



**PARLIAMENT OF THE REPUBLIC OF FIJI**

---

**STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE**

**REPORT ON THE RATIFICATION  
OF IMO CONVENTIONS**



**Parliamentary Paper No. 48 of 2015**

*August 2015*

*Published and Printed by the Department of Legislature, Parliament House,  
SUVA*

## TABLE OF CONTENTS

<b>CHAIR'S FOREWORD</b> .....	<b>3</b>
<b>LIST OF ACRONYMS</b> .....	<b>6</b>
<b>1.0 INTRODUCTION</b> .....	<b>8</b>
<b>1.1 BACKGROUND</b> .....	<b>8</b>
<b>1.2 The Standing Committee on Foreign Affairs and Defence</b> .....	<b>8</b>
<b>1.3 Procedure and Program</b> .....	<b>8</b>
<b>1.4 Committee Members</b> .....	<b>10</b>
<b>2.0 RATIFICATION OF CONVENTIONS</b> .....	<b>11</b>
<b>2.1 INTERNATIONAL MOBILE SATELLITE ORGANISATION CONVENTION 1976 (IMSO)</b> .....	<b>11</b>
2.1.1 OBSERVATIONS.....	12
<b>2.1 INTERNATIONAL CONVENTION ON SALVAGE (SALVAGE CONVENTION)</b> .....	<b>13</b>
2.1.1 OBSERVATIONS.....	15
<b>2.2 INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIP'S BALLAST WATER AND SEDIMENTS (BWM 2004)</b> .....	<b>16</b>
2.2.1 OBSERVATIONS.....	16
<b>2.3 CONVENTION ON CIVIL LIABILITY FOR BUNKER OIL POLLUTION DAMAGE 2001</b> .....	<b>18</b>
2.3.1 OBSERVATIONS.....	18
<b>2.4 INTERNATIONAL CONVENTION ON THE CONTROL OF ANTIFOULING SYSTEMS ON SHIPS (AFS 2001)</b> .....	<b>19</b>
2.4.1 OBSERVATIONS.....	20
<b>2.5 PROTOCOL ON PREPAREDNESS, RESPONSE AND COOPERATION TO POLLUTION INCIDENTS BY HAZARDOUS AND NOXIOUS SUBSTANCES (OPRC – HNS PROTOCOL 2000)</b> .....	<b>21</b>
2.5.1 OBSERVATIONS.....	21
<b>2.6 CONVENTION ON FACILITATION OF INTERNAL MARITIME TRAFFIC (FAL CONVENTION 1965)</b> .....	<b>22</b>
2.6.1 OBSERVATIONS.....	23
<b>2.7 INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS (MARPOL 73/78)</b> .....	<b>23</b>
2.7.1 OBSERVATIONS.....	24
<b>2.8 GENERAL OBSERVATIONS</b> .....	<b>26</b>
<b>3.0 ISSUES OF CONCERN</b> .....	<b>28</b>
<b>3.1 pollution</b> .....	<b>28</b>

<b>3.2</b>	<b>Telecommunications</b> .....	<b>28</b>
<b>3.3</b>	<b>Environmental Levy</b> .....	<b>29</b>
<b>3.5</b>	<b>Gender Analysis</b> .....	<b>29</b>
<b>3.6</b>	<b>Consideration of Conventions Article by Article</b> .....	<b>30</b>

## CHAIR'S FOREWORD

I am pleased to present the third report of the Fiji Parliament Standing Committee on Foreign Affairs and Defence (SCFAD), which was assigned to review the proposal tabled by the Government of the Republic of Fiji to ratify the eight (8) interrelated IMO Conventions and to report back to Parliament in the next Parliament Sitting on 24<sup>th</sup> August 2015. The Conventions are as follows:

- 1) International Mobile Satellite Organisation 1976
- 2) International Convention on Salvage 1989
- 3) International Convention for the Control and Management of Ship's Ballast Water and Sediments 2004
- 4) International Convention for the Civil Liability for Bunker Oil Pollution Damage 2001
- 5) International Convention on the Control of Antifouling Systems on Ships 2001
- 6) Protocol Preparedness Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances
- 7) Convention on Facilitation of International Maritime Traffic (1965)
- 8) International Convention for the Prevention of Pollution from Ships (MARPOL 73/78)

The bipartisan Standing Committee unanimously agreed on a timetable to call all relevant stakeholders for submissions, and to hear their views and analysis on the eight Conventions. The invitations were made in four categories:

- All relevant Government Ministries and Departments;
- Private Sectors including Ship Owners and Shipping Associations;
- Retired Seafarers and interested communities; and
- Non-Governmental Organisations.

The SCFAD Committee meticulously reviewed all the eight (8) Conventions and noted the call by those making submissions for the ratification of the Conventions.

The report is divided into three chapters:

- **Chapter 1** covers the role and responsibilities of the Committee and the inquiry process in undertaking a review of the eight Conventions.
- **Chapter 2** focuses on the eight Conventions and examines the submissions received and the information provided at public hearings held by the Committee, including summary of questions and answers during submissions.

- **Chapter 3** features the issues which the Committee feels should be considered by Government.

Sections 70, 72(1)(a)&(b) and 72(2) of the Constitution aims to enhance the transparency of, and accountability by, public agencies and officials engaging with Parliament Standing Committees in specific submissions and with the SCFAD Committee, in this case the ratification of the eight (8) Conventions.

The Committee held its first meeting on Monday 13<sup>th</sup> July 15 to discuss and establish a work plan for receiving public submissions. Public submissions were received in the parliamentary complex from Monday 20<sup>th</sup> to Friday 24<sup>th</sup> July 2015, Monday 10<sup>th</sup> to Friday 14<sup>th</sup> August 2015 and finally on Monday 17<sup>th</sup> August, 2015.

As part of its quest to be better informed, the SCFAD Committee conducted site visits to the TELECOM Fiji Earth Station satellite disc at Yaqara, and the Ports Authority of Fiji port tower. It was also privileged to be invited to Waiqanake Village to witness the effects of pollution derived from derelict ships and oil spills on their *qoliqoli* areas.

On behalf of the Honourable Members of the SCFAD Committee, I would like to express my sincere gratitude and appreciation to all those Organisations, Ministries, Departments and Individual who made submission and/or attended public hearings. The final report of the SCFAD Committee rests with voluntary commitment and time of groups and individuals making submissions and appearing at public hearings. This was evident in the high quality of submissions received at the public hearings.

I wish to extend my sincere appreciation to the Honourable Members of the SCFAD Committee; my Committee colleagues Hon. Ratu Isoa Tikoca, MP (Deputy Chairman), Hon. Semi Koroilavesau Government Whip & MP (Member), Hon. Roko Tupou Draunidalo, MP (Member), Hon. Alex O'Connor, MP (Member). I also wish to thank Hon. Jilila Kumar (Alternate Member for Hon. Semi Koroilavesau), and Hon. Salote Radrodro (Alternate Member for Hon. Roko Tupou Draunidalo). Finally, I thank the Secretariat for their assistance with the production of this bipartisan report.

