

Questionnaire for Governments

Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes (SR on toxics and human rights)

“Impact analysis of the International Maritime Organization (IMO)”

Introduction

It is estimated that shipping transports carries about 90% of global trade. Its environmental impact includes air pollution, water pollution, as well as acoustic and oil pollution. Marine transportation drives international trade, moving over 10 billion tons of cargo and billions of dollars' worth of goods around the globe annually.¹ Although the international shipping industry helps fuel economic development, this massive volume of global marine transportation is also associated with negative environmental and social impacts including air pollution; greenhouse gas emissions; releases of contaminated ballast water; oil and chemical spills; dry bulk cargo releases; solid waste and wastewater; and contamination resulting from ship recycling activities.

The International Maritime Organization (IMO) is "the specialized UN agency with responsibility for maritime safety and security of shipping and prevention of marine and atmospheric pollution by ships. As a specialized agency of the United Nations, IMO is the global standard-setting authority for the safety, security and environmental performance of international shipping. Its main role is to create a regulatory framework for the shipping industry that is fair and effective, universally adopted and universally implemented."

The IMO also has responsibilities to implement key international marine anti-pollution conventions. Among others: the International Convention for the Prevention of Pollution from Ships (MARPOL); the International Convention for the Safety of Life at Sea (SOLAS); the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships (Hong Kong Recycling Convention); the International Convention on the Control of Harmful Anti-fouling Systems on Ships (AFS); the International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention) and ballast water management system (BWMS); the International Convention on Civil Liability for Oil Pollution Damage and the Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (Civil Liability and Fund Conventions for Oil Pollution); and the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (Dumping Convention).

¹ Asariotis, R., Benamara, H., Hoffmann, J., Premti, A., Valentine, V., & Youssef, F. (2016). Review of Maritime Transport, 2016. Retrieved from: [http:// unctad.org/en/PublicationsLibrary/rmt2016_en.pdf](http://unctad.org/en/PublicationsLibrary/rmt2016_en.pdf)

Background Information

The Special Rapporteur on toxics and human rights, Marcos Orellana, is an independent expert appointed by the UN Human Rights Council to assess the situation of human rights within the context of hazardous substances and wastes. The Special Rapporteur decided to focus one of his upcoming reports to the Human Rights Council on the International Maritime Organization (IMO), with a view to providing an impact analysis on the institution.

As per the introductory letter, the Special Rapporteur would like to invite all governments to respond to the questionnaire below. The information received through the questionnaire annexed to this note will be used by the Special Rapporteur to inform his report to the Human Rights Council.

The questionnaire will allow the Special Rapporteur to analyze the work of the IMO on questions relating to the toxics and human rights mandate from a government's perspective. It will help to identify good practices, as well as areas that need improvement, in relation to which the mandate holder would seek to make constructive and concrete recommendations. The outcome of the mandate's analyses will be included in relevant mandate's reports.

Questionnaire

While all submissions are welcome, and the questions below are by no means exhaustive, the Special Rapporteur would be grateful for all information provided by responding to the questionnaire below:

1. What are the 3-5 main issues concerning protection of human health and the environment that the IMO should strengthen?
2. What is the status of implementation of the IMO Conventions by your Government? What is the status of implementation of IMO international regulations, global standards, conventions and codes (including the IMDG Code to regulate the transportation of hazardous materials) related to the carriage of dangerous goods and pollution in your country?
3. In your experience, what, which are the main obstacles towards the ratification and implementation of IMO conventions, including the Fund Convention and Bunkers Convention, as amended, relating to oil pollution damage?
4. What kind of support, including trainings, capacity building and technical cooperation, do you receive from the IMO in order to improve such implementation?
5. What measures has your country taken to address the risks posed by heavy fuel oil (HFO)?
6. What challenges has your country faced in implementing the recommendations of the IMO's Audit Scheme?
7. How could the transparency of the IMO be further enhanced?
8. What measures has your country taken to address fraudulent registries of vessels?
9. How could access to IMO instruments and official documents be enhanced free of cost, such as access to the IMDG Code?
10. How could the effectiveness of IMO instruments be further enhanced? In this regard, how could capacity building further be strengthened to enhance effectiveness of IMO instruments?
11. How could the IMO make further progress to reduce emissions of greenhouse gases from vessels and contribute to the Paris Agreement on Climate Change's objectives? Which measures and good practices have been implemented by your country to reduce air

pollution associated with marine shipping and to regulate greenhouse gas emissions from international shipping?

12. What has been your country's experience with traffic lanes and routes, emission control areas, and particularly sensitive sea areas?
13. Which good practices, protocols and security measures have been implemented with regard to the carriage of hazardous materials? Which measures, protocols and good practices have been implemented to end the occurrence of accidental spills, including oil spills, Hazardous and Noxious Substance (HNS) spills, spills associated with these non-hazardous cargoes, and to mitigate their impacts in case an accident occurs? Can you indicate any example of remedies or compensation provided to victims of accidental spills?
14. Which standards and security measures have you implemented in order to ensure sustainable ship recycling across the board? Do you have any experience in addressing the practice of beaching of vessels for shipbreaking?
15. What remedies are available to persons in your country for pollution damages related to shipping? What obstacles do persons in your country face in accessing effective remedies for pollution related to shipping?
16. Which kind of protocols and good practices concerning maritime security measures, including with regard to ship and port facilities, have been put in place by your Excellency's Government?
17. Which kind of good practices and protocols concerning health and security on ships have been implemented in your country?
18. Which measures and good practices have been implemented by your Government in the security communication field?
19. Can you provide any example of good practices which aim to ensure participation of civil society, including of indigenous communities and vulnerable categories, within the context of the consultation process with IMO bodies?
20. What are the main contributions of the IMO to the effective enjoyment of human rights in the context of shipping and hazardous substances and wastes?
21. Do you discuss human rights relating to shipping with the IMO or with other countries relating to the IMO?
23. Please provide any further information that you consider relevant for the purposes of this questionnaire.
