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Government of the People's Republic of Bangladesh
Ministry of Shipping
Bangladesh Secretariat
Dhaka.

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Notification

Sub: STRATEGY FOR IMPLEMENTATION OF MARITIME AND SHIPPING RELATED INTERNATIONAL INSTRUMENTS BY BANGLADESH 2017-2022

Vision Statement

Bangladesh will strive to become a recognized maritime nation that gives full and complete effect to the provisions of all applicable international maritime related treaties to which it is a party. In doing so, the State shall maintain a proactive maritime administration ensuring that all laws, regulations and recommendations are implemented and enforced, thus guaranteeing that member state, flag state, port state and coastal state obligations are fully observed without fail.

GENERAL

Objective:

Bangladesh shall have a dynamic maritime administration capable of ensuring full compliance with all its obligations and responsibilities emanating from the mandatory IMO/ILO or other International instruments to which it is party.

Undertaking:

To achieve this within the defined time frame, the Ministry of Shipping have established an inter-ministerial committee (To be named as Ministerial Committee on Maritime Affairs (MCMA)) comprising of all ministries, divisions and departments with responsibility for aspect of maritime and shipping related activities. Representatives of the committee members shall be responsible for coordinating maritime and shipping related activities within different ministries, divisions, departments and offices. Members of the committee representing a ministry, division, department and office shall be the focal point for that organization and coordinate maritime activities within the organization. The committee may be revised if deemed necessary.

For this purpose the Ministry of Shipping shall act as the coordinating, sponsoring and responsible Ministry; and the Department of Shipping shall act as the Focal point and executing agency for all maritime and shipping related activities.

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EVALUATION, REVIEW AND WAY FORWARD

Structure of the Maritime Administration:

1. The Department of Shipping shall act as the Maritime Administration of Bangladesh. All ministries/divisions/departments/offices involved in maritime and shipping activities are identified and their relationships are shown in the functional organogram as attached in the Annexure-1.
2. The Department of Shipping shall conclude Memorandum of Undertaking (MoU) with other related ministries/divisions/departments/offices for performance of the functions and responsibilities not under the Department of Shipping for effective execution of all maritime and shipping related activities including implementation of the mandatory IMO/ILO or other International instruments.
3. The MCMA shall evaluate the existing division of responsibilities among ministries/divisions/departments/offices and, through a recognized methodology, determine the effectiveness of the existing structure.
4. The Ministry of Shipping shall ensure that appropriately qualified manpower and other adequate resources of the Department of Shipping and other organizations under the Ministry of Shipping are provided for effective execution of all maritime and shipping related activities including implementation of the mandatory IMO/ILO or other International instruments.
5. Other relevant ministries/divisions/departments/offices with responsibility for aspect of maritime and shipping related activities shall ensure that appropriately qualified manpower and other adequate resources are provided for effective execution of their respective maritime and shipping related activities

Regulatory framework:

1. The Department of Shipping will undertake to fully identify all legislative/parliamentary acts adapted relating to primary legislation ratifying the various mandatory IMO/ILO or other international instruments including all related subsidiary legislation, regulations, orders and other regulatory issuances.
2. If needed, the Department of Shipping will prepare a comprehensive maritime code consolidating all existing legislation, regulations, orders and other regulatory issuances or update/review existing primary and secondary legislation or enact new primary and secondary legislation or any other legislative requirements.
3. The NCMA will review and identify any gaps within the regulatory framework and recommend necessary measures.
4. The NCMA will monitor and assess the effectiveness of the strategy in implementing and enforcing mandatory international instruments and national legislation.
5. The NCMA will review the strategy periodically to achieve, maintain and improve the overall organizational performance and capability as a member state, flag state, port state and coastal State.



OVERALL STRATEGY

The International Maritime Organization (IMO), the specialized agency of the United Nations, in accordance with the **IMO INSTRUMENTS IMPLEMENTATION CODE (III CODE)**, recommends member countries to designate their strategies on the provision of international maritime safety and protection of marine environment in compliance with the objectives and policies of IMO.