I commend this report to the Parliament.

**HON. NETANI RIKA, MP  
CHAIRMAN**

## **LIST OF RECOMMENDATIONS**

**RECOMMENDATION 1:** That the Fiji Government ratifies the following Conventions:

1. International Mobile Satellite Organisation Convention 1976 (IMSO)
2. International Convention on Salvage 1989
3. International Convention for the Control and Management of Ships Ballast Water and Sediments 2004
4. International Convention for the Civil Liability for Bunker Oil Pollution Damage (2001)
5. International Convention on the Control of Antifouling Systems on Ships (2001)
6. International Convention for the Prevention of Pollution from Ships (MARPOL 73/78)

### **CONVENTION ON FACILITATION OF INTERNATIONAL MARITIME TRAFFIC (1965)**

Fiji deposited its instrument of accession to this treaty on 29 November, 1972 and the treat entered into force for Fiji on 28 January, 1973 so Fiji has been a party to this treaty since then. This being the case, Fiji only needs to take steps to implement the FAL Convention.

### **PROTOCOL PREPAREDNESS RESPONSE AND COOPERATION TO POLLUTION INCIDENTS BY HAZARDOUS AND NOXIOUS SUBSTANCES (2009)**

In concurrence with the contribution from the Office of the Solicitor-General, given that Fiji is not a party to the OPR Convention it cannot become party to a protocol under that same Convention without first becoming a party to the Convention.

## LIST OF ACRONYMS

EEZ	Exclusive Economic Zone
FAD	Foreign Affairs and Defence
FINTEL	Fiji International Telecommunications Limited
FPCL	Fiji Ports Corporation Limited
GMDSS	Global Maritime Distress and Safety System (GMDSS).
IMO	International Maritime Organisation
IMSO	International Mobile Satellite Organisation Convention 1976
INMARSAT	International Marine/Maritime Satellite
MSAF	Maritime Safety Authority of Fiji
OPRC – HNS	International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 – Hazardous and Noxious Substances
RT	Radio Telephone
SAR	Search and Rescue
SOLAS	Safety of Life at Sea
TFL	Telecommunications Fiji Limited
UNCLOS	United Nations Convention on the Law of the Sea
GHG	Green House Gasses
SPC	Secretariat for the Pacific Community
BWM	Ballast Water Management

DOCS	Developed, Own, Control, Sustain
MLC	Maritime Labour Convention
UAS	Unmanned Aerial System
PIC	Pacific Island Countries
MSS	Maritime Surveillance System
PIFFA	Pacific Island Forum Fisheries Agency
FFA	Forum Fisheries Agency
MPA	Marine Patrol Aircraft
PPB	Pacific Patrol Boat
PNA	Parties of the Nauru Agreement
USOP	Universal Service Obligation Programme

## **1.0 INTRODUCTION**

### **1.1 BACKGROUND**

The Fijian Parliament Standing Committee on Foreign Affairs and Defence is undertaking a review of the proposal by the Government of the Republic of Fiji to ratify the following treaties or conventions:

- 1) International Mobile Satellite Organisation 1976
- 2) International Convention on Salvage 1989
- 3) International Convention for the Control and Management of Ships Ballast Water and Sediments 2004
- 4) International Convention for the Civil Liability for Bunker Oil Pollution Damage (2001)
- 5) International Convention on the Control of Antifouling Systems on Ships (2001)
- 6) Protocol Preparedness Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances (2009)
- 7) Convention on Facilitation of International Maritime Traffic (1965)
- 8) International Convention for the Prevention of Pollution from Ships (MARPOL 73/78)

### **1.2 THE STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE**

The Committee is a standing committee of the Fijian Parliament and was established under Standing Orders 109(2)(e) of the Parliament of the Republic of Fiji. The Standing Committee is mandated to look into matters related to Fiji's relations with other countries, development aid, foreign direct investment, oversight of the military and relations with multilateral organisations. Under SO 110(1)(e) the Standing Committee has also been tasked to review international treaties and conventions to be ratified by the Government and monitor their implementation.

The Committee comprises five Honourable Members drawn from both the Government and the Opposition parties.

### **1.3 PROCEDURE AND PROGRAM**

On Monday 13<sup>th</sup> July, the Committee met in the Parliament Complex to discuss and plan a strategy for receiving public submissions. Due to the workload of some

members, the Committee agreed to meet on the 3rd August, during which time the members were to make recommendations for the draft report.

The Committee placed advertisements in the local newspapers, Fiji Sun and Fiji Times on Wednesday 15<sup>th</sup> and Saturday 18<sup>th</sup> July, and through the Parliament website ([www.parliament.gov.fj](http://www.parliament.gov.fj)).

The Committee again met in series of twelve (12) days receiving submissions at the Parliament Complex from 20<sup>th</sup> to 25<sup>th</sup> July; 10<sup>th</sup> to 15<sup>th</sup> August; and finally on 11<sup>th</sup> & 12<sup>th</sup> August 2015 to hear oral submissions on the 8 treaties. Oral submissions were received from the following organizations and individuals:

- Office of Solicitor General – Lyanne Vaurasi & Laite Raturuvuki
- Foreign Affairs – Ropate Cabelawa, Director
- Department of Environment – Aminiasi Qareqare, Director
- Government Shipping Services – Ilisoni Tuimabualau, Director
- Ministry of Infrastructure & Transport – Lui Naisara, Director
- Maritime Safety Authority of Fiji – John Tunidau, Actg CEO
- Fiji Ports Corporation of Fiji – Vajira Piyasena, CEO
- Fiji International Telecommunications – George Samisoni, CEO
- Telecom Fiji Ltd – Samuela Vadei, GM Corporate Services & Human Resources/Company Secretary
- Vodafone Fiji Limited – Andrew Kumar, Chief Technology Officer
- South Sea Towage Ltd – David Robertson, GM & Capt Savenaca Kadavi, Business Development Officer
- Fiji Telecommunication Authority – Tevita Navila, Director and Shivnesh Prasad, Actg Chairman
- Bligh Water Shipping Limited – Capt William Vulivuli, CEO
- Sea Pilots Fiji Limited – Capt Malcolm Peckham, Director
- Waiqanake landowner – Mr. Asakaia balawa (Chairman of Qoligoli Committee Navukavu)
- Billet and Wright association – Mr. Josateki Tagi
- School of Maritime – Capt. Tevita Robanakadavu
- Fiji Ship Owners & Agents Association – Mr. Bradley Bower, Mr. Lepani Vaniqi,
- Mr Bernard Hong Tiy
- Goundar Shipping – Capt. Inoke Ratotodro
- WWF – Mr. Alfred Ralifo, Mr. Francis Areki, and Duncan Williams
- Ministry of Defence, National Security and Immigration – Mr. Terio Koronawa, Mr. Joji Washington
- Fiji Navy – Capt. John Fox (Comdr. Fiji Navy)
- Secretariat of the Pacific Community (SPC) - Mr. Thierry Nervale, Mr. Yolisaguvau Tom 'Tavala, Ms. Francesca Pradelli

