

ROLES THAT CHINESE MARITIME INSTITUTIONS SHOULD PLAY IN THE RESEARCH OF INTERNATIONAL MARITIME CONVENTIONS

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Abstract Based on the current development of the Chinese shipping industry and our activities in the IMO, this paper analyzes our gap with other advanced shipping countries in the international maritime affairs and points out the roles that Chinese maritime institutions should play. Taking Dalian Maritime University as an example, this paper introduces the current practice of DMU in the research of international maritime conventions and the goals that we should try to reach, that is, through cooperation with IMO and other maritime educational and research institutions, to build a base of international maritime conventions researchers and relevant talents. This paper thinks that Chinese maritime institutions should not only cultivate sufficient talents in navigation and maritime management for the sustainable development of the shipping industry, but also provide strong decision-making support for governments, shipping enterprises in the research of international maritime conventions.

Keywords international maritime conventions; maritime institutions; IMO; research

0 Introduction

With the rapid development of world economy and the sped-up economic globalization, the international trade has been continuously enlarged and the shipping industry experiences a great prosperity. However, when the international technical and legal relations need to be further adjusted, in order to ensure the safe, secure and environment-friendly development of the shipping industry, and in order to give a strong support to the world economy, governments should sit down to discuss together the future development of the world shipping industry. IMO has provided a good platform for the joint discussion. On this platform, all the member states could discuss together, working out standards that are acceptable to the whole industry, setting up an adjustment system and representing these standards in the form of conventions, protocols, resolutions, regulations, etc.. As a developing shipping country, China was fortunately elected one of the I Category Council States. Therefore, it should shoulder more responsibilities in the constitution

and implementation of the international maritime conventions. However, due to some historical reasons, weakness exists in the quantity and quality of our IMO proposals. Therefore, in order to better shoulder our international responsibilities, we should strengthen our research on the international maritime conventions and their implementation. The research of international maritime conventions covers wide areas, like maritime safety, environmental protection, security and so on, which needs the efforts of a variety of researchers. Besides the personnel from the maritime administrations and other relevant authorities, the technical and legal support from the research institutes, especially the maritime institutions is also a must. Maritime institutions are endowed with rich human resources. They possess the qualifications of doing research on international maritime conventions. Meanwhile, they are shouldering of maritime personnel cultivation and discipline construction. There is no shirking the responsibility of exerting more efforts in the research of international maritime conventions.

1 The current development of the Chinese shipping industry and its responsibilities in the international maritime affairs

China is a big shipping country. It possesses vast oceans, more than 18,000km mainland coastlines and more than 14,000km island coastlines. Recent years, the Chinese shipping industry is experiencing a prosperous development. In 2004, the international fleet owned or operated by China has reached more than 4.4 million deadweight ton, topping the fifth in the world. The number of international ports has reached more than 130, with a total international output of 115 million tons.

The development of the Chinese shipping industry has won recognition worldwide. Ever since 1973 when the Chinese government resumed its member status in the IMO, China has been elected the B Category Council State in the 9th -15th IMO General Assembly. Since the 16th IMO General Assembly in 1989, China has been successively elected the A Category Council State for 9 times, being recognized as a key country to provide international shipping service.

According to the international practice, as the IMO member state, especially the A Category Council State, China should shoulder its responsibilities and fulfill its obligations in the constitution, amendment and implementation of international maritime conventions, including participating in the IMO meetings, submitting proposals; proposing amendments to the IMO Conferences, committees and sub-committees for the improvement of IMO Conventions; fulfilling obligations of convention implementation, and carrying out the second round legislation.

1.1 In the constitution of maritime conventions: participate in the IMO meetings, and submit proposals on relevant topics.

As a member state of IMO, China should actively participate in the constitution of international maritime conventions. According to the International Maritime Organization Convention 1948, our rights and obligations as a member state are as follows:

- Participate in the IMO meetings;
- Submit proposals on the topics of maritime safety, sea environmental protection and security

that draws much attention among the member states;

- Show opinions in the discussions of IMO committees and subcommittees, and vote for the passing and coming into force of international maritime conventions;
- Encourage the popularization of the highest applicable standards in maritime safety, navigational efficiency, prevention and control of marine pollutions from ships.

1.2 In the amendment of maritime conventions: submit proposals for further amendments.

With the development of social economy and the advancement of maritime science and technology, some clauses in the maritime conventions may become out of date. As an unseparated part of the constitution of maritime conventions, some clauses need to be amended along with the time. As a member state, in order to further improve and gradually perfect the conventions, we are responsible to report to IMO about the implementation and the problems that we encounter.

1.3 In the implementation of maritime conventions: shoulder responsibilities in the implementation and the second-round legislation of conventions.

According to the International Law, member states must abide by the conventions that they have accepted. Article 26 of the Vienna Convention, the Law of Treaties 1969 states that “Every treaty in force is binding upon the parties to it and must be performed by them in good faith.”

