipping and Maritime Authority (BSMA) as the flag State has been given the overall responsibility for preparing for, and providing direction and support to the coastal and port State entities to ensure compliance with the Code in advance of the audit. Some of the key tasks include: completion of the Gap Analysis; acting on findings of the Maritime and Coastguard Agency (MCA) report; assessing and actioning the legislative and procedural changes needed to meet the Code requirements. The cooperation and collaboration of the various Ministries, Departments and Quangos is necessary to ensure success and I am pleased to report that we are making significant progress.

**Mr. Speaker,** to ensure the appropriate guidance and oversight of the Triple I Code implementation process the Bermuda Maritime Steering Committee (“Steering Committee”) has been created. This executive committee composition includes representatives of Flag, Coastal and Port departments and agencies with responsibilities impacting on the national maritime obligations and requirements. The Chairperson of the Steering Committee is the Local Coordinator and other members include a representative from the BSMA, Department of Environment and Natural Resources, Department of Health, Department of Marine and Ports and a Port Operator representative. Sub-working committees have also been created and they include Search and Rescue, Marine Pollution, Ports, Health and Navigation.

**Mr. Speaker,** other activities directly related to ensuring our readiness, which have been completed, include the visit of the United States Coast Guard Strike Team during the week of 17 September 2018. The purpose of the visit was to discuss our oil pollution response readiness and to review the existing Memorandum of Understanding (MOU) with the United States Coast Guard for Major Oil Spill Response. This visit was organized and coordinated by the Department of Environment and Natural Resources. This was followed by a visit on the 29 and 30 November 2018 of representatives from the UK Maritime and Coastguard Agency as part of their review work on each Overseas Territory’s pollution response capability. Their visit largely focused upon site visits and gaining an understanding of the individual port risks and marine pollution response capabilities and needs.

**Mr. Speaker,** it is a requirement for all of the OT Administrations to develop a Triple I Code Strategy document with the aim to have each Administration's strategy in place prior to conduct of each Territory's assurance audit in 2019. In support of the strategy, it is recommended that each OT Administration has a Supporting Manual. The purpose of this manual is to contain and provide a central place for supporting documents which will assist in demonstrating implementation of the strategy. The development of our Strategy Document and Supporting Manual is completed.

**Mr. Speaker,** substantial progress has also been made on the completion of the legislation gap analysis and we await a final report from the UK to verify our analysis. The total number of regulations that were identified as being required, from the Gap Analysis between the UK's and Bermuda's existing Merchant Shipping regulations, is sixty-nine (69). Twenty-nine (29) specifically pertain to the Triple I Code. The BSMA has an ongoing legislation programme with the Attorney General's Chambers to assist in advancing the necessary legislation and we are very pleased with the progress made thus far. Honorable members will recall the two pieces of maritime legislation that we debated just recently, which will facilitate the implementation of various regulations as required by the Code.

**Mr. Speaker,** the implementation of the Triple I Code is of significant importance and mandatory for Bermuda to maintain its very good reputation as a compliant and leading maritime jurisdiction. With the progress that we have made thus far, and with the continued government support and cooperation of the stakeholder departments, I am confident that we will be compliant prior to the imposed deadline; and I will endeavor to keep this Honorable House updated on our progress.

Thank you, **Mr. Speaker.**