Written submissions were received from the following organizations and individuals:

- Office of the Solicitor-General
- Telecommunications Authority of Fiji
- Telecom Fiji Ltd
- Biosecurity Authority of Fiji
- Secretariat of the Pacific Community
- Fiji Ports Corporation Limited
- Dr. Jito Vanualailai, USP
- FINTEL

As part of their quest to be better informed about telecommunication infrastructure and the effects of pollution on key marine areas, the Committee conducted site visits to the following areas:

- Fiji Ports Corporation Limited - Suva Port (Thursday 13<sup>th</sup> August 2015)
- Telecommunications Fiji Limited – Yaqara Earth Station (Friday 14<sup>th</sup> August 2015)
- Waiqanake Village (Tuesday 18<sup>th</sup> August 2015)

#### 1.4 COMMITTEE MEMBERS

The members of the Standing Committee on Foreign Affairs and Defence are:

- Hon. Netani Rika MP (Chairman)
- Hon. Ratu Isoa Tikoca MP (Deputy Chairman)
- Hon. Roko Tupou Draunidalo MP (Member)
- Hon. Semi Koroilavesau (Member)
- Hon. Alex O'Connor (Member)

During the Standing Committee's meetings, the following alternate membership arose pursuant to Standing Order 115(5):

- Hon. Salote Radrodro (Alternate Member for Hon. Ratu Isoa Tikoca and Hon. Roko Tupou Draunidalo).
  - Hon. Jilila Kumar (Alternate Member for Hon. Semi Koroilavesau).
  - Hon. Mikaele Leawere (Alternate Member for Hon. Ratu Isoa Tikoca).
-

## **2.0 RATIFICATION OF CONVENTIONS**

The International Maritime Organization (IMO) came into existence in 1958 and Fiji became a member in 1983. To date Fiji has acceded to 18 conventions and is a signatory to one other convention.

### **2.1 INTERNATIONAL MOBILE SATELLITE ORGANISATION CONVENTION 1976 (IMSO)**

The purpose of this convention is to improve maritime communications, thereby assisting in improving distress and safety of life at sea (SOLAS) communications, the efficiency and management of ships, maritime public correspondence services and radio determination capabilities.

The IMSO Amendment 2008 provides for the benefit of telecommunications users of all nations through the most advanced suitable space technology available, for the most efficient and economic facilities possible consistent with the most efficient and equitable use of the radio frequency spectrum and satellite orbits.

It will enable Fiji to participate and express its views on issues relating international communication by means of satellite in a global and non-discriminatory manner.

Since IMSO regulates the providers of GMDSS and LRIT services globally and fees they charge for such services, its Member States have a say on the services and fees compulsorily paid by them.

IMO recognised the potential for satellite communications to assist in distress situations at sea soon after the launch of the world's first telecommunications satellite, Telstar in 1962. In February 1966, the operational requirements for a satellite communications system devoted to maritime purposes were examined. In 1973, IMO convened a conference with the objective of establishing a new maritime communications system based on satellite technology.

The Convention on the International Maritime Satellite Organization was adopted on 3rd September 1976 and entered into force on 16th July 1979.

INMARSAT consists of an Assembly composed of all parties to the Convention, a Council composed of 22 representatives of signatories, and a Directorate headed by a Director-General. INMARSAT's obligations to provide maritime distress and safety services via satellite were enshrined within the 1988 amendments to SOLAS which introduced the Global Maritime Distress and Safety System (GMDSS).

Ships sailing in specific sea areas are required to carry communications equipment for distress and safety calls and to receive navigational

warnings. At Present, the INMARSAT system is the only mobile-satellite system recognised by SOLAS contracting Governments for use in GMDSS. The 1994 amendments changed the name of the organization to the International Mobile Satellite Organization (IMSO). The change reflected changes since the organization was formed and the extension of its services from the maritime sector to other modes of transport.

### 2.1.1 OBSERVATIONS

The Committee invited representatives from the telecommunications sector to express their views on the International Mobile Satellite Organisation Convention 1976 (IMSO). The following issues were raised during public submissions:

- (a) The Convention provides for more openness, fairness and transparency in terms of competition. Iridium is also being looked at by IMSO in terms of what it can offer. Iridium covers 100 per cent of the earth, including the poles whereas INMARSAT will have coverage of the whole earth, supposedly by the end of this year.
- (b) The Committee was informed that cable ships used INMARSAT to communicate through satellite phones and it has been the sole provider in terms of emergency services on vessels. On the other hand, Iridium is also providing the same service and competing with INMARSAT. One of the advantages of Iridium is that one does not need to move to search for a satellite as was the case for INMARSAT.
- (c) Concern was raised in terms of the surveillance of Fiji's territorial waters and whether it could be covered through the use of mobiles. The Committee was informed that communication through mobiles was limited. Most of the small islands or rural areas have access to either Vodafone or Digicel so underutilised satellites have been mobilised into very remote areas which do not have access to land-line telecommunication.
- (d) In March 2007, the IMSO Assembly of Parties decided to "**Provisionally apply**" two sets of amendments to the IMSO Convention approved by the Assembly in September 2006. First, a set of detailed amendment that would expand the **IMSO** scope of oversight to include all mobile satellite services provider, specifically in the context of provision of capacity for the "Global Maritime Distress and Safety System" (**GMDSS**) It talked about the **GMDSS** and secondly, a single amendment to the purpose of the organisation that would permit it to "**assume functions and/or duties of**

**Coordinator of Long Range Identification and Tracking of Ships”(LRIT).**In Fiji we do not have this GMDSS but we have a Coaster Radio Station and it is used to be operated under 3DP (Suva radio) but currently are being manned and operated by the Fiji Navy.