It is necessary to take effective and productive actions on IMO practices with the aim of providing maritime safety and security, preventing pollution generated by the vessels and simplifying marine trade within the scope of obligations and responsibilities of Bangladesh as a member state, flag state, coastal state and port state.

In this context, National strategies of Bangladesh relating to the safety and security of life and property at sea, provisions of navigational safety and prevention against ship generated pollution; and Seafarers rights, employment/living conditions and welfare are as follows:

1. Effective implementation of internationally binding rules introduced by IMO/ILO or other UN bodies, pertaining to but not limited to:
 - a. safety of life at sea;
 - b. prevention of pollution from ships;
 - c. standards of training, certification and watchkeeping for seafarers;
 - d. load lines;
 - e. tonnage measurement of ships;
 - f. regulations for preventing collisions at sea; and
 - g. Seafarers rights, employment/living conditions and welfare
2. Effective monitoring of IMO/ILO or other UN bodies guidelines and recommendations; implementation of those guidelines and recommendations that have been considered useful for Bangladesh to the domestic legislation and implementation thereof in accordance with the requirements of our country.
3. Establishing a strong cooperation between the related institutions, acting in an active and effective manner in terms of all kinds of IMO/ILO or other UN body's activities.
4. Continuous evaluation and measurement on executive performance and implementation capacity of Bangladesh in terms of IMO/ILO or other UN body's practices, taking corrective and performance enhancing precautions to sustain development.
5. Taking measures to prevent reduce and control pollution of the marine environment; avoiding transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another.

National objectives of Bangladesh in order to accomplish our IMO/ILO or other UN body's strategy are as follows:

1. To fully comply with IMO practices with the aim of executing the motto "**Safe, secure and efficient shipping on clean oceans.**"
2. To develop policies, legislation, associated rules and regulations and administrative procedures for the implementation and enforcement of obligations and responsibilities of Bangladesh, considering and addressing following areas;
 - 2.1. jurisdiction;
 - 2.2. organization and authority;
 - 2.3. legislation, rules and regulations;
 - 2.4. promulgation of the applicable international mandatory instruments, rules and regulations;
 - 2.5. enforcement arrangements;
 - 2.6. control, survey, inspection, audit, verification, approval and certification functions;
 - 2.7. selection, recognition, authorization, empowerment and monitoring of recognized organizations, as appropriate, and of nominated surveyors;
 - 2.8. investigations required to be reported to the Organization; and
 - 2.9. reporting to the Organization and other Administrations.

To ensure to participate in the IMO/ILO or other UN body's conventions and other binding rules that Bangladesh has not participated in yet and are deemed appropriate to participate in the shortest term possible.

3. To complete the process of being a part to the binding rules those are newly adopted by IMO/ILO or other UN bodies within two years from the adoption date of the rules.
4. To include the amendments in all IMO/ILO or other UN bodies conventions in which we have been a party within the framework of our country's interests before mandatory implementation of the rules starts.
5. To take necessary precautions to ensure the implementation of international legislation, to create and implement sanctions, to develop sub legislation.
6. To provide information, reports and notifications effectively and systematically on time to be presented to IMO/ILO or other UN bodies within the scope of the obligations and responsibilities emerging from IMO/ILO or other UN bodies Conventions.
7. To determine the practices on the issues that are left to the authority of administration by ensuring complete, effective and productive audits, to adopt and implement international common commentaries for audits, to put all up-to-date control lists, guidelines, instructions and forms into the service of all experts.
8. To review current IMO/ILO or other UN bodies recommendations and guidelines and include those which are deemed appropriate in the domestic legislation within a short time.
9. To take necessary actions by monitoring IMO/ILO or other UN body's guidelines and recommendations which are newly adopted by IMO/ILO or other UN bodies beginning from the preparation process and to include those guidelines and recommendations deemed appropriate in the domestic legislation by making necessary evaluations as soon as possible.

