



**REPUBLIC OF
THE MARSHALL ISLANDS**

MARITIME ADMINISTRATOR

Marine Notice

No. 1-000-4

Apr/2023

**TO: ALL SHIPOWNERS, OPERATORS, MASTERS AND OFFICERS OF
MERCHANT SHIPS, AND RECOGNIZED ORGANIZATIONS**

SUBJECT: Implementation of Mandatory International Maritime Instruments

- Reference:**
- (a) **IMO Resolution [A.1070\(28\)](#), *IMO Instruments Implementation Code (III Code)*, adopted 4 December 2013**
 - (b) **[RMI Maritime Act, 1990 \(MI-107\)](#)**
 - (c) **[RMI Maritime Regulations \(MI-108\)](#)**
 - (d) **[RMI Marine Notice 2-011-1](#), *International Maritime Instruments to Which the Republic of the Marshall Islands is a Party***
 - (e) **[RMI Marine Notice 2-011-29](#), *Entities Acting on Behalf of the Administrator and their Roles in Ensuring Compliance with IMO Mandatory Instruments and National Regulations***

PURPOSE

This Notice describes the Republic of the Marshall Islands (RMI) Maritime Program and how the RMI Maritime Administrator (the “Administrator”) implements and enforces flag State obligations under mandatory international maritime instruments to which the RMI is a Party.

This Notice supersedes Rev. 6/15. It has been fully updated to address current policies and procedures.

BACKGROUND

The RMI is a sovereign nation. It has maintained full membership since 1991 in the United Nations (UN) and, since 1998, in the UN maritime agency, the International Maritime Organization (IMO). It has been a member of the International Labour Organization (ILO) since 2007.

The RMI Government has fully delegated the responsibility and authority for the implementation of flag State functions to The Trust Company of the Marshall Islands, Inc. as the Administrator. By virtue of this delegation, the Administrator is responsible for all matters pertaining to RMI-flagged vessels including, but not limited to, the development of policies, goals, and measures for the implementation, enforcement, and performance measurement of flag State obligations under mandatory international maritime instruments to which the RMI is a Party.

APPLICABILITY

This Notice applies to the Administrator’s international maritime obligations, including those under the III Code. For the listing of international maritime instruments to which the RMI is a party, refer to MN [2-011-1](#).

REQUIREMENTS

1.0 Strategy

- 1.1 The Administrator is committed to providing the highest quality ship registry and flag State administration found anywhere in the world. It strives to do so by balancing the need to effectively implement and enforce its international obligations with a pragmatic appreciation for the complexities of conducting international trade in today’s regulatory environment.
- 1.2 The RMI Maritime Act 1990 (hereinafter the “Maritime Act”)¹, lays the foundation for this commitment by requiring the Administrator to regulate a uniform national program of marine safety, inspection, and documentation. This is herein referred to as the “Maritime Program.”
- 1.3 The Administrator’s strategy for enhancing global maritime safety, security, and protection of the marine environment establishes the following goals for its Maritime Program. These goals are broad and require specific measures for their implementation through a Quality Management System (QMS).

Goal 1 is to meet all international obligations and responsibilities as a flag State.
Goal 2 is to ensure effective implementation and enforcement of relevant international mandatory maritime instruments.
Goal 3 is to achieve, maintain, and improve the overall organizational performance and capability as a flag State.

- 1.4 A key component of the Administrator’s strategy is to utilize resources and personnel with the expertise necessary to provide services in accordance with the relevant procedure manuals and standard operating procedures with respect to:
 - .1 vessel registration and documentation;
 - .2 mortgage and financing charter recordation;
 - .3 technical support;
 - .4 management systems certification;
 - .5 vessel inspections;

1. Maritime Act §102

- .6 regulatory affairs;
 - .7 regulatory administration;
 - .8 seafarer documentation;
 - .9 ship radio station licensing;
 - .10 maritime security;
 - .11 quality assurance; and
 - .12 marine safety investigations.
- 1.5 It is incumbent on these sources and persons to be familiar with and committed to a QMS to ensure implementation, enforcement, measurement, and achievement of the Maritime Program.
- 1.6 To provide the highest quality ship registry, the Administrator is able to provide responses to inquiries and prompt assistance to all stakeholders by utilizing a decentralized network of operations, 24/7.

2.0 Implementation

- 2.1 Active participation in the development of international regulation provides the Administrator with important insights into how an instrument is meant to be applied. This includes participating in UN treaty negotiations and in the relevant committees and subcommittees of its specialized agencies, including the IMO and ILO.
- 2.2 Under the [Maritime Act](#) §103, the Administrator has the broad authority to administer all matters pertaining to RMI-flagged vessels. This includes promulgating rules and regulations to ensure that RMI-flagged vessels are appropriately governed by the applicable international and national requirements. The Administrator has an established process for reviewing mandatory instruments and their associated guidance to ensure that they are appropriately addressed.
- 2.3 The Administrator uses a variety of legislative and regulatory tools to implement the relevant instruments. They are described below.
- .1 Maritime Act
 - a. The Maritime Act is the legal foundation governing RMI-flagged vessels engaged in foreign trade and domestic commerce. It must be “complied with by all vessels documented under the laws of the Republic....”