- (e) The satellite engagement has capacity for certain rescue co-ordination within that footprint, but it needs to be worked out with Government as Search and Rescue is still run by Government. Telecom Fiji used to work with the Navy in providing Search and Rescue but it is now solely carried out by the Fiji Navy.
- (f) In terms of security of communications, Telecom Fiji has put up their own firewalls and security systems to ensure that whatever communications they provide locally is secure and there is no breach of security. However they have very little skills and depth in terms of studying security breaches but that may be something Government can pursue and see if indeed our country is protected from any breach of security in using the satellite technology.
- (g) Ratification of the Convention will enable Fiji to have access to modern and resilient communication infrastructure provided through the satellite platform currently provided by INMARSAT. Fiji will have access to the long range identification system for ships in our waters and also access the satellite platform monitoring our airspace.
- (h) The 1988 amendments to SOLAS introduced the Global Maritime Distress and Safety System (GMDSS) and enshrined Inmarsat's obligation to provide maritime distress and safety services via satellite. Ships sailing in specified sea areas are required to carry Inmarsat communications equipment for such functions as alerts (including position determination of the unit in distress), search and rescue coordination, locating (homing), maritime safety information broadcasts, general communications, and bridge-to-bridge communications.

## 2.1 INTERNATIONAL CONVENTION ON SALVAGE (SALVAGE CONVENTION)

This convention replaced a convention on the law of salvage, adopted in Brussels in 1910 which incorporated the “no cure, no pay” principle under which a salvor is only rewarded for services if the operation is successful.

Although this basic philosophy worked well in most cases, it did not take pollution into account.

A salvor that prevented a major pollution incident (for example, by towing a damaged tanker away from an environmentally sensitive area) but did not manage to save the ship or its cargo is not rewarded accordingly. Therefore, there is little incentive to salvors to undertake salvaging operations which has little chance of success and no reward for the salvor.

The 1989 Convention seeks to remedy this deficiency by making provision for an enhanced salvage award taking into account the skill and efforts of the salvors in preventing or minimizing damage to the environment.

The cargo that traverse Fiji waters on-board ships are becoming more and more threatening to Fiji's fragile marine environment and carry potential for terrorism to Fiji through the maritime. This Convention seeks to make provision for an enhanced salvage award taking into account the skill and efforts of the salvors in minimizing those risks.

The International Convention on Salvage was adopted on 28th April 1989 and entered into force on 14th July 1996. Under the Convention, the salvor shall owe a duty to the owner of the vessel or other property in danger:

- (a) to carry out the salvage operations with due care:
- (b) to exercise due care to prevent or minimise damage to the environment;
- (c) whenever circumstances reasonably require, to seek assistance from other salvors, and
- (d) to accept the intervention of other salvors when reasonably requested to do so by the owner or master of the vessel or other property in danger, provided however that the amount of his or her reward shall not be prejudiced should it be found that such a request was unreasonable.

On the other hand, the owner and the master of the vessel or the owner of other property in danger shall owe a duty to the salvor:

- (a) to cooperate fully with him or her during the course of the salvage operations;
- (b) to exercise due care to prevent or minimise damage to the environment; and
- (c) when the vessel or other property has been brought to place of safety, to accept redelivery when reasonably requested by the salvor to do so.

The Convention introduced a "special compensation" to be paid to salvors who have failed to earn a reward in the normal way, i.e. by salvaging the ship and cargo. If the salvor is negligent and has consequently failed to prevent or minimise environmental damage, special compensation may be denied

or reduced. Payment of the reward is to be made by the vessel and other property interests in proportion to their respective salvaged values.

### 2.1.1 OBSERVATIONS

- a) Salvage is the rescue of any vessel, cargo, freight or other objects of Salvage from danger at sea. Salvage services can be either contractual or voluntary. Salvage Award is given to the person who has salvaged the property as compensation for the Salvor's effort. Most Salvage today is performed under contract. Salvage operation is always a very expensive exercise to perform.
- b) A classic example of Salvage cost occurred when a Dutch company Svitzer Salvage BV was told to salvage the Container ship Rena after it hit the Astrolabe Reef on October 5, 2011, New Zealand threatening with a catastrophic oil spill. The estimate cost of this operation totaled around \$9 million for the 43 days hire.
- c) The Committee noted the suggestion by the Department of Environment to seriously consider this Convention as it takes into consideration a special compensation to be paid to salvors in terms of removing anything that could have detrimental impact on the environment.
- d) The Committee was informed that it was quite expensive to salvage derelict or sunken ships in Fiji and most salvors did not benefit financially. A salvor who prevents a major pollution incident by towing damaged tankers away from an environmentally sensitive area would not be rewarded therefore, there is little incentive for salvors to undertake salvaging operations which have little chance of success. Experienced salvors were hard to find in Fiji and if a salvage operation could not be done locally, salvors would have to be sourced from abroad.
- e) Most of the shipping companies were covered by insurance but if the shipping company did not have insurance cover, payment for the work carried out by the salvor was always questionable. The new convention provides for ship owners to be well insured to protect their boats in terms of salvage operations but there are times an issue with the conduct of the insurance companies in these matters. Ship operators in Fiji are aware of the appropriate insurance covers and that they would incur greater liability for the company/owner if their ships were not insured, however local insurance companies appear to be not willing to insure local boats as it was considered too high risk due to the condition of the boats in Fiji. A representative of Goundar Shipping submitted that

appropriate insurance cover should be negotiated by Government to cover the local ship operators.

- f) The drawback with this principle is that it did not take pollution into account because a salvor who prevents a major pollution incident (for example, by towing a damaged tanker away from an environmentally sensitive area) but did not manage to save the ship or the cargo gets no reward. The 1989 Convention seeks to remedy this deficiency by making provision for “damage to the environment” as a reward for a salvor who prevents a major pollution incident; even if he or she fails to save the property (usually the ship, freight and cargo). The Convention shall apply whenever judicial or arbitral proceedings relating to claims for salvage services are brought in a State Party. By becoming a party to this treaty, Fiji will ensure that salvage services are properly catered for and rewarded.

## 2.2 INTERNATIONAL CONVENTION FOR THE CONTROL AND MANAGEMENT OF SHIP'S BALLAST WATER AND SEDIMENTS (BWM 2004)

The aim to prevent the potentially devastating effects of the spread of harmful aquatic organisms carried by Ships Ballast Water from one region to another. This convention requires all ships, specifically ships engaged on international voyages to implement a Ballast water and Sediments Management Plan. Under the convention, all ships will have to carry a Ballast water Record Book and will be required to carry out ballast water management procedures to a given standard.

This convention prevents, minimizes or eliminates the transfer of harmful foreign invasive species (aquatic organisms and pathogens) through the control and management of ships ballast water. Since Fiji is a maritime island, the prevention of such threats is greatly beneficial to Fiji's pristine maritime environment.

The Convention is divided into Articles and an Annex which includes technical standards and requirements in the Regulations for the control and management of ships' ballast water and sediments.

### 2.2.1 OBSERVATIONS

- (a) The ballast water and sediments carried by ships have been identified as a major pathway for the transport of harmful invasive aquatic organism and pathogens. Ships often take on ballast water in one port and carry such ballast to other ports where it is discharged. The ballast water and sediments contain living organism

which, despite the harsh conditions in the ballast tank and piping systems, survive to compete with native species in the port of discharge. If the non-native organisms have a few natural predators or other natural controls they become invasive and change the local ecosystems, sometimes dramatically. The direct economic impact of aquatic invasive species, as well as the potential long term damage to the health of the local marine environment and the people who depend on that environment.