10. To provide access to all IMO/ILO or other UN bodies conventions and rules that are included in the domestic law clearly and in an up-to-date form for Bangladesh marine sector and its users including strategy.
11. To participate in the works and decision-making process of IMO/ILO or other UN bodies, to create and implement a systematic and active structure in IMO/ILO or other UN bodies in order to protect the interests of Bangladesh.
12. To establish coordination among all institutions and organizations which carry out activities about IMO/ILO or other UN bodies, to create and activate a systematic structure in order to discuss all issues regarding IMO/ILO or other UN bodies which requires negotiation and consensus between institutions and organizations in accordance with each other and in a regular basis.
13. To establish and maintain records to provide evidence of conformity to requirements and of the effective operation of the state through a documented procedure.
14. To continually improve the adequacy of the measures giving effect to mandatory conventions and protocols through rigorous and effective application and enforcement of national legislation, and monitoring of compliance.
15. To identify and eliminate the cause of any non-conformities in order to prevent recurrence and to eliminate the causes of potential non-conformities in order to prevent their occurrence.
16. To establish a performance enhancing system in order to evaluate and measure executive performance and implementation capacity for IMO/ILO or other UN bodies related issues continuously, to determine and update performance criteria, to provide information to the senior management in line with the data in a regular basis, to ensure that corrective and performance enhancing precautions for sustaining development are being taken effectively.

FLAG STATE ACTIVITIES

1. To implement policies through issuing national legislation and guidance for the implementation and enforcement of the requirements of all safety and pollution prevention international instruments in order to effectively discharge flag State responsibilities and obligations including assigning responsibilities within the Maritime Administrations to update and revise any relevant policies adopted.
 2. Establish resources and processes capable of administering a safety and environmental protection programme, consisting of but not limited to following:
 - 2.1. Administrative instructions to implement applicable international instruments as well as developing and disseminating any interpretative national regulations including certificates to demonstrate compliance with structural, mechanical, electrical, and/or other requirements of an international instrument or national regulations;
 - 2.2. Compliance with the requirements of the applicable international instruments, using an independent audit and inspection programme;
 - 2.3. Compliance with the requirements related to international standards of training, certification and watchkeeping of seafarers;
 - 2.4. Conduct of investigations into casualties;
 - 2.5. Development, documentation and provision of guidance concerning those requirements found in the relevant international instruments that are to the satisfaction of the Administration.
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3. To implement and enforce the principles, obligations and rights in accordance with laws or regulations or other measures to fulfill commitments under Maritime Labour Convention (MLC) with respect to ships and seafarers under Bangladesh jurisdiction.
4. Ensure that Bangladesh flag ships are sufficiently and efficiently manned.
5. Delegation of authority to Recognized Organizations are regulated in accordance with the applicable requirements of the international mandatory instruments to:
 - 5.1. Determine that the recognized organization has adequate resources in terms of technical, managerial and research capabilities to accomplish the tasks being assigned;
 - 5.2. Have a formal written agreement between the Administration and the recognized organization;
 - 5.3. Issue specific instructions detailing actions to be followed in the event that a ship is found unfit to proceed to sea without danger to the ship or persons on board, or is found to present an unreasonable threat of harm to the marine environment;
 - 5.4. Provide the recognized organization with all appropriate instruments of national law and interpretations thereof giving effect to the provisions of the conventions;
 - 5.5. Require that the recognized organization maintain records
6. Establish or participate in an oversight programme with adequate resources for monitoring of, and communication with recognized organization(s) in order to ensure that international obligations are fully met, by:
 - 6.1. Exercising authority to conduct supplementary surveys to ensure that Bangladesh flag ships effectively comply with the requirements of the applicable international instruments or comply with national requirements supplementing the international mandatory requirements;
 - 6.2. Providing staff who have a good knowledge of the rules and regulations of the flag State and those of the recognized organizations and who are available to carry out effective oversight of the recognized organizations.
7. Take all necessary enforcement measures to secure observance of international rules and standards by ships entitled to fly Bangladesh flag and by entities and persons under Bangladesh jurisdiction so as to ensure compliance with international obligations.
8. Develop and implement a control and monitoring programme in order to provide for:
 - 8.1. Prompt and thorough casualty investigations, with reporting to the Organization;
 - 8.2. Collection of statistical data, so that trend analyses can be conducted to identify problem areas; and
 - 8.3. Timely response to deficiencies and alleged pollution incidents reported by port or coastal States.
9. In addition Maritime Administration shall:
 - 9.1. Ensure compliance with the applicable international instruments through national legislation; Provide an appropriate number of qualified personnel to implement and enforce the national legislation including personnel for performing investigations and surveys;
 - 9.2. Provide a sufficient number of qualified flag State personnel to investigate incidents where ships entitled to fly Bangladesh flag have been detained by port States;
 - 9.3. Provide a sufficient number of qualified flag State personnel to investigate incidents where the validity of a certificate or endorsement or of the competence of individuals holding certificates or endorsements issued under the authority of Bangladesh are questioned by port States; and
 - 9.4. Ensure the training and oversight of the activities of flag State surveyors and investigators.