- b. The [Maritime Act](#) §155, holds that the “international conventions and agreements, as may be amended, to which the Republic is or may become a State Party...shall have effect as if specifically enacted by statute and fully set forth herein.”
- c. Thus, by force of law, these international conventions and agreements have effect, as if specifically enacted by statute and set forth fully in the Maritime Act.²

.2 RMI Maritime Regulations

The RMI [Maritime Regulations](#) (hereinafter “Maritime Regulations”) are an extension of the Maritime Act. These regulations are subject to the direction and control of the Administrator. All documents referred to in the Maritime Act and Maritime Regulations must be submitted to the Administrator for examination and approval.⁴

.3 Marine Notices

Marine Notices are instruments used to promulgate additional rules, regulations, and policy directives that have the force and effect of regulations.³

.4 Technical Circulars

Technical Circulars are issued to communicate Administrator policy or instruction and ensure uniform application of technical standards by the Administrator’s Recognized Organizations (ROs). Technical Circulars must be applied by the ROs in addition to the Maritime Act, Maritime Regulations, and Marine Notices requirements when performing delegated survey and certification functions on behalf of the Administrator.

.5 Rules, Standards, and Procedures

The Administrator promulgates additional subject-specific rules, standards, and procedures to ensure full implementation of mandatory instruments to which it is a party. Key documents are:

MI-100	Vessel Registration and Instrument Recording
MI-103	RMI Yacht Code
MI-105A	Familiarization with National Maritime Legislation
MI-118	Requirements for Seafarer Certification
MI-260	Rules for Marine Investigations and Administrative Proceedings
MI-293	Mobile Offshore Unit Standards

2. Maritime Act §155.
 3. Maritime Regulations §1.01.2.

.6 Marine Guidelines

When promulgated by the Administrator, Marine Guidelines serve as recommendations to shipowners, ship operators, companies, and all other concerned parties. The expectation is that they should be considered for incorporation into management system policies and operational procedures to assure the safety and security of ships and crews and the protection of the marine environment.⁴

.7 Advisories

The Administrator issues advisories to provide timely information to owners and operators on issues of safety, security, and environmental protection. Although the content of advisories may address information related to mandatory provisions, the advisories themselves are non-mandatory.

.8 MI-300

The [MI-300](#) contains the mandatory and non-mandatory publications and information (including those listed above) necessary for the regulation and management of an RMI-flagged vessel.

3.0 Delegation of Authority

The Administrator has delegated authority by written agreement to certain entities to perform ship statutory survey and certification services for ships entitled to fly the RMI flag. This includes conducting surveys, inspections, and audits, issuing certificates and documents, marking ships and other statutory work required under IMO and ILO mandatory instruments and national standards. The entities acting on behalf of the Administrator and their roles, including the Administrator's oversight of them, are in Marine Notice [2-011-29](#).

4.0 Enforcement

4.1 The Maritime Act provides the foundation for ensuring compliance with RMI laws, regulations, rules, national standards, and all other applicable mandatory instruments.

4.2 Penalties for a violation of the Maritime Act or any of its rules or regulations may result in fines or, imprisonment⁵ for a knowing and willing violation of certain provisions.

4.3 Section 316 of the Maritime Act allows for enforcement of liens on preferred mortgages and §904 provides a mechanism for administrative enforcement.

4. Maritime Regulations §1.01.3

5. Maritime Act §115.

- 4.3 Penalties for violation of specific regulations are contained throughout the Maritime Regulations. They include revocation of licences, certificates, or documents issued by the Administrator in addition to any penalty otherwise prescribed by law.
- 4.4 Part III of the Administrator's *Rules for Marine Investigations and Administrative Proceedings* ([MI-260](#)) outlines the process for the suspension or revocation of any RMI certificate of competence, permit, license, or document; and for matters involving a Marine Casualty, Marine Incident, an Offence or Occurrence.⁶ Where there is evidence of criminal conduct, coordination with the RMI Attorney General is undertaken where necessary or as required by RMI law.

5.0 Flag State Surveyors

- 5.1 The Maritime Act §§140 -141 require vessels registered in the RMI to undergo inspection. An Administrator objective is to maintain an adequate and effective system of surveys, safety inspections, and audits of the ships and shipowners in the RMI Registry to ensure their compliance with relevant national laws and regulations and international conventions and protocols.
- 5.2 The Administrator maintains a worldwide network of nautical inspectors to conduct in-port inspections and respond to owner and operator needs. The Administrator's marine safety inspection program includes pre-registration, initial, annual, quarterly, and special safety inspections. There is also an inspection and follow-up program to support vessel operation efforts in meeting international standards.

The Maritime Act, Maritime Regulations⁷, and related Marine Notices govern the Administrator's Marine Safety Inspection Program.

6.0 Investigations

RMI marine safety investigations promote the safety of life and property at sea and the protection of the marine environment with the objective of preventing Marine Casualties, Marine Incidents, Offenses, or Occurrences in the future. The Administrator is committed to conducting comprehensive, competent, and timely investigations. It does so in accordance with the *Rules for Marine Investigations and Administrative Proceedings* (MI-260), the IMO Casualty Investigation Code,⁸ and, as appropriate, all other applicable international maritime conventions to which the RMI is a party.

6. For the definition of the terms Marine Casualty, Marine Incident, Offense or Occurrence refer to Maritime Regulations §6.35 and to "Definitions" in [MI-260](#).

7. Specifically, Maritime Regulations §5.34.

8. IMO Resolution [MSC.255\(84\)](#), *Code of international standards and recommended practices for a safety investigation into a Marine Casualty or Marine Incident*.

7.0 Evaluation and Review

- 7.1 The Administrator continuously reviews its strategy to achieve, maintain, and improve its overall performance and capability.
- 7.2 In accordance with the ISO 9001:2015 certification requirements for quality management systems, the effectiveness of the Administrator in meeting the flag State obligations under international maritime instruments to which the RMI is a Party is regularly reviewed. This includes methods for ensuring key performance indicators are met, undergoing internal and external audits, and identifying and controlling nonconforming outputs. It is through this evaluation and review process that the full and complete effect to the provisions of applicable international instruments is ensured.