- (b) The current efforts rely on ballast water management (**BWM**) practices, including ballast exchange, and other measures aimed at preventing or minimizing the uptake and discharge of contaminated water or sediment when ballasting or deballasting.
- (c) The Department of Environment informed the Committee that invasive aquatic species present in the ballast water would be a major threat to marine ecosystems; shipping has been identified as a pathway for introducing these species into the environment.
- (d) Concern was raised in terms of ships taking on ballast water from infected areas like Asia or South America and pumping it out in different countries. It was felt that ships pumping ballast water outside the EEZ and then re-ballasting with water from inside the EEZ need to be monitored, but how it could be monitored was another matter.
- (e) The ratification and implementation of this text would help Fiji in protecting its marine ecosystem, because the country would have to ensure that ships that call into Fiji's ports have an on-board ballast water treatment system. Also, designated Fijian ports and terminals where cleaning or repair of ballast tanks occurs should have adequate facilities to receive sediments potentially harmful to the environment and the human health.
- (f) In 2004, the IMO adopted the International Convention for the Control and Management of Ship's Ballast Water and Sediments. The Convention calls for ships to conduct a ballast water exchange or to meet a concentration-based discharge standard in accordance with a gradually implemented schedule linked to the ship's date and the amount of ballast carried on board the ship.
- (g) IMO invited members of governments and observers to propose practical solutions to the challenges of the BWM Convention, in relation to some special types of ships, in particular seagoing unmanned barges, semisubmersible and heavy lift crane vessels.
- (h) The submission from the Fiji Ship Owners and Agents Association raised the issue for government to reconsider ratifying the

International Ballast Water Convention because there are still a lot of issues not being resolved yet.

## 2.3 CONVENTION ON CIVIL LIABILITY FOR BUNKER OIL POLLUTION DAMAGE 2001

This Convention was adopted on 23rd March 2001 and entered into force on 21 November 2008. This Convention ensures that adequate, prompt and effective compensation is available to persons who suffer damage caused by oil spills when carried as fuel in ship's bunkers. The purpose of this convention is that it applies to damage caused by oil spills from ships bunkers including any damage to the territorial sea and in exclusive economic zones (EEZ) of State parties.

This Convention is related to the NATPLAN. One of the main features of the NATPLAN is that it requires the Maritime Safety Authority of Fiji to commence cost-recovery actions against the polluter's representatives with the view to fully recover costs of response.

Fiji will only be able to fully utilize the compensation for pollution damage framework under the IMO Bunker Convention 2001, once it becomes a party to the Convention.

A key requirement of this Convention is the need for the registered owner of a vessel to maintain compulsory insurance cover.

The Convention requires ships over 1,000 gross tonnage to maintain insurance or other financial security to cover the liability of the owner for pollution damage in an amount equal to the limits of liability under the applicable national or international limitation regime but in all cases not exceeding an amount calculated in accordance with the Convention on Limited Liability for Maritime Claims 1976.

### 2.3.1 OBSERVATIONS

- a) Ships use three different types of oil, one is the normal diesel oil, the other is the light heavy fuel oil and the third one is the heavy fuel oil. The most detrimental of these is the heavy fuel oil which most vessels operate on. Should there be an oil spill, the State can claim compensation from the owners of these ships. If we ratify this Convention then our environment would be protected.
- b) The Committee noted that effective compensation was available to persons who suffered damage caused by oil spills when carried as fuel in ship bunkers. If there is a mishap by ships moving within our territorial waters or coming into our country, claims or damages

could be laid against ships carrying highly toxic chemicals into the marine environment given that oil is very detrimental to the environment.

- c) The ratification and implementation of this Convention would ensure that adequate, prompt, and effective compensation is available to persons who suffer damage caused by spills of oil, when carried as fuel in ships' bunkers. The Convention requires ships over 1,000 gross tonnage to maintain insurance or other financial security, such as the guarantee of a bank or similar financial institution, to cover the liability of the registered owner for pollution damage. The Convention includes the concept of direct action - allowing a claim for compensation for pollution damage to be brought directly against an insurer. By ratifying this treaty, Fiji will ensure that vessels flagged under it obtain the appropriate insurance cover so that damages may be claimed against insurers.
- d) When the Bunker Convention is in force and acceding to the Bunkers Convention will mean that Fiji will benefit from additional insurance from the Bunkers Convention in the event of a maritime incident from an International vessel. A classic example was the RENA incident in NZ, one of the learning experiences was that NZ weren't party to the Bunkers Convention and as such weren't eligible to additional insurance funding in excess to the ships' insurance.

#### 2.4 INTERNATIONAL CONVENTION ON THE CONTROL OF ANTIFOULING SYSTEMS ON SHIPS (AFS 2001)

This Convention was adopted on 5th October 2001 and entered into force on 17th September 2008 and prohibits the use of harmful organotins in antifouling paints used on ships and establishes a mechanism to prevent the potential use of other harmful substances in antifouling systems.

This convention is concerned on the control of harmful anti-fouling systems on ships. Parties to the Convention are required to prohibit and or restrict the use of harmful anti-fouling systems on ships flying their flag, as well as ships not entitled to fly their flag but which operate under their authority and all other ships that enter a port, shipyard or offshore terminal of a contracting party.

The Convention provides for the establishment of a "technical group" to include people with relevant expertise, to review proposals for other substances used in anti-fouling systems to be prohibited or restricted.

Article 6 regarding Process for Proposing Amendments to controls on Anti-fouling systems sets out how the evaluation of an anti-fouling system should

be carried out. The Convention requires that all shipping facilities including slipways, docks, ports, and ship buildings must have a waste management system to ensure that all waste removed from the underwater hull of a ship is not dumped into the sea. Furthermore, that all anti-fouling paint used on ships in Fiji is TBT free.

#### 2.4.1 OBSERVATIONS

- a) The Committee was informed that organotin-based products found in antifouling paints used on ships were also detrimental to marine life. Usually these paints are used at the bottom of ships to prevent sea life, such as algae and moss attaching to them, thereby slowing the ships and increasing the fuel consumption. The Department of Environment presented that the Antifouling Systems Convention was good because it does not allow ships to use organotin-based chemicals products.
- b) A representative of Goundar Shipping submitted that this Convention needed to be looked at carefully and be implemented as soon as possible. Concern was raised in terms of the quality of the antifouling paints. The Committee was informed that only two companies in Fiji imported the product but did not produce it locally. It was felt that there was a need for a Government authority to check that the imported anti-fouling products was correct and that it satisfied the data sheet requirements.
- c) A former Harbour Master submitted that this Convention should have been ratified a long time ago. He also mentioned that many ships had been repaired on our slipways (dry dock) and the antifouling paint used on the bottom of ships affected fish, coral and other creatures that live in our waters.
- d) The Convention talks about the control of these paints. In Fiji there is no monitoring system in place on antifouling. Legislations should be put in place in order to protect Fiji from Foreign ships that are coming into our ports. It also ensures that local operators follow suit.
- e) The Committee was informed that upon becoming party to this Convention, Fiji would have to ensure that ships entitled to fly its flag or operate under its authority are surveyed and certified in accordance with the Convention. The same inspection regime may also be extended to foreign ships that enter Fiji's ports, shipyards or offshore terminals.