10. When a Bangladesh flag ship is detained by a port State, the Maritime Administration shall oversee that appropriate corrective measures are taken to bring the ship in question into immediate compliance with the applicable international instruments.
11. The Maritime Administration or Recognized Organization shall only issue or endorse an international certificate to a ship after it has determined that the ship meets all applicable requirements.
12. The Maritime Administration shall only issue an international certificate of competency or endorsement to a person who meets all applicable requirements.
13. The Maritime Administration shall define and document the responsibilities, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention.
14. Personnel responsible for, or performing surveys, inspections and audits on ships and companies covered by the relevant international mandatory instruments shall have appropriate qualifications or degree or equivalent from a marine or nautical institution and relevant seagoing experience as a certificated ship's officer holding or having held a valid management level certificate of competency or accreditation as a surveyor through a formalized training programme and shall have at least three years sea service or relevant experience.
15. In addition, such personnel shall have appropriate practical and theoretical knowledge of ships, their operation and the provisions of the relevant national and international instruments necessary to perform their duties as flag State surveyors obtained through documented training programmes. Other personnel assisting in the performance of such work shall have education, training and supervision commensurate with the tasks they are authorized to perform.
16. The Maritime Administration shall implement a documented system for qualification of personnel and continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake. These shall encompass related topics and areas depending on the functions to be performed.
17. The Maritime Administration shall issue an identification document for the surveyor to carry when performing his/her tasks.
18. Marine safety investigations shall be conducted by impartial and objective investigators, who are suitably qualified and knowledgeable in matters relating to the casualty.
19. Any accident involving personal injury necessitating absence from duty of three days or more and any deaths resulting from occupational accidents and casualties to Bangladesh flag ships shall be investigated, and the results of such investigations made public.
20. Ship casualties shall be investigated and reported in accordance with the relevant international instruments, taking into account the Casualty Investigation Code.
21. The Maritime Administration shall, on a periodic basis, evaluate its performance with respect to the implementation of administrative processes, procedures and resources necessary to meet its obligations as required by the international instruments.
22. Measures to evaluate the performance of flag States shall include, inter alia, port State control detention rates, flag State inspection results, casualty statistics, communication and information processes, annual loss statistics (excluding constructive total losses (CTLs)) and other performance indicators as may be appropriate, in order to determine whether staffing, resources and administrative procedures are adequate to meet its flag State obligations.



COASTAL STATE ACTIVITIES:

1. Bangladesh is having certain rights and obligations as a Coastal State under various international instruments.
2. In order to effectively meet obligations, as a coastal State shall implement policies through issuing national legislation and guidance, which will assist in the implementation and enforcement of the requirements of all applicable safety and pollution prevention conventions and protocols including assigning responsibilities to update and revise any relevant policies adopted.
3. Ensure that legislation, guidance and procedures are established for the consistent implementation and verification of rights, obligations and responsibilities contained in the relevant international instruments.
4. Take all necessary enforcement measures to ensure observance of international rules when exercising rights and fulfilling obligations.
5. Develop and implement appropriate control and monitoring programme in order to:
 - 5.1. Provide for the allocation of statistical data so that trend analyses can be conducted to identify problem areas;
 - 5.2. Establish mechanisms for timely response to pollution incidents in Bangladesh waters; and
 - 5.3. Cooperate with flag States and/or port States in investigations of maritime casualties.
6. Periodically evaluate performance in respect of exercising rights and meeting obligations under the applicable international instruments.