Our Constitution does not specify the application of international conventions in China. Since some important technical conventions, like SOLAS, MARPOL and STCW all adopt the methods of “consultation” and “package deal”, trying to avoid destroying the uniformity of the conventions and the disagreement in the rights and obligations among member states, these international conventions are totally applicable in China.

2 China’s status in IMO

As a nation which has great benefits in the shipping affairs, China’s important position has been recognized by the international shipping industry. Our country has been successively elected IMO Category A Council Member for nine times and positively participate in the IMO’s activities together with the other member states to support IMO’s developments and operation.

Our country has done considerable work in the conventions’ constitution and modification and made our contributions to the various maritime conventions’ modifications and perfection. In addition to positively take part in the discussion of maritime conventions and regulations’ constitution and modifications, we put forward large number of proposals of high qualities. For example, the recently hold MSC81 has finished the discussion of “performance standard for protective coatings for dedicated seawater ballast tanks” which has drawn world wide attention of international ship-building and shipping industry. China, Japan, Korea, Denmark, Greece and other international shipping and ship-building organizations have put forward 14 proposals on the important subject of performance standard for protective coatings for ballast tanks to the conference, three of which were made by China. In the meeting, China’s delegation introduced the

proposal on date of the standards' enter into force and the maintenance and repair of coating, in addition, explain our country's standpoint and principals in the standard's establishment. In the IMO's SLF 45 hold on July, 2002, China Classification Society (CCS) provided four proposals to the conference, three of which were adopted to be the general used standards in international shipping industry. The main topic of discussion in the conference was focus on the safety of large bulk carriers. Since the 1980's, large bulk carriers have suffered large sum of maritime accidents and caused great loss of lives and properties at sea. This is concerned with the deficiency of bow height and reserve buoyancy. The proposals on "bow height and reserve buoyancy" put forward by China contains much true and reliable data and abundant materials. It fetched up the actual design deficiency of large bulk carrier and greatly enhanced the safety of navigation. The conference finally decided to bring the proposal into the amendment to the International Convention on Load Lines, 1966 (1966 LL) and accordingly revised the title of article 39 to be "the minimum bow height and reserve buoyant". The amendment to the 1966LL which reflect the new revision has come into force in 1 January, 2005.

3 The gap between China and other countries

China's activities in IMO have become more and more active, but we have to admit that when compared with developed shipping countries, we still have much to do.

Table 1 statistics of the proposals provided to MSC and MEPC by main shipping countries

Conference	America	UK	China	Greece	Norway	Korea	Japan
MSC81	2	10	3	4	4	6	11
MSC80	3	4	0	4	5	3	7
MSC79	3	7	0	1	4	5	6
MSC78	4	7	1	2	7	3	7
MEPC54	0	4	1(HK)	0	3	4	2
MEPC53	6	4	1	0	3	2	4
MEPC52	10	3	0	0	4	1	4
MEPC51	1	1	0	0	2	0	6

Note: The numbers in the table represent the numbers of proposals

Table 1 reveals the statistics of the proposals provided to MSC and MEPC by main shipping countries. Obviously, the proposals provided by China are limited, while the other Asian countries and IMO Category A Council Member like Japan and Korea all provided large sum of proposals for each conference.

From the outside, the gap between our country and developed shipping countries looks like the limited quantity of proposals provided for the conference, in fact the deep reason is our research on the international maritime conventions is inefficient. We ought to say our research on the international maritime conventions has been constantly strengthened these years, also does the research depth and effects of conventions' implementation. But the research force hasn't been fully bring into play because of the lack of efficient organizing and administration.

In China, the Maritime Safety Administration (MSA) is in charge of the affairs relating to IMO.

MSA is engaged in the research and enact work of laws and regulations' which are in line with the international conventions and treaties; in addition, follow up and research the recent developments of international maritime conventions. In order to better follow up and research the status and development of IMO's conventions related to safety at sea and prevention of pollutions from the ships, enhance our country's ability of legislation, engage in the international maritime affairs and level of conventions' implementation, the MSA established an ad hoc international maritime affairs research committee. The committee is composed of the leaders of China MSA and local MSAs, they are coordinators, while the sub-committees under the committees which are directly attached to the local MSAs are engaged in the conventions' research and follow up. For example, STW sub-committee is attached to Guangdong MSA, NAV sub-committee is attached to Shenzhen MSA, PSC sub-committee is attached to Tianjin MSA, maritime investigation sub-committee is attached to Shanghai MSA, and etc.

The advantage of such kind of research and follow up of conventions is sufficiently use of the exist source of MSA, while the disadvantage is the lack of communications between them while each MSA is an isolated system. But the research of international conventions are focused on the systematization and continuance, the IMO's committees will hold meetings to discuss some issues which draw jointly concern,. However, the seperated research methods in China is not good for the exchange of information.