## 2.5 PROTOCOL ON PREPAREDNESS, RESPONSE AND COOPERATION TO POLLUTION INCIDENTS BY HAZARDOUS AND NOXIOUS SUBSTANCES (OPRC – HNS PROTOCOL 2000)

This convention follows the principle of the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (OPRC) and was formally adopted by states already party to the OPRC Convention at a Diplomatic Conference held at IMO headquarters in London in March 2000.

The Protocol was adopted on 15th March 2000 and entered into force on 14th June 2007 and aims to provide a global framework for international cooperation in combating major incidents or threats of marine pollution. Parties to the HNS protocol will be required to establish measures for dealing with pollution incidents either nationally or in cooperation with other countries. Ships will be required to carry a shipboard pollution emergency plan to deal specifically with incidents involving HNS.

Fiji's maritime industry has evolved considerably since 1983. Ships navigating through Fiji Waters are becoming more sophisticated. There is also an increase in the volume of ships into and within Fiji waters. The cargo that traverse Fiji waters on board ships present a greater potential to threaten Fiji's fragile marine environment.

The OPRC-HNS Protocol ensures that ships carrying hazardous and noxious substances are covered by preparedness and response regimes similar to those already in existence for oil incidents.

For the purpose of the HNS Protocol, a Hazardous and Noxious Substance is defined as any substance other than oil which, if introduced into the marine environment is likely to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

### 2.5.1 OBSERVATIONS

- a) The Committee was informed by the Office of the Solicitor-General that Fiji is yet to ratify the OPRC convention which was the Principle Convention for this Protocol. Fiji would need to ratify the main Convention first before ratifying the Protocol. Article 13(1) of the Protocol states "Any State party to the OPRC Convention may become Party to this Protocol." Accordingly, Fiji may not become a party to the Protocol without first becoming a party to the OPRC Convention.
- b) The Department of Environment expressed the view that ratification would mean that Fiji can adopt the best practices for preparedness, prevention and response to oil and hazardous

substance issues. The protocol aims to establish national systems for preparedness and response, and provide a global framework for international cooperation in combating major incidents, or threats of marine pollution. Parties are required to establish measures for dealing with pollution incidents, either internationally or in cooperation with other countries. Ships will also be required to carry a ship-board-pollution emergency plan to deal specifically with incidents involving hazardous and noxious substances.

- c) The Committee was informed that MSAF had a small setup in terms of responding to pollution incidents and hazardous noxious substances but it was not enough to cover the main operating ports of Fiji, so the government needs to consider the matter carefully. This protocol was adopted as a subsidiary and complementary agreement to the *International Convention on Oil Pollution Preparedness, Response and Co-operation* 1990 (OPRC Convention), to which Fiji is not party. Article 13(1) of the Protocol states “Any State party to the OPRC Convention may become Party to this Protocol”. Accordingly, Fiji may not become a party to the protocol without first becoming a party to the OPRC Convention.

## 2.6 CONVENTION ON FACILITATION OF INTERNAL MARITIME TRAFFIC (FAL CONVENTION 1965)

The Convention was adopted on 9th April 1965 and entered into force on 5th March 1967. Its main objectives were to prevent unnecessary delays in maritime traffic, to aid cooperation between Governments and to secure the highest practicable degree of uniformity in formalities and other procedures. The Convention reduces the number of declarations which can be required by public authorities, in serving maritime traffic around the world.

This Convention aims to prevent unnecessary delays in maritime traffic especially for visiting vessel arriving in our ports and support closer cooperation between Governments to secure practicable degree of uniformity in formalities and procedures.

Since Fiji is heavily dependent on imports it is vital that maritime trade is given the highest priority for clearance which will benefit Fiji's economy. This calls for the reduction in the bureaucratic processes and documentation requirements when dealing with cargo and passengers in maritime traffic.

### 2.6.1 OBSERVATIONS

- a) The Department of Environment submitted that the documentation required by the Convention will allow easy tracking of boats that could be carrying a lot of harmful substances which could have a detrimental effect on the environment.
- b) The Committee was informed by the representative of Goundar Shipping that there was no control over international ships which plied our waters, used our navigational aids and pay nothing for it. Once the Convention was ratified, it would mean that all ship owners would have to comply with the laws implemented under the Convention.
- c) The Committee was also informed through a submitter that according to information published by the IMO, Fiji deposited its instrument of accession to this treaty on 29 November, 1972. The treaty entered into force for Fiji on 28 January, 1973 so Fiji has been a party to this treaty since then. It was mentioned that since this was the case, Fiji only needed to take the requisite steps to implement the FAL Convention.
- d) The submission from the Secretariat of the Pacific Community (SPC) concurs this treaty seeks to improve operational efficiency in maritime ports and therefore will contribute positively to trade facilitation and overall economic development. According to the information published by the IMO, Fiji deposited its instrument of accession to this Treaty on 29 November, 1972 and the Treaty entered into force for Fiji on 28<sup>th</sup> January, 1973 so Fiji has been a party to this treaty ever since. This being the case, Fiji only needs to take steps to implement the FAL Convention.

### 2.7 INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS (MARPOL 73/78)

This Convention is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. The MARPOL Convention was adopted on 2nd November 1973 at IMO. The Protocol of 1978 was adopted in response to a spate of tanker accidents in 1976-1977. As the 1973 MARPOL Convention had not yet entered into force, the 1978 MARPOL Protocol absorbed the parent Convention. The combined instrument entered into force on 2nd October 1983. In 1997, a Protocol was adopted to amend the Convention and a new Annex VI was added which entered into force on 19th May 2005. MARPOL has been updated by amendments through the years.

The Convention includes regulations aimed at preventing and minimizing pollution from ships and offshore installations, both accidental pollution as well as that from routine operations. Special areas of pollution especially with strict controls on operations discharges are also covered in the convention.

As previously stated, Fiji's maritime industry has evolved considerably since 1983. Ships navigating through Fiji Waters are becoming more sophisticated. There is also an increase in the volume of ships into Fiji waters and within Fiji waters bringing greater risks with them to Fiji's fragile marine and security environment.