PORT STATE ACTIVITIES:

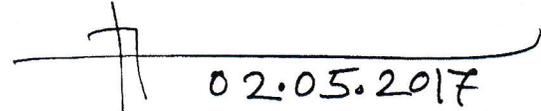
1. Bangladesh is having certain rights and obligations as a Port State under various international instruments.
2. In order to effectively meet obligations, as a Port State shall implement policies through issuing national legislation and guidance, which will assist in the implementation and enforcement of the requirements of all applicable safety and pollution prevention conventions and protocols including assigning responsibilities to update and revise any relevant policies adopted.
3. Ensure that legislation, guidance and procedures are established for the consistent implementation and verification of rights, obligations and responsibilities such as reception facilities, port state control inspection and register of fuel oil suppliers etc contained in the relevant international instruments.
4. Take all necessary enforcement measures to ensure observance of international rules when exercising rights and fulfilling obligations.
5. Several international maritime instruments contain specific provisions that permit port State control. The Maritime Administration shall establish processes to administer a port State control programme consistent with the relevant international instrument, treating non-parties to those instruments no more favourably than those that are parties.
6. Port State control shall be carried out only by authorized and qualified port State control officers in accordance with the relevant procedures of IMO.
7. Port State control officers and persons assisting them shall be free from any commercial, financial, and other pressures and have no commercial interest, either in the port of inspection or in the ships inspected, in ship repair facilities or in any support services in the port or elsewhere, nor shall the port State control officers be employed by or undertake work on behalf of recognized organizations or classification societies.

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8. Periodically evaluate performance in respect of exercising rights and meeting obligations under the applicable international instruments.

Within this scope, participation in the International Maritime Organization's Member State Audit Scheme (IMSAS) is approved in order to ensure compliance with the **IMO INSTRUMENTS IMPLEMENTATION CODE (III CODE)**. Ministries, divisions, departments and offices involved in maritime and shipping related international obligations and national responsibilities are required to act duly in order to take necessary precautions to make them ready for international monitoring within the coordination of the Department of Shipping.

By the Order of the President,



S. M. Shah Habibur Rahman Hakim
Deputy Secretary
Phone: 9550786

Copy forwarded for kind information and necessary action to (not according to seniority):

1. Secretary, Ministry of Foreign Affairs, Segunbagicha, Dhaka.
2. Secretary, Public Security Division, Ministry of Home Affairs, Bangladesh Secretariat, Dhaka.
3. Secretary, Ministry of Defence, Ganabhaban Complex, Sher-E-Bangla Nagar, Dhaka.
4. Secretary, Ministry of Environment & Forest, Bangladesh Secretariat, Dhaka.
5. Secretary, Posts and Telecommunication Division, Ministry of Posts, Telecommunications and Information Technology, Bangladesh Secretariat, Dhaka.
6. Bangladesh Navy, Navy Headquarters, Banani, Dhaka.
7. Chairman, Bangladesh Telecommunication Regulatory commission (BTRC), Dhaka-1000.
8. Director General, Department of Environment, Environment Bhaban, Plot No. E/17, Sher-E-Bangla Nagar, Agargaon, Dhaka.
9. Director General, Bangladesh Coast Guard, Sher-E-Bangla Nagar, Agargaon, Dhaka.
10. Chairman, Chittagong Port Authority, Port Bhaban, Chittagong.
11. Chairman, Mongla Port Authority, Mongla, Bagerhat.
12. Chairman, Pyra Port Authority, Al-Amin Millennium Tower, Level-7 Kakrail Dhaka.
13. Director General, Department of Shipping, 141-143, Motijheel C/A, Dhaka.
14. Director, Department of Meteorology, Meteorology Bhaban, Sher-E-Bangla Nagar, Agargaon, Dhaka.
15. Deputy Director, BG Press, Tejgaon, Dhaka-1208 (Request to publish this notification in Bangladesh Gazette).
16. Private Secretary to Hon'ble Minister, Ministry of Shipping, Dhaka.
17. Principal Officer, Mercantile Marine Department, Government Office Building-1, Agrabad Chittagong.
18. P.S. to Secretary, Ministry of Shipping, Dhaka.
19. P.O. to Additional Secretary (Admin), Ministry of Shipping, Dhaka.