But we still haven't make use of an important source. In foreign countries especially developed shipping countries, maritime academic institutions and research centers are main force in the conventions' research and implementation, for example, Japan has set up some specialized research institutions which are related with the IMO affairs, including Electronic Navigation Research Institute, Japan Marine Science and Technology Centre, and etc. Currently in China, there are more than 34 maritime higher educational institutions which possess an abundance of human resources. However, these resources have not been, or have hardly been fully utilized. Besides the government, maritime institutions have not fully realized their own roles. They lack the passions and wishes to actively serve for the big shipping country.

4 Maritime universities should play an active role in the government's involvement in IMO affairs

Our government has realized that if China intends to get involved more actively in IMO affairs, maritime universities' support will prove very useful. Last year at a forum about "How To Increase Involvement In IMO Affairs" people present reached an agreement that the government should make good use of resources of universities and colleges in doing follow-up research in maritime conventions. As the only key maritime university in China, Dalian Maritime University (DMU) has put in efforts and will put in more efforts in China's active involvement in international maritime activities.

DMU has long been supporting the government in its involvement in international maritime affairs. In 1983, the United Nation's Development Plan (UNDP) and IMO set up the Asia-Pacific International Maritime Training Center in DMU. In 1985, World Maritime University set up its Dalian Branch in DMU. DMU has always been on good terms with IMO in cooperation, and

DMU has the human resources necessary for studying maritime conventions. As a university with special maritime characteristics, DMU has many shipping and navigation related specialties such as Marine Traffic Engineering, Navigation Information Engineering, Ship Intelligence, Marine Equipment Repair and Construction, Communications and Information System, Marine Environment Protection, International Law. At the same time, DMU has many experts who are well grounded in maritime research theories and who are well experienced in doing research in their own fields, and DMU also has many young teachers who are active in scientific thinking and very creative in spirit. Without a doubt, DMU has the potential to assist the government in participating in IMO affairs.

In order to give the government more support and better advice in IMO affairs, DMU set up International Maritime Convention Research Center in 2004. This center mustered the elites of research people in the university as well as those in the maritime community, with nine full-time researchers, thirty-five part-time researchers in other departments of the university, and forty-two researchers in the maritime community or in other countries. Our main tasks at the present are as follows:

4.1 Collect and exchange IMO information

The large number of documents at IMO conferences is the first-hand information for studying IMO development goals and maritime policies, and collecting and sorting out data according to the different aspects the five IMO Committees are in charge of—maritime safety, maritime environment protection and law—is the first step for setting up a library of international maritime reference books. Our library not only provides reference for government agencies and shipping companies, it is also open to teachers and students who are doing research in international maritime conventions. Besides, we compile and publish a periodical named Research And Recent Developments Of International Maritime Convention every two months, and we have also set up a website so that we can offer research information for the whole industry.

4.2 Carry out research projects

As a research center devoted to maritime convention research, we have invited experts in DMU and other universities to be our visiting professors. They give lectures to the staff and the students, at the same time, they hold panel discussions on hot issues in international maritime research, which can lay a good foundation for future research.

4.3 Cooperate in research and training of maritime personnel with other maritime institutions in China and abroad

A good case to prove the success of our cooperation with other maritime institutions is the running of the Maritime Safety and Environment Management Class between World Maritime University (WMU) and DMU. Some of the lecturers for the class are from DMU, some are from WMU. The involvement of international teachers in teaching brings new information in recent developments in research, it also brings valuable research data to DMU, thus enhancing our research capability.

4.4 Prepare proposals for IMO Conferences, providing reference for the government

In the past few years, this center has sent teachers as representatives of DMU to join the Chinese delegation at the IMO Conferences and meetings. Before every meeting, this center musters

experts and professors to prepare and study proposals submitted to the meeting following IMO annual agendas. We not only follow up the development of the conventions, we also aim at submitting forceful proposals and make our voices heard at international conferences. After every conference, DMU organizes a special department to do follow-up work, on the one hand, to inform people concerned of the discussions at the conference and the reactions of different countries to the proposals as well as the position of our country, on the other hand, to carry out future research on important issues in order to bring forward our countermeasures and suggestions for implementing the conventions.

Our experience proves that maritime universities should and can play an active part in maritime convention research, in supporting the government in international affairs and in offering reference for shipping companies in decision-making. Meanwhile maritime universities can become the main force in training maritime talents and researchers. At the present, many other universities are beginning to take actions in this respect.

5 Conclusion

Most maritime universities in China are comprehensive universities with many specialties overlapping with other specialties, and various talents are available for studying maritime conventions. Some developed countries that involve in the shipping industry have taken advantage of the teaching and research personnel in maritime universities and have achieved good results. As a developing country, China is beginning to get benefits in the government's cooperation with maritime universities. As a key maritime university we should take the initiative in the drafting and implementation of maritime conventions to prove our worth, to make greater contribution to the country as well as the world shipping industry. DMU is confident that with support from people in all walks, we will not only become the base for training scientific talents, we will also become a base for doing research in maritime conventions and for training advanced maritime talents.

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