This convention will ensure that Fiji Marine Environment and its marine resources is protected especially from discharge of ship-based harmful substances including waste oil, sewage, garbage, noxious liquids and ballast water. This convention requires Fiji to put in place a national strategy and plan to respond to any pollution of these.

#### 2.7.1 OBSERVATIONS

- a) The Department of Environment stated that acceding to this Convention would bind vessels that pollute our waters, be it through oil spills, garbage, sewage or GHG emissions. Concern was raised regarding the non-availability of discharge facilities at the wharf for bilge water, kitchen refuse and other waste from foreign ships. The Committee was informed that receptacles were available at the wharf for disposal of garbage from foreign ships coming into our port but there was a limited capacity. All waste is being disposed of at the Naboro Landfill.
- b) In terms of controlling pollution amongst vessels operating in the outer islands, the Committee was informed that all vessels were required to carry three bins which were specifically for bottles, plastics and food refuse. A representative of Goundar Shipping was of the view that the best solution for controlling pollution was by educating people through an intensive and sustained campaign - to place any rubbish into the proper bins instead of throwing it wherever they pleased.
- c) It was noted that every ship entering our ports was required to record waste: how much food they used, how much was leftover, how much oil was used and whether it was for running the main engines for lubrication. Everything is recorded and needs to be checked by experienced surveyors who know what they are looking for, because the crew on the ships knew how to go about hiding things.
- d) Question was raised in terms of a daily reporting mechanism where vessels can report to Government agencies on issues relating to pollution. The Committee was informed that each vessel had an RT on board and

captains were constantly reminded and instructed to report on anything happening out at sea to the operation room, whether it is a ship that has run aground, a lighthouse not working or anything unusual.

- e) Convention and its annexes have been ratified by more than 150 States and apply to 99% of world's merchant tonnage. Ships flagged under countries that are signatories to MARPOL convention are subject to its requirements, regardless of where they sail. If Fiji chooses to ratify this treaty, it will have to enforce the requirements of the treaty on Fiji-flagged vessels of suitable size. As well, Fiji may be able to conduct its own examination to verify a visiting ship's compliance with the requirements of the MARPOL convention and may detain it if it finds significant noncompliance.
- f) The Committee notes that the greater share of pollution of our maritime areas comes from shore or land based pollution and that it would be futile to regulate marine based pollution only as required by the convention without collateral regulation of shore or land based pollution.
- g) In that regard, the scope of the environmental levy should be clarified and/or expanded. Furthermore, a similar annual minimal levy should be considered for each employee (or household?) could be considered for land or shore based pollution.
- h) The Committee therefore urges Parliament to consider the overhaul of the regulatory framework to tie up laws dealing with both offshore and land or shore based pollution under an expanded secretariat, preferably a full ministry of the environment.
- i) Furthermore that the Fiji Navy and Fiji Police be given the appropriate budget to have a part in monitoring, investigation and arrest of any person or corporation who pollutes the environment.
- j) Any new secretariat or ministry of the environment will also require the appropriate budget for a very efficient monitoring, investigation and prosecution unit with appropriately trained lawyers.
- k) If Fiji chooses to ratify this treaty, it will have to enforce the requirements of the treaty on Fiji-flagged vessels of suitable size. As well, Fiji may be able to conduct its own examination to verify a visiting ship's compliance with the requirements of the MARPOL Convention and may detain it if it finds significant noncompliance.

## 2.8 GENERAL OBSERVATIONS

2.8.1 The Committee noted from the submissions received that there was a general consensus for the ratification of the Conventions by Fiji.

2.8.2 However, the Committee also observed some reservation from the Fiji Shipowners and Agents Association for government to reconsider the ratification of the International Convention for the Control and Management of Ship's Ballast Water and Sediments as there were a few technical aspects of ballast water management within different ports which needed to be clarified before ratification.

2.8.3 The SPC was of the opinion that the maritime regulatory framework in Fiji would be enhanced and strengthened; should Fiji consider ratifying or acceding to several treaties which are currently being scrutinised by the committee. To this end, SPC recommended the following treaties as being worthy of consideration for possible ratification by the Parliament of the Republic of Fiji:

- i) MARPOL Convention 73/78,
- ii) BUNKER convention 2001,
- iii) AFS convention 2001,
- iv) IMSO Convention 1976,
- v) Salvage Convention 1989, and
- vi) BWM convention 2004.

2.8.4 The SPC further recommended to the Committee that the SAR Convention 1979 was also worthy of consideration for accession by the Parliament of the Republic of Fiji.

The Ministry of Defence, National Security and Immigration also recommended that the Search and Rescue Convention be considered by Government for ratification since this is their area of operations.

The partnership between TELECOM and Fiji Navy be reignited in terms of satellite communications and this will be very helpful in times of natural disasters when other form of mobile communication failed.

2.8.5 WWF recommended that the International Maritime Organisation Conventions under consideration should be viewed through the lens of environmental protection, culture and heritage and by virtue of this, the significance to Fiji is amplified, given connection to sustainable tourism development, sustainable fisheries and sustenance, and alternative livelihoods. Given the socio economic value of the sea to our people and its potential for livelihood, tourism and future benefits, the IMO Conventions under scrutiny are critical to Fiji and its future.

2.8.6 Observations were made by the Yavusa Navakavu, which consists of seven mataqali and four villages on the effect of environmental pollution in the area, and resulted in the decreased number of sea food delicacies and depletion of fish stocks, as the corals and mangroves have been killed by chemicals and garbage that pollute the environment. Wastes from the Lami industrial area, Suvavou and even as far as the Vatuwaqa river all flowing down and clogged the area. Previous governments have been approached, as well as the Roko, unfortunately nothing was done. Their fishing ground (qoliqoli) is their livelihood – they eat from it and, proceeds from the sale of sea food pays for their children’s education, and Government is requested to assist them in this regard.

### 3.0 ISSUES OF CONCERN

#### 3.1 POLLUTION

The Committee noted the concern raised by Mr Asekaia Belawa on behalf of the *Yavusa* of Navakavu in Waiqanake Village. He mentioned that their *iqoliqoli* area was heavily polluted as a result of oil spills and derelict vessels which were abandoned within the maritime environment surrounding the Suva Peninsula. Coral, sea shells and most of the fish species had died and what was once a source of income for the villagers was no more. The Committee was invited to visit Waiqanake Village to witness for themselves the effects of pollution upon the surrounding maritime environment. During this visit, the Committee witnessed sea urchins and seashells covered with oil and the scarcity of fish within the *qoliqoli* area. They also noted the amount of waste that had drifted and settled along the village foreshore and seabed during low tide. The Committee was also informed that turtles used to lay their eggs along the foreshore but because of the effects of pollution, the turtles had found other locations for breeding.

#### 3.2 TELECOMMUNICATIONS

The Standing Committee noted that Fiji was not a signatory to the Convention, which made it difficult for Fiji to be part of the committee which actually decided on the technology to be used. Fiji is not under INMARSAT because the areas are covered under radio telephone (RT) and mobile so the compulsion of Fiji to have INMARSAT is not required. Life-rafts installed on board have an automatic beacon system which, when launched, ignites a satellite beacon which is picked up by other stations around Fiji and a rescue operation can be conducted to identify the exact position of distress.

The Committee felt it was important to point out that the partnership with Telecom Fiji needs to be maintained to enable communication with rural areas. It was noted that some remote villages had satellite radio telephones in place but it was not connected. If Digicel or Vodafone transmitters were unable to transmit, communication could still be carried out through the satellite telephones. It was therefore important to repair all satellite telephone communication equipment in the rural and outer islands, even if they were not being used because it would be the only communication link available if a cyclone, et cetera, does occur. The system would not be very expensive to maintain as it would be operated by solar battery with telephone lines.

Establishing INMARSAT in Fiji, would basically mean that all vessels come under SOLAS (Safety of Life at Sea), and they would have to install all electronic equipment specifically designated for INMARSAT, but the only barrier to that is cost of installing INMARSAT on our ships.

The Committee is of the view that it is important to point out that the partnership of the government with Telecom, Fiji needs to be maintained to enable sufficient basic communication services in and with rural areas. It was noted that some remote villages had satellite radio telephones in place but it was not connected. If Digicel or Vodafone transmitters were unable to transmit, communication could still be carried out through the satellite telephones. It is therefore important to repair all satellite telephone communication equipment in the rural and outer islands, even if they are being used because it would be the only communication link available if a cyclone or any other disaster occurs. The system is not expensive to maintain as it would be operated by solar battery with telephone lines.

### 3.3 ENVIRONMENTAL LEVY

The Committee was informed that all ships/vessels berthing at our ports paid an environmental levy to the Maritime Safety Authority of Fiji on an annual basis. The environmental levy was collected to assist in the cleanup operation/s if there was any oil spill. It is unclear if the levy could be used for the clean-up operation/s for other forms of pollution on our foreshore or the ports. The Committee is concerned that even though this levy was and is being collected, it was not known how these funds are used. Several incidents affecting the marine environment had occurred but the levy was not used. The Acting Director of MSAF submitted the criteria at law for the use of the levy. However, the decree was unclear on the clean-up of pollution other than oil spills. The Committee strongly recommends that this levy be used to also clean up other marine pollution including the removal of derelict ships and other wreckage within our maritime environment.

### 3.4 SURVEILLANCE AND ENFORCEMENT

As a issue of concern, the enforcement of laws and regulations that deals with environment. The Ministry responsible for border security and EEZ surveillance to develop a partnership agreement with USP to develop an Unmanned Aerial System (UAS) or drone system as a solution.

The CEO of Fiji Ports Corporation Limited is powerless, he has no authority to prosecute people.

### 3.5 GENDER ANALYSIS

Under SO 110(2), where a committee conducts an activity listed in clause (1), the committee shall ensure full consideration will be given to the principle of gender equality so as to ensure all matters are considered with regard to the impact and benefit on both men and women equally.

The Committee considered a range of issues including whether ratification would have equitable benefits for women and men, and whether they had the same opportunities in respect of being able to find employment in a male-dominated sector. The Committee noted the vast interest undertaken by women to join the shipping industry, either as training cadets in the School of Maritime or as officers on board ships, be they local or overseas.

The Committee is satisfied that the matters considered in this report, namely the ratification of the IMO Conventions, impacts on women and men equally and as such, ratification of the Conventions will assist in upholding the rights of all Fijians.

The general make up in the Maritime Industry on board ships are:

The general make up in the Maritime Industry on board ships are:

Local	-	Officers	-	240
		Crew	-	550
		Catering	-	250
Foreign	-	Senior Officers	-	50
		Junior Officers	-	50
		Crew	-	250
Fishing Vessels	-			400
Female	-	Officers	-	10
		Lecturers	-	2
		Masters	-	2
		Engineer	-	1
		Crew (Hospitality)		130

### **3.6 CONSIDERATION OF CONVENTIONS ARTICLE BY ARTICLE**

The Committee considered the eight Conventions Article by Article and unanimously agreed that all the Conventions be ratified.

### 3.7 CONCLUSION

The Standing Committee of Foreign Affairs and Defence (SCFAD) were mandated to examine the eight (8) Maritime Conventions which was tabled by the Hon. Minister of Foreign Affairs on the July Parliament sitting. The parliament Secretariat published advertisement in the local newspaper and also posted in the Fiji parliament website for public submissions. Section 110(1)(e) of the Parliament Standing Order (SO) authorizes the Standing Committee to review International treaties and conventions ratified by government and monitor their implementation.

The submissions that were made to the SCFAD for the eight (8) Maritime Conventions were fully supported for ratification by majority of the stakeholders who made their submissions.

The Solicitor General's office had raised the issue on the OPRC – HNS Protocol 2000 that Fiji may not become a party to the protocol without first becoming a party to the OPRC Convention and this was fully supported by the submission made by the Secretariat of the Pacific Community (SPC).

The SPC had confirmed that Fiji has deposited its instrument of accession to this treaty on 29<sup>th</sup> November, 1972 and the Treaty entered into force for Fiji on 28<sup>th</sup> so Fiji has been party to this treaty ever since.

The Fiji Ship Owners & Agents Association representatives raised the issue for the International Ballast Water Convention should be definitely reconsidered because of the many issues yet to be resolved. They have suggested clarifying the issue at IMO MEPC before going ahead with the International ratification.

The SCFAD has assembled one recommendation as the result of the overall public submissions made to the committee. The SCFAD's term of reference was primarily to examine the eight (8) Maritime Conventions and recommend the likely one for ratification.

There were many other relevant side issues raised during the submissions mostly to do with environment. The Navakavu Qoliqoli (Fishing ground) Committee raised the issue of the damage caused by sea pollution on their fishing ground thus affecting their livelihood and the removal of rubbish and garbage from their foreshore is a daily activity. The Fiji Ports Corporation Limited has also raised the issue of the removal of derelicts from the Suva harbor will be a very costly exercise.

The University of the South Pacific (USP) was responding to the issue of **“enforcement as one of main challenge”** discussed during the submission sessions. They made a written submission to the SCFAD raising their concern and recommending an amicable solution to the issue.

The Telecom Fiji Limited (TFL) has raised the issue of redeeming the government partnership that was severed in 2005. TFL is well established in its satellite communication program. In time of disaster mobile towers and program will be affected but for TFL satellite program is well grounded and designed to withstand natural disasters.

It is very encouraging to see the Public sectors and Private sectors and interested parties coming forward to present their submissions to the SCFAD.